

**Provisions of Law Named in
President Biden's Signing Statements**
Inauguration through December 22, 2023

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
9	9	Rhetorical 5	54	3	57
		Constitutional 4			
		Other 0			

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
2021						
2021-01	H.R. 5305, Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43)	Rhetorical	0	0	0	0
2021-02	S. 1917, the K-12 Cybersecurity Act (P.L. 117-47)	Rhetorical	0	0	0	0
2021-03	S. 1605, the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81)	Constitutional	It is the longstanding position of the executive branch that these provisions [§§ 1032, 1033] unduly impair the ability of the executive branch to determine when and where to prosecute Guantánamo Bay detainees and where to send them upon release.	2	0	0
			Some provisions of the Act, including sections 1048, 1213(b), 1217, and 1227(a)(1), will effectively require executive	4	0	1

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			<p>departments and agencies to submit reports to certain committees that will, in the ordinary course, include highly sensitive classified information, including information that could reveal critical intelligence sources or military operational plans. The Constitution vests the President with the authority to prevent the disclosure of such highly sensitive information</p> <p>Sections 6103(a) and 6503(b) of the Act would direct the Executive on how to proceed in discussions with, or votes within, international organizations...I will not treat them as limiting my constitutional discretion to articulate the views of the United States before international organizations and with foreign governments.</p> <p>Section 351 of the Act requires the Secretary of Defense to create a working group "to integrate efforts to mitigate</p>	<p>2</p> <p>1</p>	<p>0</p> <p>0</p>	<p>0</p> <p>0</p>

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			<p>contested logistics challenges through the reduction of operational energy demand.” It provides that the Service Secretaries shall “nominate” four of the members of the working group subject to the Senate’s “confirmation.” The working group is an executive branch entity charged with making recommendations and coordinating certain functions within the Department of Defense. Because its members would not be “officers” in the constitutional sense but would have more than an advisory role in the operations of the executive branch, subjecting them to Senate confirmation would conflict with the anti-aggrandizement principle of the separation of powers, by empowering part of the Congress to directly interfere with the executive branch’s selection of employees.</p> <p>Finally, I oppose the use of open-air burn pits, which is</p>	1	0	0

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			prohibited in contingency operations by Public Law 111-84, section 317 (10 U.S.C. 2701 note). I request that the Secretary of Defense seek Presidential approval prior to exercising the exemption authority to this prohibition added by section 316 of the Act.			
2021-04	Statement on Signing the Helping American Victims Afflicted by Neurological Attacks (HAVANA) Act (S. 1828) (P.L. 117-46)	Rhetorical	0	0	0	0
2022						
2022-01	Statement on the Death of Former Secretary of Transportation Norman Y. Mineta and Signing the William T. Coleman, Jr. and Norman Y. Mineta Department of Transportation Headquarters Act (S. 400) (P.L. 117-117)	Rhetorical	0	0	0	0

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2022-02	Statement by the President on the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (HR 7776) P.L. 117-263	Constitutional	Section 1033 of the Act continues to bar the use of funds appropriated to the Department of Defense to transfer Guantánamo Bay detainees to the custody or effective control of certain foreign countries. Section 1031 of the Act likewise would continue to prohibit the use of such funds to transfer certain Guantánamo Bay detainees into the United States. It is the longstanding position of the executive branch that these provisions unduly impair the ability of the executive branch to determine when and where to prosecute Guantánamo Bay detainees and where to send them upon release	2	0	0
			A number of provisions of the Act (e.g., sections 1209(c), 1236(a), 1237, 1240, 1276(d), 1640(d), 5510(c), 5593(e), 6316, and 6402) would effectively require the President and other executive branch officials	10	0	1

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			to submit reports and plans to certain congressional committees that will, in the ordinary course, include highly sensitive classified information, including information that could reveal critical intelligence sources or military operational plans			
			... the documents that section 6316 of the Act would require the President to share would often contain Presidential communications, the confidentiality of which "is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution."	1	0	0
			A number of provisions of the Act may, in certain circumstances, interfere with the exercise of my constitutional authority to articulate the positions of the United States in international negotiations or fora (e.g., sections 1260(a), 1508(a), 1658(a), 5518(d), 5573(b), 5701,	7	0	1

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			and 11338(b)). Section 9303(b)(1) of the Act provides that the Secretary of State “should” establish or upgrade certain diplomatic facilities in foreign nations. Although section 9303(b)(3) of the Act later refers to these provisions as “requirements,” I do not read section 9303(b) of the Act to mandate the specified actions.	1	0	0
			I therefore construe the requirements of section 7201 of the Act to be limited to information-sharing related to such cybersecurity and counterintelligence threats to the legislative branch.	1	0	0
2023						
2023-01	Statement by the President on the COVID-19 Origin Act of 2023 (S. 619) P.L. 118-2	Rhetorical		0	0	0

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2023-02	Statement from President Joe Biden on the United States-Taiwan Initiative on 21st-Century Trade First Agreement Implementation Act (HR 4004) P.L. 118-13	Constitutional	Section 7(b) of the Act would require the United States Trade Representative (USTR) to provide negotiating texts to congressional committees in the midst of negotiations with a foreign partner...	1	0	0
			...section 7(c) of the Act would preclude the USTR from transmitting United States-proposed texts to Taiwan while the Congress is reviewing them. Section 7(c) of the Act would further, in violation of INS v. Chadha, afford 2 members of the Congress the power to increase the required waiting period before the USTR may provide texts to Taiwan.	1		
			Section 7(d) of the Act would require the inclusion of members of the Congress as accredited members of the United States delegation who would be entitled to daily briefings, including of tentative agreements.	1		

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2023-03	Statement from President Joe Biden on the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670) P.L. 118-31	Constitutional	<p>Section 1033 of the Act continues to bar the use of funds appropriated to the Department of Defense to transfer Guantánamo Bay detainees to the custody or effective control of certain foreign countries. Section 1031 likewise would continue to prohibit the use of such funds to transfer Guantánamo Bay detainees into the United States. It is the longstanding position of the executive branch that these provisions unduly impair the ability of the executive</p> <p>Certain provisions of the Act, including sections 856(c), 1221(a)(7), 1269, 1687, 7315, and 7351 would require the President and other officials to submit reports and plans to committees of the Congress that will, in the ordinary course, include highly sensitive classified information.... The Constitution vests the President with the authority to prevent the</p>	<p>2</p> <p>6</p>	0	0

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			disclosure of such highly sensitive information			
			A number of provisions of the Act may... interfere with the exercise of the President's constitutional authority to articulate the positions of the United States in international negotiations or fora including sections 825(c)(1), 1013(b), 1255(b)(2), 1256(c)(2), 1305, 1309(a), 1518(a), 5411(a), 5602(c), and 6406.	10		
			The Department of Defense will implement the certification required by section 1555(a) consistent with the First Amendment.	1		