

113TH CONGRESS
2^D SESSION

H. R. 4091

To authorize Members of Congress to bring an action for declaratory and injunctive relief in response to a written statement by the President or any other official in the executive branch directing officials of the executive branch to not enforce a provision of law.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2014

Mr. POE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize Members of Congress to bring an action for declaratory and injunctive relief in response to a written statement by the President or any other official in the executive branch directing officials of the executive branch to not enforce a provision of law.

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 “Constitutional Check
5 and Balance Act”.

1 **SEC. 2. AUTHORIZING CAUSE OF ACTION BY MEMBERS OF**
2 **CONGRESS IN RESPONSE TO WRITTEN STATE-**
3 **MENT BY THE PRESIDENT OR OTHER EXECU-**
4 **TIVE BRANCH OFFICIAL DIRECTING EXECU-**
5 **TIVE BRANCH OFFICIALS TO NOT ENFORCE A**
6 **LAW.**

7 (a) CAUSE OF ACTION AUTHORIZED.—If the Presi-
8 dent or any other official in the executive branch issues
9 a memorandum or other written statement directing any
10 official in the executive branch to not enforce a provision
11 of law, a Member of Congress who meets the criteria de-
12 scribed in subsection (b) may bring an action for declara-
13 tory or injunctive relief in an appropriate United States
14 district court to compel such official to enforce that provi-
15 sion of law.

16 (b) CRITERIA FOR ELIGIBILITY.—A Member of Con-
17 gress meets the criteria described in this subsection with
18 respect to a provision of law if the Member cast a recorded
19 vote on final passage of the version of the bill or joint
20 resolution which was enacted into law and included that
21 provision.

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