

MARCH 6, 2014

RULES COMMITTEE PRINT 113-43
TEXT OF H.R. 4138, ENFORCE THE LAW ACT OF
2014

**[Showing the text of the bill as ordered reported by the
Committee on the Judiciary.]**

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,

1 that House is authorized to bring a civil action in accord-
2 ance with subsection (c), and to seek relief pursuant to
3 sections 2201 and 2202 of title 28, United States Code.
4 A civil action brought pursuant to this subsection may be
5 brought by a single House or both Houses of Congress
6 jointly, if both Houses have adopted such a resolution.

7 (b) RESOLUTION DESCRIBED.—For the purposes of
8 subsection (a), the term “resolution” means only a resolu-
9 tion—

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

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

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

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

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

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

14 (3) It shall be the duty of the United States
15 district courts and the Supreme Court of the United
16 States to advance on the docket and to expedite to
17 the greatest possible extent the disposition of any
18 such action and appeal.

