

Statement on Signing the Consolidated Appropriations Act, 2020

December 20, 2019

Today, I have signed into law H.R. 1158, the "Consolidated Appropriations Act, 2020" (the "Act"), which authorizes appropriations to fund the operation of certain agencies in the Federal Government through September 30, 2020.

Certain provisions of the Act (such as Division A, section 8070) purport to restrict the President's constitutional authority as Commander in Chief to control the personnel and materiel that the President believes to be necessary or advisable for the successful conduct of military missions. Others provisions (such as Division A, sections 8075, 8078, 8110, 9013, and 9016) purport to require advance notice to the Congress before the President may direct certain military actions or provide certain forms of military assistance.

In addition, Division C, section 534 and Division D, section 516 of the Act restricts transfers of detainees held at United States Naval Station Guantanamo Bay. I fully intend to keep that detention facility open and to use it, as necessary or appropriate, for detention operations. Consistent with the statements I have issued in signing other bills, my Administration will treat these, and similar provisions, in a manner consistent with the President's constitutional authority as Commander in Chief. I also reiterate the longstanding understanding of the executive branch that requirements of advance notice regarding military or diplomatic actions encompass only 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.

Certain provisions of the Act (such as Division B, sections 509, 516, and 526; Division D, section 523) could, in certain circumstances, interfere with the exercise of the President's constitutional authority to conduct diplomacy. My Administration will treat each of these provisions consistent with the President's constitutional authorities with respect to foreign relations, including the President's role as the sole representative of the Nation in foreign affairs.

Division B, section 531 of the Act provides that the Department of Justice may not use any funds made available under this Act to prevent implementation of medical marijuana laws by various States and territories. My Administration will treat this provision consistent with the President's constitutional responsibility to faithfully execute the laws of the United States.

Certain provisions of the Act 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 the exercise of that authority. 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, treat these restrictions consistent with these Presidential duties.

Certain provisions of the Act (such as Division C, sections 713 and 743) purport to prohibit the use of appropriations to supervise communications by employees of the executive branch to the Congress and to Inspectors General. Other provisions (such as Division C, section 616) purport to prohibit the use of funds to deny an Inspector General access to agency records or documents. My Administration will treat these provisions in a manner consistent with the President's constitutional authority to control the disclosure of information that could impair foreign relations, national security, law enforcement, the deliberative processes of the executive branch, or the performance of the President's constitutional duties, and to supervise communications by Federal officers and employees related to their official duties, including in cases where such communications would be unlawful or could reveal confidential information protected by executive privilege.

In addition, certain provisions of the Act (such as Division B, section 112) purport to mandate or regulate the dissemination of information that may be protected by executive privilege. My Administration will treat these provisions consistent with the President's constitutional authority to control information, the disclosure of which could impair national security, foreign relations, the deliberative processes of the executive branch, or the performance of the President's constitutional duties.

Certain provisions of the Act (such as Division D, section 536) purport to require recommendations regarding legislation to the Congress. Because the Constitution gives the President the authority to recommend only "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.

Certain provisions of the Act (such as Division C, sections 101, 112, 113, 116, 117, 201, 541, 608, 609, 717, 730, 803(a), and 815) purport to condition the authority of officers to spend or reallocate funds on the approval of one or more congressional committees. 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 or prior consultation with congressional committees.

DONALD J. TRUMP

The White House,
December 20, 2019.

NOTE: H.R. 1158, approved December 20, was assigned Public Law No. 116-93. An original was not available for verification of the content of this statement.

Categories: Statements by the President : Signing the Consolidated Appropriations Act, 2020.

Subjects: Armed Forces, U.S. : Servicemembers :: Deployment; Drug abuse and trafficking : Illegal drugs, interdiction efforts; Foreign policy, U.S. : Diplomatic efforts, expansion; Government organization and employees : Federal regulations, review; Legislation, enacted : Consolidated Appropriations Act, 2020; Presidency, U.S : Constitutional role and powers; Terrorism : Transfer of detainees at Guantanamo Bay.

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