

113TH CONGRESS
2^D SESSION

H. R. 4138

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2014

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Executive Needs to
3 Faithfully Observe and Respect Congressional Enact-
4 ments of the Law Act of 2014” or the “ENFORCE the
5 Law Act of 2014”.

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

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

1 (b) RESOLUTION DESCRIBED.—For the purposes of
2 subsection (a), the term “resolution” means only a resolu-
3 tion—

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

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

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

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

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

1 (2) A final decision in the action shall be re-
2 viewable only by appeal directly to the Supreme
3 Court of the United States. Such appeal shall be
4 taken by the filing of a notice of appeal within 10
5 days, and the filing of a jurisdictional statement
6 within 30 days, of the entry of the final decision.

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

12 **SEC. 3. REPORT.**

13 Not later than the last day of the first fiscal year
14 quarter that begins after the date of the enactment of this
15 Act, and quarterly thereafter, the Comptroller General of
16 the United States shall submit to the Committees on the
17 Judiciary of the House of Representatives and the Senate,
18 a report on the costs of any civil action brought pursuant
19 to this Act, including any attorney fees of any attorney

1 that has been hired to provide legal services in connection
2 with a civil action brought pursuant to this Act.

Passed the House of Representatives March 12,
2014.

Attest:

KAREN L. HAAS,

Clerk.