

111TH CONGRESS
1ST SESSION

S. 875

To regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Mr. SPECTER (for himself, Mr. TESTER, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Signing
5 Statements Act of 2009”.

6 **SEC. 2. DEFINITION.**

7 As used in this Act, the term “presidential signing
8 statement” means a statement issued by the President
9 about a bill, in conjunction with signing that bill into law
10 pursuant to article I, section 7, of the Constitution.

1 **SEC. 3. JUDICIAL USE OF PRESIDENTIAL SIGNING STATE-**
2 **MENTS.**

3 In determining the meaning of any Act of Congress,
4 no Federal or State court shall rely on or defer to a presi-
5 dential signing statement as a source of authority.

6 **SEC. 4. CONGRESSIONAL RIGHT TO PARTICIPATE IN**
7 **COURT PROCEEDINGS OR SUBMIT CLARI-**
8 **FYING RESOLUTION.**

9 (a) CONGRESSIONAL RIGHT TO PARTICIPATE AS
10 AMICUS CURIAE.—In any action, suit, or proceeding in
11 any Federal or State court (including the Supreme Court
12 of the United States), regarding the construction or con-
13 stitutionality, or both, of any Act of Congress in which
14 a presidential signing statement was issued, the Federal
15 or State Court shall permit the United States Senate,
16 through the Office of Senate Legal Counsel, as authorized
17 in section 701 of the Ethics in Government Act of 1978
18 (2 U.S.C. 288), or the United States House of Represent-
19 atives, through the Office of General Counsel for the
20 United States House of Representatives, or both, to par-
21 ticipate as an amicus curiae, and to present an oral argu-
22 ment on the question of the Act's construction or constitu-
23 tionality, or both. Nothing in this section shall be con-
24 strued to confer standing on any party seeking to bring,
25 or jurisdiction on any court with respect to, any civil or
26 criminal action, including suit for court costs, against

1 Congress, either House of Congress, a Member of Con-
2 gress, a committee or subcommittee of a House of Con-
3 gress, any office or agency of Congress, or any officer or
4 employee of a House of Congress or any office or agency
5 of Congress.

6 (b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING
7 RESOLUTION.—In any suit referenced in subsection (a),
8 the full Congress may pass a concurrent resolution declar-
9 ing its view of the proper interpretation of the Act of Con-
10 gress at issue, clarifying Congress’s intent or clarifying
11 Congress’s findings of fact, or both. If Congress does pass
12 such a concurrent resolution, the Federal or State court
13 shall permit the United States Congress, through the Of-
14 fice of Senate Legal Counsel, to submit that resolution
15 into the record of the case as a matter of right.

16 (c) EXPEDITED CONSIDERATION.—It shall be the
17 duty of each Federal or State court, including the Su-
18 preme Court of the United States, to advance on the dock-
19 et and to expedite to the greatest possible extent the dis-
20 position of any matter brought under subsection (a).

○