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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITION.

As used in this Act, the term “presidential signing statement” means a statement issued by the President about a bill, in conjunction with signing that bill into law pursuant to article I, section 7, of the Constitution.
SEC. 3. JUDICIAL USE OF PRESIDENTIAL SIGNING STATEMENTS.

In determining the meaning of any Act of Congress, no Federal or State court shall rely on or defer to a presidential signing statement as a source of authority.

SEC. 4. CONGRESSIONAL RIGHT TO PARTICIPATE IN COURT PROCEEDINGS OR SUBMIT CLARIFYING RESOLUTION.

(a) CONGRESSIONAL RIGHT TO PARTICIPATE AS AMICUS CURIAE.—In any action, suit, or proceeding in any Federal or State court (including the Supreme Court of the United States), regarding the construction or constitutionality, or both, of any Act of Congress in which a presidential signing statement was issued, the Federal or State Court shall permit the United States Senate, through the Office of Senate Legal Counsel, as authorized in section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288), or the United States House of Representatives, through the Office of General Counsel for the United States House of Representatives, or both, to participate as an amicus curiae, and to present an oral argument on the question of the Act’s construction or constitutionality, or both. Nothing in this section shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action, including suit for court costs, against
Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING RESOLUTION.—In any suit referenced in subsection (a), the full Congress may pass a concurrent resolution declaring its view of the proper interpretation of the Act of Congress at issue, clarifying Congress’s intent or clarifying Congress’s findings of fact, or both. If Congress does pass such a concurrent resolution, the Federal or State court shall permit the United States Congress, through the Office of Senate Legal Counsel, to submit that resolution into the record of the case as a matter of right.

(e) EXPEDITED CONSIDERATION.—It shall be the duty of each Federal or State court, including the Supreme Court of the United States, to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).