



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

March 12, 2014
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4138 – Executive Needs to Faithfully Observe and Respect Congressional Enactments of the Law (ENFORCE the Law) Act of 2014

(Rep. Gowdy, R-South Carolina, and 11 cosponsors)

The Administration strongly opposes H.R. 4138 because it violates the separation of powers by purporting to permit the Congress to challenge in court the exercise by the President of one of his core constitutional functions – taking care that Federal laws are faithfully executed.

Congress ordinarily has the power to define the bounds of the Executive Branch's enforcement authority under particular statutes, and persons who claim to be harmed by the Executive Branch's actions may challenge them as inconsistent with the governing statute. But the power the bill purports to assign to Congress to sue the President over whether he has properly discharged his constitutional obligation to take care that the laws be faithfully executed exceeds constitutional limitations. Congress may not assign such power to itself, nor may it assign to the courts the task of resolving such generalized political disputes.

If the President were presented with H.R. 4138, his senior advisors would recommend that he veto the bill.

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