

**Provisions of Law Named in
Barack Obama's Signing Statements**
Inauguration through December 31, 2011

SUMMARY OF COUNTS

Total Signing Statements	Total Congressional Enactments Receiving Signing Statements	Types of Statements	Number of Provisions of Law Specifically Named in Signing Statements	Mentions of Unnamed Provisions	Total Objections
19	18	Rhetorical 7	65	5	70
		Constitutional 11			
		Other 1			

DETAILS

Signing Statement Number	Act and Public Law Number	Rhetorical or Constitutional	Specific Provisions Named in Statement	Count of Specified Provisions	Unspecified Provisions	Number of Mentions of Unspecified Provisions
2009-01	H.R. 1, the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)	Rhetorical		0		0

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2009-02	H.R. 1105, the Omnibus Appropriations Act, 2009 (P.L. 111-8)	Constitutional	"Section 7050 in Division H"	1	"Certain provisions of the bill, in titles I and IV of Division B, title IV of Division E, and title VII of Division H"	1
			"Sections 714(1) and 714(2) in Division D"	2	"Numerous provisions of the legislation"	1
			"Several provisions of the Act (including sections 211 and 224(b) of title II of Division I, and section 713 in Division A)"	3	"Several provisions of the Act"	1
2009-03	H.R. 146, the Omnibus Public Land Management Act of 2009 (P.L. 111-11)	Constitutional	"Section 8203 of the Act"	1		0
2009-04	S. 386, the "Fraud Enforcement and Recovery Act of 2009" (P.L. 111-21)	Constitutional	"Section 5(d) of the Act"	1		0
2009-05	H.R. 131, an act establishing the Ronald Reagan Centennial Commission (P.L. 111-25)	Constitutional	Section 4 ("The bill provides that the Commission will be composed of the Secretary of the	1		0

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			Interior, four individuals whom I will appoint after considering the recommendations of the Board of Trustees of the Ronald Reagan Foundation, and six members of Congress appointed by the congressional leadership.”)			
2009-06	H.R. 2346, the "Supplemental Appropriations Act, 2009" (P.L. 111-32)	Rhetorical		0		0
2009-07	H.R. 2346, the "Supplemental Appropriations Act, 2009" (P.L. 111-32)	Constitutional	“...provisions of this bill within sections 1110 to 1112 of title XI, and sections 1403 and 1404 of title XIV”	5		0
2009-08	S. 475, the "Military Spouses Residency Relief Act" (P.L. 111-97)	Rhetorical		0		0
2010-01	H.R. 2194, the "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010" (P.L. 111-195)	Rhetorical		0		0

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2010-02	H.R. 4213, Unemployment Compensation Extension Act of 2010 (P.L. 111-205)	Rhetorical		0		0
2010-03	H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. (P.L. 111-259)	Constitutional	<p>“...my Administration's understanding of how sections 331 and 348 of the bill would be interpreted”</p> <p>“In particular, section 405 establishes an Inspector General of the Intelligence Community in the ODNI.”</p>	2 1	“In a March 15, 2010, letter to Congress, the Department of Justice summarized my Administration's understanding of a number of provisions”	1
2010-04	H.R. 3619, the Coast Guard Authorization Act of 2010 (P.L. 111-281)	Constitutional	“Section 818 of the Act ...would impermissibly vest authority in the Comptroller General, a congressional officer, to bind the Secretary in the performance of an Executive function.”	1		0

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			"...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."	1		
2010-05	H.R. 4783, the Claims Resolution Act of 2010 (P.L. 111-291)	Other	"In order to ensure that the intent and effect of these program integrity provisions are realized, my Administration is working with the Congress to correct an inadvertent technical drafting error in section 801(a)(3)(C), so that the provision can be implemented as intended."	1		0

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2011-01	H.R. 847, the James Zadroga 9/11 Health and Compensation Act (P.L. 111-347)	Rhetorical		0		0
2011-02	H.R. 6523, Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 111-383)	Constitutional	Section 1032 bars the use of funds authorized to be appropriated by this Act for fiscal year 2011 to transfer Guantanamo detainees into the United States, and section 1033 bars the use of certain funds to transfer detainees to the custody or effective control of foreign countries unless specified conditions are met.	2		0
2011-03	H.R. 4, Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011 (P.L. 112-9)	Rhetorical		0		0
2011-04	H.R. 1473, the "Department of Defense and Full-Year Continuing Appropriations Act, 2011" (P.L. 112-10)	Constitutional	Section 1112 represents the continuation of a dangerous and	3		0

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			<p>unprecedented challenge to critical executive branch authority to determine when and where to prosecute Guantanamo detainees..... Any attempt to deprive the executive branch of that tool undermines our Nation's counterterrorism efforts and has the potential to harm our national security.</p> <p>With respect to section 1113 of the Act, the restrictions on the transfer of detainees to the custody or effective control of foreign countries interfere with the authority of the executive branch to make important and consequential foreign policy and national security determinations</p>			

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			<p>regarding whether and under what circumstances such transfers should occur in the context of an ongoing armed conflict. We must have the ability to act swiftly and to have broad flexibility in conducting our negotiations with foreign countries.</p> <p>Section 2262 of the Act would prohibit the use of funds for several positions that involve providing advice directly to the President. Legislative efforts that significantly impede the President's ability to exercise his supervisory and coordinating authorities or to obtain the views of the appropriate senior advisers violate the separation of</p>			

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			powers by undermining the President's ability to exercise his constitutional responsibilities and take care that the laws be faithfully executed. Therefore, the executive branch will construe section 2262 not to abrogate these Presidential prerogatives.			
2011-05	H.R. 2055, the "Consolidated Appropriations Act, 2012" (P.L.112-74)	Constitutional	Congress has ... included provisions that would bar the use of appropriated funds for transfers of Guantanamo detainees into the United States (section 8119 of Division A), as well as transfers to the custody or effective control of foreign countries unless specified conditions are met (section 8120 of Division A). These provisions are similar to others	2		1

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			<p>found in the National Defense Authorization Act for Fiscal Year 2012. My Administration has repeatedly communicated my objections to these provisions, including my view that they could, under certain circumstances, violate constitutional separation of powers principles. In approving this bill, I reiterate the objections my Administration has raised regarding these provisions, my intent to interpret and apply them in a manner that avoids constitutional conflicts</p> <p>Section 113 of Division H requires the Secretary of Defense to notify the Appropriations</p>	2		

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			<p>Committees of both Houses of Congress 30 days in advance of "any proposed military exercise involving United States personnel" that is anticipated to involve expenditures of more than \$100,000 on construction.</p> <p>Language in Division I, title I, under the headings International Organizations, Contributions for International Peacekeeping Activities, disallows the expenditure of funds "for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national," unless my military advisers</p>			

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			<p>have advised that such an involvement is in the national interest, and unless I have made the same recommendation to the Congress. In approving this bill... I will apply these provisions in a manner consistent with my constitutional authority as Commander in Chief.</p> <p>Certain provisions in Division I, including sections 7013, 7025, 7029, 7033, 7043, 7046, 7049, 7059, 7062, and 7071, restrict or require particular diplomatic communications, negotiations, or interactions with foreign governments or international organizations.</p>	10		

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			Others, including sections 7031 , 7037 , and 7086 , hinder my ability to receive diplomatic representatives of foreign governments.	3		
			[S]ection 7041 requires the disclosure to the Congress of information regarding ongoing diplomatic negotiations.	1		
			[S]everal provisions in this bill, including section 627 of Division C and section 512 of Division D, could prevent me from fulfilling my constitutional responsibilities, by denying me the assistance of senior advisers and by obstructing my supervision of executive branch officials in the execution of their	2		

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			<p>statutory responsibilities. I have informed the Congress that I will interpret these provisions consistent with my constitutional duty to take care that the laws be faithfully executed.</p> <p>Additional provisions in this bill, including section 8013 of Division A and section 218 of Division F, purport to restrict the use of funds to advance certain legislative positions. I have advised the Congress that I will not construe these provisions as preventing me from fulfilling my constitutional responsibility to recommend to the Congress's consideration such measures as I shall judge necessary</p>	2		

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			<p>and expedient.</p> <p>In particular, section 1302 of Division G conditions the authority of the Librarian of Congress to transfer funds between sections of the Library upon the approval of the Committees on Appropriations of the House of Representatives and the Senate. I have advised the Congress of my understanding that this provision does not apply to funds for the Copyright Office, which performs an executive function in administering the copyright laws.</p>	1	<p>Numerous provisions of this bill purport to condition the authority of executive branch officials to spend or reallocate funds on the approval of congressional committees. These are constitutionally impermissible forms of congressional aggrandizement in the execution of the laws.</p>	

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			<p>a narrow category of non-citizen detainees who are "captured in the course of hostilities authorized by the Authorization for Use of Military Force." ...</p> <p>While section 1022 is unnecessary and has the potential to create uncertainty, I have signed the bill because I believe that this section can be interpreted and applied in a manner that avoids undue harm to our current operations. ... I will therefore interpret and implement section 1022 in the manner that best preserves the same flexible approach that has served us so well for the past 3 years and that protects the ability of law enforcement professionals to obtain the evidence and cooperation</p>			

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			<p>they need to protect the Nation.</p> <p>My Administration will design the implementation procedures authorized by section 1022(c) to provide the maximum measure of flexibility and clarity to our counterterrorism professionals permissible under law. And I will exercise all of my constitutional authorities as Chief Executive and Commander in Chief if those procedures fall short, including but not limited to seeking the revision or repeal of provisions should they prove to be unworkable.</p> <p>Sections 1023-1025 needlessly interfere with the executive branch's</p>	3		

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			<p>processes for reviewing the status of detainees. Going forward, consistent with congressional intent as detailed in the Conference Report, my Administration will interpret section 1024 as granting the Secretary of Defense broad discretion to determine what detainee status determinations in Afghanistan are subject to the requirements of this section.</p> <p>Sections 1026-1028 continue unwise funding restrictions that curtail options available to the executive branch. Section 1027 renews the bar against using appropriated funds for fiscal year 2012 to transfer</p>	3		

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			<p>Guantanamo detainees into the United States for any purpose. I continue to oppose this provision, which intrudes upon critical executive branch authority to determine when and where to prosecute Guantanamo detainees, based on the facts and the circumstances of each case and our national security interests. ...[T]his intrusion would, under certain circumstances, violate constitutional separation of powers principles.</p> <p>Section 1028 modifies but fundamentally maintains unwarranted restrictions on the executive branch's authority to transfer</p>			

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			<p>detainees to a foreign country. This hinders the executive's ability to carry out its military, national security, and foreign relations activities and like section 1027, would, under certain circumstances, violate constitutional separation of powers principles. The executive branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers. In the event that the statutory restrictions in sections 1027 and 1028 operate in a manner that violates constitutional separation of</p>			

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			<p>powers principles, my Administration will interpret them to avoid the constitutional conflict.</p> <p>Section 1029 requires that the Attorney General consult with the Director of National Intelligence and Secretary of Defense prior to filing criminal charges against or seeking an indictment of certain individuals. I sign this based on the understanding that apart from detainees held by the military outside of the United States under the 2001 Authorization for Use of Military Force, the provision applies only to those individuals who have been determined to be covered persons under section 1022</p>	1		

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			<p>before the Justice Department files charges or seeks an indictment. Notwithstanding that limitation, this provision represents an intrusion into the functions and prerogatives of the Department of Justice and offends the longstanding legal tradition that decisions regarding criminal prosecutions should be vested with the Attorney General free from outside interference. Moreover, section 1029 could impede flexibility and hinder exigent operational judgments in a manner that damages our security. My Administration will interpret and implement section 1029 in a manner that preserves the</p>			

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			<p>operational flexibility of our counterterrorism and law enforcement professionals, limits delays in the investigative process, ensures that critical executive branch functions are not inhibited, and preserves the integrity and independence of the Department of Justice.</p> <p>Section 1244 requires the President to submit a report to the Congress 60 days prior to sharing any U.S. classified ballistic missile defense information with Russia. Section 1244 further specifies that this report include a detailed description of the classified information to be</p>	1		

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			<p>provided. While my Administration intends to keep the Congress fully informed of the status of U.S. efforts to cooperate with the Russian Federation on ballistic missile defense, my Administration will also interpret and implement section 1244 in a manner that does not interfere with the President's constitutional authority to conduct foreign affairs and avoids the undue disclosure of sensitive diplomatic communications.</p> <p>Sections 1231, 1240, 1241, and 1242 could be read to require the disclosure of sensitive diplomatic communications and national security secrets...</p>	4		

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			<p>...sections 1235, 1242, and 1245 would interfere with my constitutional authority to conduct foreign relations by directing the Executive to take certain positions in negotiations or discussions with foreign governments. Like section 1244, should any application of these provisions conflict with my constitutional authorities, I will treat the provisions as non-binding.</p>	3		