

# Union Calendar No. 281

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4138

[Report No. 113-377]

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.

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## 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

MARCH 7, 2014

Additional sponsors: Mrs. WAGNER, Mr. POE of Texas, Mr. WESTMORELAND, Mr. RIGELL, and Mr. SESSIONS

MARCH 7, 2014

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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-  
6 ments of the Law Act of 2014” or the “ENFORCE the  
7 Law Act of 2014”.

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

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

1 brought by a single House or both Houses of Congress  
2 jointly, if both Houses have adopted such a resolution.

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

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

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

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

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

23 (1) The action shall be filed in a United States  
24 district court of competent jurisdiction and shall be

1 heard by a 3-judge court convened pursuant to sec-  
2 tion 2284 of title 28, United States Code.

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

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

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