

113TH CONGRESS
2D SESSION

S. 2118

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 SENATE OF THE UNITED STATES

MARCH 12, 2014

Mr. BLUNT (for himself, Mr. CORNYN, Mr. SCOTT, Mr. MORAN, Mr. PAUL, Mr. THUNE, Mr. VITTER, Ms. MURKOWSKI, Mr. KIRK, Mr. CRAPO, Mr. BARRASSO, Mr. JOHANNIS, Mr. COBURN, Mr. WICKER, Mr. COATS, Mr. COCHRAN, Mr. GRASSLEY, Mr. ALEXANDER, Ms. AYOTTE, Mr. GRAHAM, Mr. HATCH, Mr. BOOZMAN, Mr. ENZI, Mrs. FISCHER, and Mr. ISAKSON) introduced the following bill; which was read twice and 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) AUTHORIZATION.—

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

1 (2) RESOLUTION DESCRIBED.—For the pur-
 2 poses of paragraph (1), the term “resolution” means
 3 only a resolution—

4 (A) the title of which is as follows: “Relat-
 5 ing to the application of article II, section 3,
 6 clause 5, of the Constitution of the United
 7 States.”;

8 (B) which does not have a preamble; and

9 (C) the matter after the resolving clause of
 10 which is as follows: “That _____ has
 11 failed to meet the requirement of article II, sec-
 12 tion 3, clause 5, of the Constitution of the
 13 United States to take care that a law be faith-
 14 fully executed, with respect to
 15 _____.” (the blank spaces being
 16 appropriately filled in with the President or the
 17 identity of the person acting on behalf of the
 18 President, and the administrative action in
 19 question described in paragraph (1), respec-
 20 tively).

21 (b) SPECIAL RULES.—In any civil action brought by
 22 the Senate or the House of Representatives under sub-
 23 section (a)(1)—

24 (1) the civil action—

1 (A) may be filed in a United States district
2 court of competent jurisdiction; and

3 (B) shall be heard by a 3-judge court con-
4 vened in accordance with section 2284 of title
5 28, United States Code;

6 (2) a final decision in the civil action shall be
7 reviewable only by appeal directly to the Supreme
8 Court of the United States;

9 (3) an appeal described in paragraph (2) shall
10 be taken by the filing of a notice of appeal within
11 10 days, and the filing of a jurisdictional statement
12 within 30 days, of the entry of the final decision;
13 and

14 (4) it shall be the duty of the United States dis-
15 trict courts and the Supreme Court of the United
16 States to advance on the docket and to expedite to
17 the greatest extent possible the disposition of the
18 civil action and appeal.

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