

Statement on Signing the Consolidated Appropriations Act, 2019
February 15, 2019

Today, I have signed into law H.J. Res. 31, the "Consolidated Appropriations Act, 2019" (the "Act"), which authorizes appropriations to fund the operation of a number of agencies in the Federal Government through September 30, 2019.

Certain provisions of the Act (such as Division F, under the heading "Contribution for International Peacekeeping Activities") would require advance notice to the Congress before the President may direct certain military actions or provide certain forms of military assistance. In signing the Act, I reiterate the well-established understanding of the executive branch that these types of provisions encompass only military actions for which providing advance notice is feasible and consistent with the President's constitutional authority and duty as Commander in Chief to ensure national security. In addition, Division C, section 527, and Division A, section 516, both restrict the transfer of Guantanamo detainees to the United States. I will treat these, and similar provisions, consistent with the President's constitutional authority as Commander in Chief.

Numerous provisions could, in certain circumstances, interfere with the exercise of the President's constitutional authorities to negotiate international agreements (such as Division C, sections 509, 518, and 530; and Division F, sections 7010(c) and 7013(a)), to articulate the position of the United States in international fora (such as Division F, sections 7025(c), 7029(a), (b)(1), 7031(d)(2), 7042(h)(1), 7043(g)(1), 7047(b)(3), 7054(b), and 7060(c)(2)(D), (3)), to receive ambassadors (such as Division F, section 7031(c)), and to recognize foreign governments (such as Division F, section 7047(b)(2)(A)). My Administration will treat each of these provisions consistent with the President's constitutional authorities with respect to foreign relations.

Division C, section 537, provides that the Department of Justice may not use any funds to prevent implementation of medical marijuana laws by various States and territories. I will treat this provision consistent with the President's constitutional responsibility to faithfully execute the laws of the United States.

Certain provisions within Division D, title II, under the heading "Office of Management and Budget—Salaries and Expenses" impose restrictions on supervision by the Office of Management and Budget (OMB) of work performed by executive departments and agencies, including provisos that no funds made available to OMB "may be expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations"; that "none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process"; and that "none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 *et seq.*)."

The President has well-established authority to supervise and oversee the executive branch and to rely on subordinates, including aides within the Executive Office of the President, to assist in

supervising the executive branch. Legislation that significantly impedes the President's ability to supervise the executive branch or obtain the assistance of aides in this function violates the separation of powers by undermining the President's ability to fulfill his constitutional responsibilities, including the responsibility to faithfully execute the laws of the United States. My Administration will, therefore, construe these restrictions in Division C, title II consistent with these Presidential duties.

Several provisions (such as Division F, section 7041(b)(3)) mandate or regulate the submission of certain executive branch information to the Congress. I will treat these provisions in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the executive branch, or the performance of the President's constitutional duties. In particular, Division D, section 713, prohibits the use of appropriations to pay the salary of any Federal officer or employee who interferes with or prohibits certain official communications between Federal employees and Members of Congress or of any Federal officer or employee who takes adverse action against an officer or employee because of such communications. I will construe these provisions not to apply to circumstances that would detract from my authority to supervise, control, and correct communications by Federal officers and employees with the Congress related to their official duties, including in cases where such communications would be unlawful or could reveal confidential information protected by executive privilege.

Certain provisions (such as Division F, section 7064; and Division G, section 418) prohibit the use of funds to deny an Inspector General access to agency records or documents. I will construe these, and similar provisions, consistent with my authority to control the dissemination of information protected by executive privilege.

Certain provisions prohibit the use of funds to recommend certain legislation to the Congress (Division B, section 715), or require recommendations of certain legislation to the Congress (Division A, section 537). Because the Constitution gives the President the authority to recommend "such Measures as he shall judge necessary and expedient", my Administration will continue the practice of treating provisions like these as advisory and non-binding.

Numerous provisions purport, in certain circumstances, to condition the authority of officers to spend or reallocate funds on the approval of congressional committees (Division B, sections 702, 706, and 716(a), (b); Division E, sections 403 and 409; Division G, sections 188, 405, and 406). These are impermissible forms of congressional aggrandizement in the execution of the laws other than by the enactment of statutes. My Administration will make appropriate efforts to notify the relevant committees before taking the specified actions and will accord the recommendations of such committees all appropriate and serious consideration, but it will not treat spending decisions as dependent on the approval of congressional committees.

DONALD J. TRUMP

The White House,
February 15, 2019.

NOTE: H.J. Res 31, approved February 15, was assigned Public Law No. 116–6.

Categories: Bill Signings and Vetoes : Consolidated Appropriations Act, 2019, signing statement.

Subjects: Legislation, enacted : Consolidated Appropriations Act, 2019; Management and Budget, Office of; Presidency, U.S : Constitutional role and powers; Terrorism : Transfer of detainees at Guantanamo Bay.

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