

Administration of Donald J. Trump, 2018

Statement on Signing the Frank LoBiondo Coast Guard Authorization Act of 2018

December 4, 2018

Today, I have signed into law S. 140, the "Frank LoBiondo Coast Guard Authorization Act of 2018" (the "Act"). The Act authorizes appropriations for the Coast Guard and for the Federal Maritime Commission through Fiscal Year 2019, reauthorizes the Department of Commerce's hydrographic services program administered by the National Oceanic and Atmospheric Administration through Fiscal Year 2023, and provides for the establishment of uniform standards for the management of vessel discharge.

Several provisions of this Act, however, raise constitutional concerns. One provision, section 319, purports to require the Secretary of the respective department in which the Coast Guard is operating to notify the Congress and then wait 18 months before closing, ceasing operations, or significantly reducing personnel at a Coast Guard air facility. I reiterate the longstanding understanding of the executive branch that these types of provisions encompass only actions for which such advance notification is feasible and consistent with the President's exclusive constitutional authorities as Commander in Chief.

Two provisions, sections 317 and 508, purport to require executive branch officials under my supervision to recommend legislative measures to the Congress. My Administration will treat those provisions consistent with Article II, section 3 of the Constitution, which provides the President the discretion to recommend to the Congress only "such Measures as he shall judge necessary and expedient."

Finally, the reference in section 709(a)(2) of the Act to the "antitrust laws" should not be interpreted to give the Federal Maritime Commission (FMC) the authority to construe the antitrust laws in the first instance, which is a responsibility traditionally within the province of the Antitrust Division of the Department of Justice. Importantly, section 709(b)(1) provides that nothing in section 709(a)(2) "shall be construed to limit the authority of the Department of Justice regarding antitrust matters." I will interpret section 709(b)(1) to indicate that the FMC should defer to the Department of Justice regarding interpretations of the Federal antitrust laws, including when the FMC applies its section 709(a)(2) authority.

DONALD J. TRUMP

The White House,
December 4, 2018.

NOTE: S. 140, approved December 4, was assigned Public Law No. 115–282.

Categories: Bill Signings and Vetoes : Frank LoBiondo Coast Guard Authorization Act, signing statement.

Subjects: Commerce, Department of : Oceanic and Atmospheric Administration, National; Homeland Security, Department of : Coast Guard, U.S.; Legislation, enacted : Frank LoBiondo Coast Guard Authorization Act; Maritime Commission, Federal; Presidency, U.S. : Constitutional role and powers.

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