

Administration of Donald J. Trump, 2018

Statement on Signing Legislation To Improve Opioid Addiction Treatment and Prevention Efforts

October 24, 2018

Today, I have signed into law H.R. 6, the "Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act," also known as the "SUPPORT for Patients and Communities Act" (the "Act"). The Act addresses the opioid crisis that is plaguing our Nation by reducing the supply of and access to opioids and by expanding access to prevention, treatment, and recovery services.

The Act, however, raises several constitutional concerns.

Section 8202(a)(1) of the Act revives and restores the Office of National Drug Control Policy Reauthorization Act of 1998 (the "1998 Act"). Certain provisions of the 1998 Act, such as section 704(d)(8)(E)(i), impermissibly require congressional approval for executive action taken after the bill's enactment. Other provisions of the 1998 Act (sections 704(b)(21), 706(b)(4), 706(c)(2), and 709(d)(4)(A)) purport to require that the executive branch consult with the Congress before taking certain actions. These provisions impermissibly expand the role of the Congress in the execution of the laws. In executing the Act, my Administration will give appropriate and serious consideration to these provisions, while respecting constitutional separation of powers principles.

Sections 706(b)(4) and (c)(3) of the 1998 Act also purport to require consultation with foreign officials. In executing the Act, my Administration will treat these provisions in a manner consistent with the President's constitutional authority to conduct foreign affairs and international negotiations.

Sections 706(c)(3)(A) and 706(c)(4) of the 1998 Act, as well as section 8003 of the Act, purport to mandate or regulate the submission to the Congress of information protected by executive privilege. In executing the Act, my Administration will treat these provisions in a manner consistent with the President's constitutional authority to withhold information when its disclosure could impair foreign relations, national security, or the performance of the Executive's constitutional duties.

Section 6086 of the Act and section 704(c)(3)(C) of the 1998 Act interfere with the President's authority to recommend legislation, either by requiring legislative recommendations or mandating budget submissions that meet certain criteria. While my Administration looks forward to working with the Congress to further the Act's objectives, in executing the Act, it will respectfully treat these provisions in a manner consistent with Article II, section 3 of the Constitution, which provides the President the exclusive authority to recommend to the Congress only "such Measures as he shall judge necessary and expedient."

DONALD J. TRUMP

The White House,
October 24, 2018.

NOTE: H.R. 6, approved October 24, 2018, was assigned Public Law No. 115–271.

Categories: Bill Signings and Vetoes : Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities, signing statement.

Subjects: Drug abuse and trafficking : Addiction treatment and reduction efforts; Drug abuse and trafficking : Opioid epidemic, efforts to combat; Legislation, enacted : Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act; Presidency, U.S. : Constitutional role and powers.

DCPD Number: DCPD201800726.