

Statement on Signing Communications Legislation

December 23, 2004

Today, I have signed into law H.R. 5419, a bill consisting of three titles. Title I is the “ENHANCE 911 Act of 2004,” which strengthens the ability of Americans to use the 911 telephone number to seek emergency assistance. Title II is the “Commercial Spectrum Enhancement Act,” which facilitates the spectrum relocation of Federal entities so that certain spectrum can be reallocated to commercial users. Title III is the “Universal Service Antideficiency Temporary Suspension Act,” which makes the Antideficiency Act temporarily inapplicable to certain collections, receipts, expenditures and obligations relating to universal communications service.

Section 104 amends section 158(a)(2) of the National Telecommunications and Information Administration Organization Act to call for executive branch officials to submit to congressional committees funding profiles for a specified 5-year program. The executive branch shall construe the provision in a manner consistent with the constitutional authority of the President to recommend for the consideration of the Congress such measures, including proposals for appropriations, as he judges necessary and expedient.

Sections 202 and 204 enact sections 113(g)(5) and 118(d) of the National Telecommunications and Information Administration Organization Act, which purport to condition the execution of a law upon notification to congressional committees coupled with either approval by the committees or the absence of disapproval by the committees within a specified time. The executive branch shall construe the provisions to legally require only notification to the committees, as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS v. Chadha*. The Secretary of Commerce will continue as a matter of comity to work with the committees on matters addressed by these provisions.

As is consistent with the principle of statutory construction of giving effect to each of two statutes addressing the same subject

whenever they can co-exist, the executive branch shall construe section 302 of the Act in a manner consistent with section 254 of the Communications Act of 1934, which provides the Federal Communications Commission with the authority to maintain funding caps for Universal Service Fund programs.

George W. Bush

The White House,
December 23, 2004.

NOTE: At the time of publication, H.R. 5419, approved December 23, including Title I, the ENHANCE 911 Act of 2004, Title II, the Commercial Spectrum Enhancement Act, and Title III, the Universal Service Antideficiency Temporary Suspension Act, had not been received by the Office of the Federal Register for assignment of a Public Law number. An original was not available for verification of the content of this statement.

Statement on Signing the Comprehensive Peace in Sudan Act of 2004

December 23, 2004

Today, I have signed into law S. 2781, the “Comprehensive Peace in Sudan Act of 2004” (the “Act”). The Act is intended to help resolve conflict, reduce human suffering, and encourage freedom and democracy.

Section 6 of the Act includes provisions that, if construed as mandatory, would impermissibly interfere with the President’s exercise of his constitutional authorities to conduct the Nation’s foreign affairs, participate in international negotiations, and supervise the unitary executive branch. Section 6(a), for example, appears to require the President to implement the measures set forth in section 6(b)(2) of the earlier Sudan Peace Act (Public Law 107–245), which purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international financial institutions, and the United Nations Security Council. When necessary to avoid such unconstitutional interference, the executive branch shall construe the provisions of section 6 as advisory.

The executive branch shall construe provisions in the Act that mandate submission of