

means you serve something greater than yourself.

Flight 93 comes to mind when I'm thinking about the American spirit. Citizens were flying across the country on that fateful day. They heard the airplane was going to be used as a weapon. They realized this plane was going to crash into the ground and kill. They told their loved ones goodbye. They said a prayer. A guy said, "Let's roll." They took the plane into the ground to serve something greater than themselves in life. The American spirit is strong and alive in America today.

It is alive and well because of values such as those South Dakota values. It is alive and well. It allows me to boldly predict that out of the evil done to America

will come peace in the world and a better, more hopeful America here at home.

And I can say that with certainty, because this is the greatest nation, full of the finest people on the face of this Earth. I'm honored you'd be here tonight. Thank you for supporting John. May God bless you, and may God bless America.

NOTE: The President spoke at 7:25 p.m. at the Sioux Falls Convention Center. In his remarks, he referred to Representative John R. Thune, senatorial candidate, his wife, Kimberley, and their daughters, Brittany and Larissa; Gov. Bill Janklow of South Dakota, candidate for Representative At Large from South Dakota; gubernatorial candidate Mike Rounds; and President Saddam Hussein of Iraq.

Statement on Signing the 21st Century Department of Justice Appropriations Authorization Act *November 2, 2002*

Today I have signed into law H.R. 2215, entitled the "21st Century Department of Justice Appropriations Authorization Act." The Act grants and amends statutory authorities relating to Federal law enforcement activities and authorizes appropriations for the Department of Justice.

Section 202 of the Act adds a new section 530D to title 28, United States Code, that purports to impose on the executive branch substantial obligations for reporting to the Congress activities of the Department of Justice involving challenges to or nonenforcement of law that conflicts with the Constitution. The executive branch shall construe section 530D of title 28, and related provisions in section 202 of the Act, in a manner consistent with the constitutional authorities of the President to supervise the unitary executive branch and 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. To implement section 202(b)(3) of the Act, the Attorney General, on my behalf, shall advise the heads of executive agencies of the enactment of section 202 and of this direction concerning construction of that section and section 530D of title 28. Furthermore, section 202(a) requires that the President report to the Congress the issuance of any "unclassified Executive Order or similar memorandum or order" that establishes or implements a policy of intra-circuit non-acquiescence or of refraining from enforcing, applying, or administering a Federal statute, rule, regulation, program, or policy on the ground that it is unconstitutional. Based upon the text and structure of this section, the executive branch shall construe this reporting obligation to cover only unclassified orders in writing that are officially

promulgated and are not included in the reports of the Attorney General or other Federal officers to whom this section applies.

Section 205(b) of the Act amends section 1913 of title 18, United States Code, relating to use of Federal appropriated funds for certain advocacy activities. Section 1913, as amended, does not prohibit the making of any communication whose prohibition by section 1913 “might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities.” This provision will accordingly be interpreted to avoid applications that might violate the Constitution or interfere with foreign policy and other functions. Further, the executive branch shall construe section 1913 as amended in a manner consistent with the President’s constitutional authority to conduct the Nation’s foreign affairs, to supervise the unitary executive branch, and to recommend to the consideration of the Congress such measures as the President shall judge necessary and expedient. Finally, section 1913 states that “violations of this section shall constitute violations of section 1352(a) of title 31.” The only reasonable construction of this statutory language is that it makes applicable the penalties set forth in section 1352(a) to violations of section 1913, and the executive branch shall construe this provision accordingly.

Provisions in the Act, including sections 207(d), 309, and 11025(a), purport to require executive branch officials to submit to the Congress plans for internal executive branch activities or recommendations relating to legislation. The executive branch shall construe such provisions in a manner consistent with the President’s constitutional authorities to supervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President judges necessary and expedient.

Section 402 of the Act adds sections 2002 and 2004 to the Omnibus Crime Control and Safe Streets Act of 1968, which purport to give “final authority” to a subordinate of the Attorney General over certain grants, cooperative agreements, and contracts awarded by the subordinate’s office and to allow the Attorney General to act on behalf of the President to give the subordinate a role representing the U.S. Government at the United Nations and other international fora. The executive branch shall construe sections 2002 and 2004 in a manner consistent with the President’s constitutional authorities to supervise the unitary executive branch and to conduct the Nation’s foreign affairs and, subject to those authorities, with the Secretary of State’s authority pursuant to 22 U.S.C. section 2672.

Section 2301(c) of the Act requires the Attorney General to “devise a plan to implement recommendations of the General Accounting Office to” accomplish goals specified in the statute. Consistent with the principles enunciated by the U.S. Supreme Court in 1983 in *INS v. Chadha*, the executive branch shall construe section 2301(c) as referring only to recommendations of the GAO in existence at the time of enactment of the Act and as requiring the devising of a plan and submission of a report on the plan, but not implementation of the plan.

Section 2303(b) purports to give the Comptroller General, a legislative agent, a right of access to all relevant documents and information that the Comptroller General deems necessary in conducting a study required by the Act. The executive branch shall construe section 2303(b) in a manner consistent with the constitutional authorities of the President to supervise the unitary executive branch and 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 2504 purports to require the Attorney General to conduct a prosecutor exchange program with a foreign country. The executive branch shall construe section 2504 in a manner consistent with the President's constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.

Section 11015 of the Act purports to give U.S. Attorneys in certain circumstances "exclusive authority" to select an annuity broker for structured settlement purposes. The executive branch shall construe this section in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.

Section 11026(c) of the Act purports to require all Federal law enforcement agencies to comply with requests from the General Accounting Office for certain informa-

tion in the course of GAO preparation of a report on crime statistics. The executive branch shall construe section 11026(c) in a manner consistent with the constitutional authorities of the President to supervise the unitary executive branch and 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.

GEORGE W. BUSH

The White House,
November 2, 2002.

NOTE: H.R. 2215, approved November 2, was assigned Public Law No. 107-273. This statement was released by the Office of the Press Secretary on November 4.

Remarks in Cedar Rapids, Iowa November 4, 2002

The President. Thank you all very much. Thank you all. So I couldn't think of a better place to roll over in my bed and—[laughter]—and say to Laura, "Happy birthday." Cedar Rapids, Iowa, is a great place. I want to thank you all for coming. Old Jim Leach said, "If you come by, we may be able to get a couple of our friends over early in the morning before election day." I said, "All right, I'll come." [Laughter] He's always understated things. [Laughter]

I really do appreciate coming out so early in the morning. It shows your concern for our democracy. Laura and I are working our way home. I'll be voting in Crawford, Texas, tomorrow morning, and so will she. I'm not undecided. [Laughter] And I'm not undecided about what's best for Iowa, either. I'm here to urge the good folks of Iowa from all political parties to vote. See,

we have a duty as Americans to support our democracy. We have an obligation as citizens of this free land to exercise our right to express ourselves in the voting booths. We have that obligation. I don't care whether you're a Republican or a Democrat or could care less about political party, you have an obligation to America. Part of the American spirit is the participation by our citizens.

But when you get in that voting booth here in Iowa, I've got some suggestions for you. Jim Leach is the right man for the United States Congress. Doug Gross is the right man to be your Governor. Greg Ganske is the right man to represent you in the United States Senate.

We've got two other candidates—three other candidates here today, running for Congress, a good man named Jim Nussle, Tom Latham and Stan Thompson. They're