

## HR 3362

Checks and Balances Restoration and Revitalization Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Jul 28, 2009

**Current Status:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

**Latest Action:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. (Sep 14, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/3362>

### Sponsor

**Name:** Rep. Miller, Brad [D-NC-13]

**Party:** Democratic • **State:** NC • **Chamber:** House

### Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cohen, Steve [D-TN-9]	D · TN		Jul 28, 2009
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Jul 28, 2009
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Jul 28, 2009
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Jan 19, 2010
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Jan 19, 2010
Rep. Sherman, Brad [D-CA-27]	D · CA		Jan 19, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Committee on House Administration	House	Referred To	Jul 28, 2009
Judiciary Committee	House	Referred to	Sep 14, 2009

### Subjects & Policy Tags

**Policy Area:**

Government Operations and Politics

### Related Bills

*No related bills are listed.*

Checks and Balances Restoration and Revitalization Act - Requires: (1) any claim of executive privilege before Congress to be made by the express authority of the President and to be accompanied by a statement, approved by the President, of the factual and legal basis for that claim; (2) an executive branch official to appear before Congress to assert executive privilege; (3) any person withholding subpoenaed items on a claim of executive privilege to provide an index of and a statement describing the items in a manner that will enable the requesting body to assess the validity of the executive privilege claim; and (4) the President or the Attorney General to issue binding guidelines setting forth a policy governing the use of executive privilege.

Authorizes the House of Representatives to: (1) commence a civil action to obtain appropriate relief to enforce compliance with a subpoena or order of the House if authorized by House resolution; and (2) overcome a court's presumption that the material sought is privileged based upon the President's generalized interest in confidentiality by showing that the House has a specific need for the material to carry out its constitutional obligations and the material is not otherwise available.

Establishes alternate procedures for the prosecution of executive branch officers or employees found in contempt of Congress for refusal to testify or produce documents in response to a congressional subpoena. Requires the Speaker of the House to certify a finding of contempt of Congress to the appropriate U.S. attorney for presentation to a grand jury. Establishes within the U.S. Court of Appeals for the District of Columbia a Special Division to appoint special counsels. Requires such Special Division to appoint a special counsel to prosecute any contempt case certified by the Speaker if the Attorney General or U.S. attorney declines to prosecute or a grand jury does not return an indictment within a specified period. Sets forth provisions concerning qualifications, prosecutorial jurisdiction and authority, and removal and termination of authority of a special counsel. Increases penalties for contempt of Congress.

Authorizes the General Counsel of the House and the Senate Legal Counsel, acting jointly, to bring a civil action in U.S. district court for declaratory or injunctive relief to compel the enforcement of a legal provision which a presidential signing statement asserts or implies an intention not to enforce, only upon adoption of a resolution by the House and Senate directing such Counsels to do so.

Amends the federal judicial code to require a report to Congress, with specified exceptions, where the Attorney General or any Department of Justice (DOJ) officer issues an authoritative legal interpretation: (1) that concludes that a federal statutory provision is unconstitutional, raises constitutional concerns, relies on a legal presumption against applying it to any executive agency or employee, or has been superseded; or (2) regarding the constitutionality or legality of a policy or action of the executive branch. Denies legal effect to any such interpretation not signed personally by the Attorney General.

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## **Actions Timeline**

- **Sep 14, 2009:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
- **Jul 28, 2009:** Introduced in House
- **Jul 28, 2009:** Referred to House Judiciary
- **Jul 28, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Jul 28, 2009:** Referred to House Administration