

110TH CONGRESS
2D SESSION

H. R. 5993

To promote congressional and public awareness, understanding, and political accountability of presidential signing statements.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2008

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To promote congressional and public awareness, understanding, and political accountability of presidential signing statements.

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 2008”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote congressional
8 and public awareness, understanding, and political ac-
9 countability of Presidential signing statements.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

3 (1) Signing statements that declare the Presi-
4 dent's intent to disregard provisions of bills he has
5 signed into law because he believes they may offend
6 the Constitution raise serious constitutional con-
7 cerns.

8 (2) The statements are in tension with the
9 President's constitutional obligation to take care
10 that the laws be faithfully executed.

11 (3) The statements are in tension with the
12 President's duty to defend and uphold the Constitu-
13 tion in determining whether a bill should be signed
14 when the President believes it contains unconstitu-
15 tional provisions.

16 (4) The statements are in tension with the deci-
17 sion of the United States Supreme Court holding the
18 line-item veto unconstitutional in *Clinton v. New*
19 *York*; the statements seem indistinguishable from an
20 absolute line-item veto which Congress has no oppor-
21 tunity to override, and which skew the balance of
22 power over legislation in favor of the President.

23 (5) Seeking judicial review of the constitu-
24 tionality of signing statements is problematic be-
25 cause of the difficulty of discovering a plaintiff with
26 "standing" under Article III of the Constitution.

1 (6) Most Members of Congress and the public
2 neither know nor understand the significance of
3 presidential signing statements.

4 (7) Fashioning an enlightened congressional
5 and public response to presidential signing state-
6 ments would profit enormously by greater scrutiny.

7 **SEC. 4. TRANSMITTING AND PUBLISHING PRESIDENTIAL**
8 **SIGNING STATEMENTS.**

9 The President shall transmit to the Speaker of the
10 House of Representatives and the chairman of the Com-
11 mittee on the Judiciary of the House of Representatives
12 and the majority leader of the Senate and the chairman
13 of the Committee on the Judiciary of the Senate each sign-
14 ing statement that declares or insinuates the intention of
15 the President to disregard provisions of any bill he has
16 signed into law because he believes it is unconstitutional.
17 The transmissions shall be made no later than three cal-
18 endar days after the issuance of the statements. The
19 President shall also have such statements published in the
20 Federal Register according to the same terms and condi-
21 tions as if they were substantive final rules issued by the
22 Department of Justice.

1 **SEC. 5. TESTIMONY BY THE ATTORNEY GENERAL, DEPUTY**
2 **ATTORNEY GENERAL, OR WHITE HOUSE**
3 **COUNSEL.**

4 The Attorney General, Deputy Attorney General, or
5 White House Counsel shall testify before the Committees
6 on the Judiciary of the House of Representatives or Sen-
7 ate at the behest of any single Member of either committee
8 to explain the meaning and justification of every presi-
9 dential signing statement covered by this Act. Executive
10 privilege shall not be recognized as a valid basis for refus-
11 ing to appear or refusing to answer a question pertinent
12 to the legal reasoning behind a signing statement or its
13 legal ramifications.

14 **SEC. 6. LIMITATION.**

15 No monies of the United States shall be authorized
16 or expended to implement any law accompanied by a sign-
17 ing statement covered by this Act if either section 4 or
18 section 5 have been violated in any respect.

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