

113TH CONGRESS
1ST SESSION

H. RES. 442

Directing the House of Representatives to bring a civil action for declaratory or injunctive relief to challenge certain policies and actions taken by the executive branch.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. RICE of South Carolina (for himself, Mrs. BACHMANN, Mr. BRIDENSTINE, Mr. CHAFFETZ, Mr. DUNCAN of South Carolina, Mr. DESANTIS, Mr. FRANKS of Arizona, Mr. GOWDY, Mr. HARRIS, Mr. LAMBORN, Mr. LAMALFA, Mr. MARINO, Mr. MCCLINTOCK, Mr. MEADOWS, Mr. NUNNELEE, Mr. PITTENGER, Mr. POSEY, Mr. PRICE of Georgia, Mr. RIBBLE, Mr. SALMON, Mr. SANFORD, Mr. SCHWEIKERT, Mr. STEWART, Mr. STOCKMAN, Mr. WALBERG, Mr. WEBER of Texas, Mr. WENSTRUP, Mr. WILLIAMS, Mr. WILSON of South Carolina, and Mr. YOHO) submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on House Administration, 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

RESOLUTION

Directing the House of Representatives to bring a civil action for declaratory or injunctive relief to challenge certain policies and actions taken by the executive branch.

Whereas President Obama and officials in his administration have frequently overstepped the limits placed on executive branch power by the Constitution;

Whereas because of President Obama’s continuing failure to faithfully execute the laws, his administration’s actions cannot be addressed by the enactment of new laws, because Congress cannot assume that the President will execute the new laws any more faithfully than the laws he has already ignored, leaving Congress with no legislative remedy to prevent the establishment of what is in effect an imperial presidency; and

Whereas it is therefore necessary and appropriate for Congress to turn to the courts to ensure the faithful execution of the laws as required by the Constitution: Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. DIRECTING CIVIL ACTION BY HOUSE OF REP-**
 3 **RESENTATIVES IN RESPONSE TO CERTAIN**
 4 **EXECUTIVE BRANCH ACTIONS.**

5 (a) CIVIL ACTION.—The House of Representatives
 6 shall bring a civil action in the United States District
 7 Court for the District of Columbia for declaratory or in-
 8 junctive relief to challenge any of the following policies or
 9 actions:

10 (1) The policy of the Department of Health and
 11 Human Services that, with respect to health insur-
 12 ance coverage that is renewed for a policy year dur-
 13 ing the period beginning January 1, 2014, and end-
 14 ing October 1, 2014, health insurance issuers may
 15 continue to offer coverage that would otherwise be
 16 terminated or cancelled for being out of compliance

1 with various requirements of title XXVII of the Pub-
2 lic Health Service Act and corresponding portions of
3 the Employee Retirement Income Security Act and
4 the Internal Revenue Code of 1986, as announced
5 by the Center for Medicare and Medicaid Services on
6 November 14, 2013.

7 (2) The 1-year delay in the application of the
8 reporting requirements of sections 6055 and 6056 of
9 the Internal Revenue Code of 1986 (and related re-
10 quirements of section 4980H of such Code), as pro-
11 vided under Department of the Treasury Notice
12 2013–45, as announced by the Department of the
13 Treasury on July 2, 2013.

14 (3) The policy of the Department of Homeland
15 Security to exercise prosecutorial discretion with re-
16 spect to individuals who came to the United States
17 as children, as announced by the Department of
18 Homeland Security on June 15, 2012.

19 (4) The authorization, approval, renewal, modi-
20 fication, or extension of any experimental, pilot, or
21 demonstration project under section 1115 of the So-
22 cial Security Act (42 U.S.C. 1315) that waives com-
23 pliance with a requirement of section 407 of such
24 Act (42 U.S.C. 607) through a waiver of section 402
25 of such Act (42 U.S.C. 602).

1 (b) NO ADDITIONAL FUNDS PROVIDED TO BRING
2 ACTIONS.—Any amounts obligated or expended by the
3 House of Representatives to carry out this resolution dur-
4 ing a fiscal year shall be derived from existing appropria-
5 tions for salaries and expenses of the House for that fiscal
6 year, and nothing in this resolution may be construed as
7 authorizing an increase in the amount of budget authority
8 available to the House for that fiscal year.

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