

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.

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## 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

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## 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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