

Administration of Barack H. Obama, 2010

Statement on Signing the Coast Guard Authorization Act of 2010

October 15, 2010

Today I have signed into law H.R. 3619, the "Coast Guard Authorization Act of 2010." This Act strengthens the Coast Guard as a military service and branch of the Armed Forces in the Department of Homeland Security by providing organizational flexibility for the Coast Guard and allowing for improvements to its military housing. Additionally, the Act materially enhances the marine safety and maritime security missions of the Coast Guard, and it includes language to implement the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

Section 818 of the Act requires the Comptroller General to determine whether it is feasible to deliver securely a transportation security card to an approved applicant's place of residence. If such a determination is made, the Secretary of Homeland Security (Secretary) would be required to implement a process that allows for such delivery. This provision would impermissibly vest authority in the Comptroller General, a congressional officer, to bind the Secretary in the performance of an Executive function. Therefore, the Secretary will need to treat the Comptroller General's findings as advisory and nonbinding.

Finally, certain provisions in section 401 may vest significant authority in the Coast Guard Chief Acquisition Officer, who is not appointed in conformity with the Appointments Clause of the Constitution. The Executive will therefore need to construe these provisions as requiring approval of any exercise of significant authority by a supervisor who is an officer of the United States.

BARACK OBAMA

The White House,
October 15, 2010.

NOTE: H.R. 3619, approved October 15, was assigned Public Law No. 111–281.

Categories: Bill Signings and Vetoes : Coast Guard Authorization Act of 2010, statement.

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