

Section 203(a)(2) of the Act mandates that members of the congressional leadership submit to the President recommendations of persons to be appointed to the Election Assistance Commission—an entity, created by the Act, that will exercise significant governmental functions of an executive nature. The executive branch will not construe this provision as establishing the submission of congressional recommendations as a condition precedent to presidential nomination of persons for appointment to the Commission. Such a construction would impose impermissible constraints on presidential power under the Appointments Clause of the Constitution.

Section 203(a)(4) purports to require the President to make appointments to the Commission no later than 120 days after enactment of the new law. As with the provision regarding recommendations for appointment, this deadline unduly circumscribes the presidential appointment power. Moreover, this deadline is practically impossible to satisfy given the time required for the pre-nomination personnel

process and confirmation by the full Senate. For these reasons, the executive branch shall interpret this provision as advisory.

Section 902(c) would authorize the Comptroller General, an officer of the legislative branch, to make determinations that would impose binding payment obligations upon entities outside that branch. Because this provision attempts to vest executive functions in the Comptroller General, it violates the constitutional principle of separation of powers.

Finally, the executive branch shall implement section 101, concerning the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

GEORGE W. BUSH

The White House,
October 29, 2002.

NOTE: H.R. 3295, approved October 29, was assigned Public Law No. 107–252.

Letter to Congressional Leaders on Continuation of the National Emergency With Respect to Sudan October 29, 2002

Dear Mr. Speaker: (Dear Mr. President:)

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2002, to the *Federal Register* for publication. The most recent notice continuing this

emergency was published in the *Federal Register* on October 31, 2001 (66 *Fed. Reg.* 55869).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about the presence and activities of certain terrorist groups, including Hamas and Palestinian Islamic Jihad, and the prevalence of human rights violations, including slavery, restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and

policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

Sincerely,

GEORGE W. BUSH

NOTE: Identical letters were sent to J. Dennis Hastert, Speaker of the House of Representatives, and Richard B. Cheney, President of the Senate. This letter was released by the Office of the Press Secretary on October 30. The notice of October 29 is listed in Appendix D at the end of this volume.

Letter to Congressional Leaders Transmitting a Report on the National Emergency With Respect to Sudan *October 29, 2002*

Dear Mr. Speaker: (Dear Mr. President:)

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I am providing herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

Sincerely,

GEORGE W. BUSH

NOTE: Identical letters were sent to J. Dennis Hastert, Speaker of the House of Representatives, and Richard B. Cheney, President of the Senate. This letter was released by the Office of the Press Secretary on October 30.

Remarks on the Judicial Confirmation Process *October 30, 2002*

Thank you all very much. Thank you, Al. He's—everybody must have a good lawyer, and I got one in Al Gonzales.

I want to welcome you all here to the White House. Thank you for coming.

The Federal courts play a central role in American justice, protecting the innocent, punishing the guilty, resolving disputes, and upholding the rule of law. Yet, today, our Federal courts are in crisis. The judicial confirmation process does not work as it should. Nominees are too often mistreated; votes are delayed; hearings are de-

nied. And dozens of Federal judgeships sit empty, and this endangers the quality of justice in America.

Everyone knows these facts. Everyone knows the system isn't working. These concerns are not new, and we will not find a solution in an endless cycle of blame and bitterness.

Today I'm proposing a clean start for the process of nominating and confirming Federal judges. We must have an evenhanded, predictable procedure from the day a vacancy is announced to the day a