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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

information to the Congress, or the public, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Such provisions include sections 8 and 12 of the Sudan Peace Act as amended by section 5 of the Act.

Provisions of the Act define a particular entity as the "Government of Sudan" for purposes of implementing the Act and section 12 of the Sudan Peace Act (Public Law 107–245). The executive branch shall construe the provisions in a manner consistent with the President's constitutional authority for the United States to recognize foreign states and to determine what constitutes the governments of such foreign states.

George W. Bush

The White House,
December 23, 2004.

NOTE: At the time of publication, S. 2781, approved December 23, 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.

Message on the Observance of Christmas 2004

December 23, 2004

For 2,000 years, Christmas has proclaimed a message of hope: the patient hope of men and women across centuries who listened to the words of prophets and lived in joyful expectation; the hope of Mary, who welcomed God's plan with great faith; and the hope of wise men, who set out on a long journey guided only by a slender promise traced in the stars. Christmas reminds us that the grandest purposes of God can be found in the humblest places. And it gives us hope that all the love and gifts that come to us in this life are the signs and symbols of an even greater love and gift that came on a holy night.

The Christmas season fills our hearts with gratitude for the many blessings in our lives. With those blessings comes a responsibility to reach out to others. Many of our fellow Americans still suffer from the effects of illness or poverty. Others fight cruel addictions, cope with division in their families, or grieve the loss of a loved one. Christmastime reminds each of us that we have a duty to love our neighbor just as we would like to be loved ourselves. By volunteering our time and talents where they are needed most, we help heal the sick, comfort those who suffer, and bring hope to those who despair.

During the holidays, we also keep in our thoughts and prayers the men and women of our Armed Forces—especially those far from home, separated from family and friends by the call of duty. In Afghanistan, Iraq, and elsewhere, these courageous Americans are fighting the enemies of freedom and protecting our country from danger. By bringing liberty to the oppressed, our troops are defending the freedom and security of us all. They and their families are making many sacrifices for our Nation, and all Americans are deeply grateful.

Laura joins me in wishing all Americans a Merry Christmas.

George W. Bush

NOTE: An original was not available for verification of the content of this message.

Message on the Observance of Kwanzaa 2004

December 23, 2004

I send greetings to those observing Kwanzaa.

During Kwanzaa, millions of African Americans and people of African descent gather to celebrate their heritage and ancestry. Kwanzaa celebrations provide an opportunity to focus on the importance of family, community, and history, and to reflect on the Nguzo Saba or seven principles of African culture. These principles emphasize unity, self-determination, collective work and responsibility, cooperative economics, purpose, creativity, and faith.