

113TH CONGRESS
2D SESSION

H. R. 4138

To protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2014

Mr. GOWDY (for himself, Mr. ISSA, Mr. GOODLATTE, Mr. GERLACH, Mr. SMITH of Texas, Mr. FORBES, Mr. FRANKS of Arizona, Mr. JORDAN, Mr. CHAFFETZ, Mr. COLLINS of Georgia, Mr. SMITH of Missouri, Mrs. BLACK, Mr. SENSENBRENNER, Mr. CHABOT, Mr. KELLY of Pennsylvania, Mr. DUNCAN of South Carolina, Mr. LABRADOR, and Mr. BACHUS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, 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 Needs to
5 Faithfully Observe and Respect Congressional Enact-

1 ments of the Law Act of 2014” or the “ENFORCE the
2 Law Act of 2014”.

3 **SEC. 2. AUTHORIZATION TO BRING CIVIL ACTION FOR VIO-**
4 **LATION OF THE TAKE CARE CLAUSE.**

5 (a) IN GENERAL.—Upon the adoption of a resolution
6 of a House of Congress declaring that the President, the
7 head of any department or agency of the United States,
8 or any other officer or employee of the United States has
9 established or implemented a formal or informal policy,
10 practice, or procedure to refrain from enforcing, applying,
11 following, or administering any provision of a Federal
12 statute, rule, regulation, program, policy, or other law in
13 violation of the requirement that the President take care
14 that the laws be faithfully executed under article II, sec-
15 tion 3, clause 5, of the Constitution of the United States,
16 that House is authorized to bring a civil action in accord-
17 ance with subsection (c), and to seek relief pursuant to
18 sections 2201 and 2202 of title 28, United States Code.
19 A civil action brought pursuant to this subsection may be
20 brought by a single House or both Houses of Congress
21 jointly, if both Houses have adopted such a resolution.

22 (b) RESOLUTION DESCRIBED.—For the purposes of
23 subsection (a), the term “resolution” means only a resolu-
24 tion—

1 (1) the title of which is as follows: “Relating to
2 the application of article II, section 3, clause 5, of
3 the Constitution of the United States.”;

4 (2) which does not have a preamble; and

5 (3) the matter after the resolving clause which
6 is as follows: “That _____ has failed to
7 meet the requirement of article II, section 3, clause
8 5, of the Constitution of the United States to take
9 care that a law be faithfully executed, with respect
10 to _____.” (the blank spaces being
11 appropriately filled in with the President or the per-
12 son on behalf of the President, and the administra-
13 tive action in question described in subsection (a),
14 respectively).

15 (c) SPECIAL RULES.—If the House of Representa-
16 tives or the Senate brings a civil action pursuant to sub-
17 section (a), the following rules shall apply:

18 (1) The action shall be filed in a United States
19 district court of competent jurisdiction and shall be
20 heard by a 3-judge court convened pursuant to sec-
21 tion 2284 of title 28, United States Code.

22 (2) A final decision in the action shall be re-
23 viewable only by appeal directly to the Supreme
24 Court of the United States. Such appeal shall be
25 taken by the filing of a notice of appeal within 10

1 days, and the filing of a jurisdictional statement
2 within 30 days, of the entry of the final decision.

3 (3) It shall be the duty of the United States
4 district courts and the Supreme Court of the United
5 States to advance on the docket and to expedite to
6 the greatest possible extent the disposition of any
7 such action and appeal.

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