

oak, and we planted her right outside the house. I haven't written my thank-you note yet, so I'll give them a verbal: Thanks for the tree. It is a beauty. And we planted about—I think we planted so far about 35 trees, live oaks and cedar elms, here. And it's going to be a beautiful sight for when these trees—when they take off.

Did a little fishing yesterday, by the way—not very successfully. The water is cold; the fish are at the bottom. They're not biting very much. But just the fact that I was able to fish was a nice treat.

Thank you all.

NOTE: The President spoke at 9:58 a.m. outside the old residence at the Bush Ranch. In his remarks, he referred to President Pervez Musharraf of Pakistan; President Vicente Fox of Mexico; President Jorge Batlle of Uruguay; President Ricardo Lagos of Chile; President Fernando Henrique Cardoso of Brazil; Kenneth L. Lay, chairman and chief executive officer, Enron Corp.; and Eugene Scalia, nominee to be Solicitor for the Department of Labor. Gen. Tommy R. Franks, USA, commander in chief of the U.S. Central Command, referred to his wife, Cathy; and Hamid Karzai, Chairman, interim Grand Council of Afghanistan.

### **Statement on Signing the Intelligence Authorization Act for Fiscal Year 2002**

*December 28, 2001*

Today, I have signed into law H.R. 2883, the "Intelligence Authorization Act for Fiscal Year 2002." The Act authorizes appropriations to fund United States intelligence activities, including activities essential to success in the war against global terrorism. Regrettably, one provision of the Act falls short of the standards of comity and flexibility that should govern the relationship between the executive and legislative branches on sensitive intelligence matters and, in some circumstances, would fall short of constitutional standards.

Section 305 of the Act amends section 502 of the National Security Act of 1947, which relates to executive branch reports to the Congress under the intelligence oversight provisions of the National Security Act. Section 305 purports to require that reports sub-

mitted to the congressional intelligence committees by the executive branch on significant anticipated intelligence activities or significant intelligence failures always be in written form, with a concise statement of facts pertinent to the report and an explanation of the significance of the activity or failure.

Section 502 of the National Security Act as amended by section 305 of the Act shall be construed for all purposes, specifically including for the purpose of the establishment of standards and procedures under section 502(c) of the National Security Act by the Director of Central Intelligence, 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. Section 502 shall also be construed in a manner consistent with the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods and other exceptionally sensitive matters.

**George W. Bush**

The White House,  
December 28, 2001.

NOTE: At the time of publication, H.R. 2883, approved December 28, had not been received by the Office of the Federal Register in time for assignment of a public law number.

### **Statement on Signing the National Defense Authorization Act for Fiscal Year 2002**

*December 28, 2001*

I have today signed into law S. 1438, the "National Defense Authorization Act for Fiscal Year 2002." The Act authorizes the funding necessary to defend the United States and its interests around the globe. In particular, it provides the resources needed to continue the war against global terrorism, accelerate programs for defense against biological or chemical attacks, 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.

The Act provides important improvements in the quality of life for the members of our Armed Forces, who have dedicated their lives to the defense of their fellow citizens. It provides for a substantial and well-deserved increase in basic pay, improved educational opportunities as an incentive to reenlist, and more resources to improve military housing. The legislation also addresses important needs of military families, such as improved job training and education opportunities for military spouses and access for home-schooled children of military families to facilities and programs of Department of Defense dependent schools.

The Act will assist greatly in the rebuilding and reshaping of the Armed Forces to meet future challenges. In particular, it provides procurement authority for programs crucial to the projection of American military power in support of U.S. interests abroad, such as carrier-based strike aircraft, air superiority fighter aircraft, large-capacity cargo aircraft, and a fast attack submarine. The Act also authorizes funds to move forward with our program for an effective defense against ballistic missiles.

The legislation reflects my Administration's important initiative to establish a process for realignment and closure of unneeded military facilities. Such realignments and closures will allow the Government to use more effectively the taxpayer sources devoted to the national defense. As the Act requires, military value will be the primary consideration in recommending realignments and closures. Regrettably, the Act defers the start of the base closure and realignment process for several years, rather than providing for its immediate commencement to permit efficient restructuring promptly.

Section 1116 of the Act authorizes Federal agency employees to retain and make personal use of promotional items such as frequent flyer miles, upgrades, or access to carrier clubs or facilities received as a result of certain official travel. Agency regulations will ensure that, in connection with implementation of section 1116, employees fully observe applicable principles of ethics in

Government and regulations that prevent unneeded or inefficient official travel.

The Act contains several provisions intended to improve the ability of members of the Armed Forces to exercise one of the most important rights that any citizen has—the right to vote. Section 1605 of the Act requires State Governors, in certain circumstances, to provide reports to the Secretary of Defense concerning the Secretary's recommendations on State voting laws, including what recommendations the Governor has made or will make to the State legislature on the Secretary's recommendations. Section 1605 shall be implemented in a manner consistent with proper regard for the role of the States, and their legislatures and Governors, in our Federal system.

Several provisions of the Act, including sections 525(c), 546, 705, and 3152 call for executive branch officials to submit to the Congress proposals for legislation. These provisions shall be implemented in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to recommend to the Congress such measures as the President judges necessary and expedient.

Section 1404 vests in the Secretary of Defense authority to appoint a chief operating officer for the Armed Forces Retirement Home, but purports to limit the qualifications of the pool of persons from whom the Secretary may select the appointee in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the office. The Secretary shall implement section 1404 in a manner consistent with the Appointments Clause of the Constitution.

Under section 1002 of the Act, the Congress has stated that it incorporates a classified annex into the statute. That annex contains authorizations of appropriations for specified classified programs. My Administration discourages enactment of secret law as part of annual defense authorization acts and instead encourages appropriate use of classified annexes to committee reports and

the joint statement of managers that accompanies the final legislation.

**George W. Bush**

The White House,  
December 28, 2001.

NOTE: At the time of publication, S. 1438, approved December 28, had not been received by the Office of the Federal Register in time for assignment of a public law number.

**Executive Order 13241—Providing an Order of Succession Within the Department of Agriculture**

*December 18, 2001*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

**Section 1.** Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Agriculture (Secretary) during any period when both the Secretary and the Deputy Secretary of Agriculture (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

**Sec. 2. Order of Succession.**

(a) Under Secretary of Agriculture for Farm and Foreign Agricultural Services;

(b) Under Secretary of Agriculture for Marketing and Regulatory Programs;

(c) Under Secretary of Agriculture for Rural Development;

(d) Under Secretary of Agriculture for Food, Nutrition, and Consumer Services;

(e) Under Secretary of Agriculture for Natural Resources and Environment;

(f) Under Secretary of Agriculture for Research, Education, and Economics;

(g) Under Secretary of Agriculture for Food Safety;

(h) General Counsel of the Department of Agriculture;

(i) Assistant Secretary of Agriculture for Administration; and

(j) Assistant Secretary of Agriculture for Congressional Relations.

**Sec. 3. Exceptions.**

(a) No individual who is serving in an office listed in section 2(a)–(j) in an acting capacity shall act as Secretary pursuant to this Executive Order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

**Sec. 4.** Executive Order 11957 of January 13, 1977, is hereby revoked.

**George W. Bush**

The White House,  
December 18, 2001.

[Filed with the Office of the Federal Register, 8:45 a.m., December 20, 2001]

NOTE: This Executive order was released by the Office of the Press Secretary on December 28, and it was published in the *Federal Register* on December 21.

**Executive Order 13242—Providing an Order of Succession Within the Department of Commerce**

*December 18, 2001*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

**Section 1.** Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Commerce (Secretary) during any period when both the Secretary and the Deputy Secretary of Commerce (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

**Sec. 2. Order of Succession.**

(a) General Counsel of the Department of Commerce;