

**Rules Committee OJ Markup on H. Res. 676, Providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States.**

**Chairman Sessions Opening Statement**

**Thursday, July 24, 2014 at 10:00 EDT**

The Committee will come to order. The Committee is meeting today to consider H. Res. 676, providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States.

Last week, we heard testimony from four constitutional law experts on this important matter. The Committee listened carefully as these experts helped us better understand the issues at hand. After that hearing and upon careful deliberation, the Committee has decided to proceed to the next step in this process. After receiving some feedback, adjustments were made to the draft resolution, which are included in the resolution that I introduced earlier this week. The Committee will consider that resolution today.

This resolution would authorize the Speaker of the House to file a lawsuit against the President on behalf the House of Representatives for failing to faithfully execute the law. The Constitution that we have sworn to uphold provides separate powers for each branch of the federal government so that no single branch can trample upon the liberties of the American people.

Unfortunately, the President has ignored the requirements of the Constitution. Instead, he has selectively enforced the law in some instances, ignored it in others, and at times changed statutes altogether. In these ways, the President has repeatedly encroached on Congress' power to write the law.

This is not the way that our system of government was designed to work. Laws are not a mere list of suggestions from which a President can pick and choose. This lawsuit will call upon the courts to play their vital role in protecting the separation of powers that form a core foundation of our Constitution. Otherwise, this President and future presidents from both parties will have free rein to circumvent Congress and act unilaterally without regard to the rule of law.

Specifically, the President has unilaterally waived work requirements for welfare recipients, ended accountability provisions in No Child Left Behind,

refused to inform Congress of the transfer of the Taliban Five, and ignored the statutory requirements of the Affordable Care Act.

This resolution would authorize the Speaker on behalf the House to sue the president for failing to faithfully execute the Affordable Care Act. Outside experts – including two of our witnesses from last week - believe that this is the option most likely to clear the legal hurdles necessary to succeed in restoring the balance between the branches intended by the Founders.

Our system of government is in a bad place when one branch of government is compelled to sue another branch for failing to play its proper constitutional role. Had the President faithfully executed the laws as written by Congress, this lawsuit would not be necessary. Unfortunately, that is not the direction that this President has chosen.

This lawsuit is a much needed defense of the Constitution and a defense of the role of Congress in our government. If we do not act, our nation will continue to face the very threat that the Constitution is designed to avoid.