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Statement on Signing the Save Our Seas 2.0 Act

December 18, 2020

Today, I have signed into law S. 1982, the "Save Our Seas 2.0 Act" (the "Act"). The Act enhances our Nation's efforts to combat marine debris and its adverse effects on the economy of the United States, the marine environment, and navigation safety. I note, however, that the Act raises a number of constitutional concerns.

Section 112(b) of the Act requires the Under Secretary of Commerce for Oceans and Atmosphere to appoint, and allows the Under Secretary to remove, members of the Board of Directors of the Marine Debris Foundation, who would be inferior officers. The Appointments Clause authorizes the Congress to vest the authority to appoint inferior officers only in the President, the head of a department, or a court of law. The Under Secretary is not the head of a department who could constitutionally be authorized to appoint inferior officers. I will, therefore, implement section 112(b) consistent with the Appointments Clause by requiring that the Under Secretary make these appointments either with the Secretary of Commerce's approval or by designating already duly appointed officers who would be exercising authorities in their new roles that are germane to their pre-existing duties. Similarly, because the power to remove is generally incidental to the power to appoint, I will implement section 112(b) to require the Secretary's approval for any removals.

Several other provisions of the Act (including sections 201, 202(a), 203, and 204(b)) require the executive branch to adopt a particular foreign policy or purport to direct negotiations with foreign governments and international organizations. My Administration will implement these provisions in a manner consistent with the President's constitutional authority to conduct foreign affairs.

DONALD J. TRUMP

The White House,
December 18, 2020.

NOTE: S. 1982, approved December 18, was assigned Public Law No. 116–224. An original was not available for verification of the content of this statement.

Categories: Bill Signings and Vetoes : Saving Our Seas 2.0 Act, signing statement.

Subjects: Commerce, Department of : Oceans and Atmosphere, Under Secretary for; Environment : Ocean pollution and debris; Legislation, enacted : Save Our Seas 2.0 Act; Presidency, U.S. : Constitutional role and powers.

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