

109TH CONGRESS
1ST SESSION

H. R. 3542

To confer standing on Members of Congress to bring suit in Federal district court to compel compliance with congressional intent in enacting laws to protect the people of the United States against national security threats.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. CULBERSON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To confer standing on Members of Congress to bring suit in Federal district court to compel compliance with congressional intent in enacting laws to protect the people of the United States against national security threats.

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. CONGRESSIONAL STANDING TO SEEK JUDICIAL**
4 **REVIEW.**

5 (a) REPRESENTATIVES.—Any Member of the House
6 of Representatives, and any Delegate or Resident Commis-
7 sioner to the House of Representatives, upon the adoption
8 of a resolution by the House of Representatives author-

1 izing suit on behalf of the body, shall have standing to
2 bring an action on the ground that action or inaction by
3 an officer or employee of the Department of Homeland
4 Security or the Department of the Treasury is inconsistent
5 with the intent of the Congress, as expressed in the text
6 of the laws referred to in subsection (k), and the legislative
7 history of such laws, and to enforce compliance with such
8 intent, so as to protect the people of the United States
9 against the threat of terrorism, to intercept and obstruct
10 acts of terrorism, and to maintain the integrity of the bor-
11 der security systems of the United States.

12 (b) SENATORS.—Any Senator, upon the adoption of
13 a resolution by the Senate authorizing suit on behalf of
14 the body, shall have standing to bring any action on the
15 ground that action or inaction by an officer or employee
16 of the Department of Homeland Security or the Depart-
17 ment of the Treasury is inconsistent with the intent of
18 the Congress, as expressed in the text of the laws referred
19 to in subsection (k), and the legislative history of such
20 laws, and to enforce compliance with such intent, so as
21 to protect the people of the United States against the
22 threat of terrorism, to intercept and obstruct acts of ter-
23 rorism, and to maintain the integrity of the border secu-
24 rity systems of the United States.

1 (c) VENUE.—An action under subsection (a) or (b)
2 may be brought only in a district court of the United
3 States for a judicial district that includes, in whole or in
4 part, the geographic area represented by one of the au-
5 thorized plaintiffs.

6 (d) RELIEF.—Relief in any action brought under sub-
7 section (a) or (b) shall be limited to injunctive relief, de-
8 claratory relief, or both.

9 (e) NO SANCTIONS FOR SUIT.—No person authorized
10 to bring an action under subsection (a) or (b) may be sub-
11 ject to monetary sanctions for bringing, or participating
12 in, such action.

13 (f) EXPEDITION.—A court having jurisdiction over an
14 action brought under this section shall take all necessary
15 and appropriate actions to advance on the docket and to
16 expedite to the greatest possible extent the disposition of
17 any matter brought under this section.

18 (g) LEGAL REPRESENTATION.—A person bringing an
19 action under subsection (a) or (b) shall be represented by
20 the United States attorney for the judicial district in
21 which the action is brought, unless another provision of
22 law prohibits such representation.

23 (h) CUMULATIVE RIGHTS.—The rights created by
24 this section are in addition to the rights of any person
25 under law.

1 (i) INTERVENTION.—A copy of any complaint in an
2 action brought under this section shall be promptly deliv-
3 ered to the Secretary of the Senate and Clerk of the House
4 of Representatives, and each House of Congress shall have
5 the right to intervene in any such action upon the adoption
6 of a resolution by the body authorizing intervention on be-
7 half of the body.

8 (j) SEVERABILITY.—If any provision of this section,
9 or the application of such provision to any person or cir-
10 cumstance, is held invalid, the remainder of this section,
11 or the application of such provision to persons or cir-
12 cumstances other than those to which such provision is
13 held invalid, shall not be affected thereby.

14 (k) LAWS.—The laws referred to in this subsection
15 are the following:

16 (1) The Immigration and Nationality Act (8
17 U.S.C. 1101 et seq.).

18 (2) The Homeland Security Act of 2002 (6
19 U.S.C. 101 et seq.).

20 (3) The Anti-Terrorism and Effective Death
21 Penalty Act of 1996 (Public Law 104–132).

22 (4) The Personal Responsibility and Work Op-
23 portunity Reconciliation Act of 1996 (Public Law
24 104–193).

1 (5) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

2 (6) The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

3 (7) Provisions of law amended by the Acts referred to in paragraphs (1) through (6).

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