

Administration of Donald J. Trump, 2018

Statement on Signing the Countering Weapons of Mass Destruction Act of 2018

December 21, 2018

Today, I have signed into law H.R. 7213, the "Countering Weapons of Mass Destruction Act of 2018" (the "Act"). The Act redesignates the Department of Homeland Security's Domestic Nuclear Detection Office as the Countering Weapons of Mass Destruction Office (CWMD Office). The CWMD Office will coordinate with other Federal efforts and develop a strategy and policy to plan for, detect, and protect against unauthorized chemical, biological, radiological, or nuclear materials or devices in the United States.

The Act, however, raises constitutional concerns.

Section 2(a)(10) of the Act purports to require the Assistant Secretary for the CWMD Office, a position created by the Act, to consult with certain congressional committees before making any changes in the structure or requirements of the "Securing the Cities" program. My Administration will treat this provision as advisory. I hope that consultation will be possible, and I recognize the benefits of working with the Congress on the "Securing the Cities" program. Nevertheless, the Act's mandatory consultation provision is not consistent with the Constitution's separation of powers.

Section 2(g)(6) of the Act purports to require the Secretary of Homeland Security annually to provide a report to the Congress that includes recommendations for any necessary statutory changes regarding the CWMD Office, or, if no statutory changes are deemed necessary, an explanation of that conclusion. My Administration will treat this provision in a manner 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."

DONALD J. TRUMP

The White House,
December 21, 2018.

NOTE: H.R. 7213, approved December 21, 2018, was assigned Public Law No. 115-387.

Categories: Bill Signings and Vetoes : Countering Weapons of Mass Destruction Act of 2018, signing statement.

Subjects: Arms and munitions : Weapons of mass destruction; Homeland Security, Department of : Countering Weapons of Mass Destruction Office; Legislation, enacted : Countering Weapons of Mass Destruction Act of 2018; Presidency, U.S. : Constitutional role and powers.

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