

Calendar No. 310

113TH CONGRESS
2D SESSION

S. 2062

To authorize Members of Congress to bring an action for declaratory and injunctive relief in response to a written statement by the President or any other official in the executive branch directing officials of the executive branch to not enforce a provision of law.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mr. PAUL introduced the following bill; which was read the first time

MARCH 3, 2014

Read the second time and placed on the calendar

A BILL

To authorize Members of Congress to bring an action for declaratory and injunctive relief in response to a written statement by the President or any other official in the executive branch directing officials of the executive branch to not enforce a provision of law.

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 “Constitutional Check
5 and Balance Act”.

1 **SEC. 2. AUTHORIZING CAUSE OF ACTION BY MEMBERS OF**
2 **CONGRESS IN RESPONSE TO WRITTEN STATE-**
3 **MENT BY THE PRESIDENT OR OTHER EXECU-**
4 **TIVE BRANCH OFFICIAL DIRECTING EXECU-**
5 **TIVE BRANCH OFFICIALS TO NOT ENFORCE A**
6 **LAW.**

7 (a) CAUSE OF ACTION AUTHORIZED.—If the Presi-
8 dent or any other official in the executive branch of the
9 Federal Government issues a memorandum or other writ-
10 ten statement directing any official in the executive branch
11 to not enforce a provision of law, a Member of Congress
12 who meets the requirement described in subsection (b)
13 may bring an action for declaratory or injunctive relief in
14 an appropriate United States district court to compel such
15 official to enforce the provision of law.

16 (b) REQUIREMENT FOR ELIGIBILITY.—The require-
17 ment described in this subsection with respect to a provi-
18 sion of law is that the Member of Congress cast a recorded
19 vote on final passage of the version of the bill or joint
20 resolution that enacted the provision into law.

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