

110TH CONGRESS
2D SESSION

S. 3405

To prohibit secret modifications and revocations of the law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Mr. FEINGOLD (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit secret modifications and revocations of the law,
and for other purposes.

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 “Executive Order Integ-
5 rity Act of 2008”.

6 **SEC. 2. REVOCATIONS, MODIFICATIONS, WAIVERS, AND**
7 **SUSPENSIONS OF PRESIDENTIAL PROCLAMA-**
8 **TIONS AND EXECUTIVE ORDERS.**

9 Section 1505 of title 44, United States Code, is
10 amended by adding at the end the following:

1 “(d) REVOCATIONS, MODIFICATIONS, WAIVERS, AND
2 SUSPENSIONS OF PRESIDENTIAL PROCLAMATIONS AND
3 EXECUTIVE ORDERS.—

4 “(1) NOTICE REQUIRED.—If the President,
5 whether formally or informally, and whether through
6 express order, conduct, or other means—

7 “(A) revokes, modifies, waives, or suspends
8 any portion of a Presidential proclamation, Ex-
9 ecutive Order, or other Presidential directive
10 that was published in the Federal Register; or

11 “(B) authorizes the revocation, modifica-
12 tion, waiver, or suspension of any portion of
13 such Presidential proclamation, Executive
14 Order, or other Presidential directive;

15 notice of such revocation, modification, waiver, or
16 suspension shall be published in the Federal Reg-
17 ister within 30 days after the revocation, modifica-
18 tion, waiver, or suspension, in accordance with the
19 terms under paragraph (2).

20 “(2) CONTENT OF NOTICE.—

21 “(A) IN GENERAL.—Except as provided
22 under subparagraph (B), the notice required
23 under paragraph (1) shall specify—

24 “(i) the Presidential proclamation,
25 Executive Order, or other Presidential di-

rective, and any particular portion thereof
that is affected;

“(ii) for each affected directive or portion thereof, whether that directive or portion thereof was revoked, modified, waived, or suspended; and

“(iii) except where such information is classified, the specific nature and circumstances of the revocation, modification, waiver, or suspension.

“(B) REVISED EXECUTIVE ORDER.—

Where the revocation, modification, waiver, or suspension of a Presidential proclamation, Executive Order, or other Presidential directive is accomplished through the publication in the Federal Register of a revised Presidential proclamation, Executive Order, or other Presidential directive that replaces or amends the one that was revoked, modified, waived, or suspended, that revised Presidential proclamation, Executive Order, or other Presidential directive shall constitute notice for purposes of paragraph (1).

“(3) CLASSIFIED INFORMATION.—If the information specified under paragraph (2)(A)(iii) is classified, such information shall be provided to Con-

gress, using the security procedures established under section 501(d) of the National Security Act of 1947 (50 U.S.C. 413(d)), in the form of a classified annex delivered to—

“(A) the majority and minority leader of the Senate;

“(B) the Speaker, majority leader, and minority leader of the House of Representatives;

“(C) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(D) if the information pertains to national security matters, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as either authorizing or prohibiting the revocation, modification, waiver, or suspension of any Presidential proclamation, Executive Order, or other Presidential directive that was published in the Federal Register through means other than a formal directive issued by the President and published in the Federal Register.”.

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