

AMENDMENT NO.

Calendar No.

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

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2248

To amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SPECTER

Viz:

1 At the end of the bill, add the following:

2 **TITLE IV—PRESIDENTIAL**
3 **SIGNING STATEMENTS**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Presidential Signing
6 Statements Act of 2007”.

7 **SEC. 402. DEFINITION.**

8 As used in this title, the term “presidential signing
9 statement” means a statement issued by the President

1 about a bill, in conjunction with signing that bill into law
2 pursuant to Article I, section 7, of the Constitution.

3 **SEC. 403. JUDICIAL USE OF PRESIDENTIAL SIGNING STATE-**
4 **MENTS.**

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

8 **SEC. 404. CONGRESSIONAL RIGHT TO PARTICIPATE IN**
9 **COURT PROCEEDINGS OR SUBMIT CLARI-**
10 **FYING RESOLUTION.**

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

1 strued to confer standing on any party seeking to bring,
2 or jurisdiction on any court with respect to, any civil or
3 criminal action, including suit for court costs, against
4 Congress, either House of Congress, a Member of Con-
5 gress, a committee or subcommittee of a House of Con-
6 gress, any office or agency of Congress, or any officer or
7 employee of a House of Congress or any office or agency
8 of Congress.

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

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