H. J. RES. 89

Requiring the President to notify Congress if the President makes a determination to ignore a duly enacted provision of law, establishing expedited procedures for the consideration of legislation in the House of Representatives in response to such a determination, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2006

Mr. Frank of Massachusetts (for himself, Mr. Markey, Mr. McGovern, Ms. Watson, Ms. DeLauro, Mr. Doggett, and Mr. Capuano) introduced the following joint resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

JOINT RESOLUTION

Requiring the President to notify Congress if the President makes a determination to ignore a duly enacted provision of law, establishing expedited procedures for the consideration of legislation in the House of Representatives in response to such a determination, and for other purposes.

Whereas the Constitution requires that Presidents “take Care that the Laws be faithfully executed”;
Whereas the Constitution does not grant Presidents authority to choose which duly enacted provisions of laws they will obey;

Whereas the practice of selective enforcement of the laws is inconsistent with our constitutional form of government;

Whereas several previous Presidents have made signing statements signaling their intention to ignore provisions of laws duly enacted by Congress on constitutional grounds;

Whereas President George W. Bush has asserted his intent to ignore such provisions more than all other Presidents combined; and

Whereas the President’s assertion of the right to ignore a duty violates our constitutional framework by substituting an unchecked presidential prerogative for the role of Congress and the constitutional veto procedure:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRING NOTIFICATION TO CONGRESS OF PRESIDENTIAL DETERMINATION TO IGNORE PROVISION OF LAW.

(a) NOTIFICATION.—If the President makes a determination not to carry out any duly enacted provision of a law (as indicated in a statement made by the President at the time of the enactment of the law or otherwise), not later than 10 days after the enactment of the law, the President shall submit a report to Congress informing Congress of the determination and including the Presi-
dent’s reasons for making the determination, except that
to the extent that the determination is based upon classi-
fied material, the President shall submit the report only
to the congressional intelligence committees (as defined in
3(7) of the National Security Act of 1947 (50 U.S.C.
401a(7)).
(b) TREATMENT OF PREVIOUSLY ENACTED LAWS.—
Not later than 30 days after the date of the enactment
of this joint resolution, the President shall submit to Con-
gress a report under subsection (a) with respect to each
law enacted prior to such date during the One Hundred
Seventh, One Hundred Eighth, or One Hundred Ninth
Congress for which the President has made a determina-
tion not to carry out a duly enacted provision of the law
(as indicated in a statement made by the President at the
time of enactment or otherwise).
SEC. 2. EXPEDITED PROCEDURES IN HOUSE OF REP-
RESENTATIVES FOR LEGISLATION IN RE-
SPONSE TO DETERMINATION.
(a) AVAILABILITY OF EXPEDITED PROCEDURES.—If
a Member of the House of Representatives (including a
Representative, Delegate, or Resident Commissioner to
the Congress) introduces legislation in response to a re-
port submitted by the President under section 1(a) in the
form of a bill bearing the title “To respond to a Presi-
(b) Discharge of Committee.—If a committee to which a bill described in subsection (a) is referred has not reported the bill by the end of the period of 15 legislative days beginning with the day of introduction, such committee shall be discharged from further consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) Consideration of Bill by House.—

(1) Treatment of motion to proceed.—On or after the third calendar day following the date on which all committees of referral have reported or been discharged from further consideration of a bill described in subsection (a), a motion that the House proceed to consider the bill—

(A) shall be privileged;

(B) shall not be subject to debate or amendment;

(C) shall remain in order even if a motion to the same effect was rejected on a previous legislative day; and
(D) subject to paragraph (3), shall set forth both the process for amendment and debate under which the bill will be considered by the House.

(2) Criteria for Member Offering Motion.—A motion that the House proceed to consider a bill described in subsection (a) may be offered only by a Member, Delegate, or Resident Commissioner who favors passage of the bill and who has announced on the preceding legislative day an intention to offer the motion.

(3) Procedures Applicable to Consideration of Bill.—If a motion described in this subsection is adopted, the House shall proceed immediately to consider the bill in the House without intervention of any point of order against the bill or against its consideration. The bill shall be considered as read.

SEC. 3. REPORT BY GENERAL COUNSEL OF HOUSE OF POTENTIAL LEGAL ACTIONS TO BE TAKEN BY MEMBERS.

At the request of any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress), the General Counsel of the House shall prepare promptly a report describing any legal action
which may be brought to challenge the refusal by the President to carry out any duly enacted provision of the law.