

113TH CONGRESS
2^D SESSION

H. RES. 772

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 relating to immigration.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2014

Mr. RICE of South Carolina (for himself, Mr. LAMALFA, and Mr. WEBER of Texas) 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 relating to immigration.

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

Whereas President Obama stated he did not have the legal authority to take executive actions on immigration that he has now subsequently taken;

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 RELATING TO**
 5 **IMMIGRATION.**

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

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

1 (2) The policy of the Department of Homeland
2 Security to exercise further prosecutorial discretion
3 with respect to certain other unlawfully present
4 aliens, as directed in a November 20, 2014, memo-
5 randum issued by Secretary of Homeland Security
6 Jeh Charles Johnson, and related memoranda issued
7 by the executive branch.

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

16 (c) NO EFFECT ON EXISTING AUTHORITY OF SPEAK-
17 ER.—Nothing in this resolution may be construed to affect
18 the authority of the Speaker to initiate any civil action
19 on behalf of the House of Representatives, or to intervene
20 in any civil action on behalf of the House of Representa-
21 tives, pursuant to House Resolution 676, One Hundred
22 Thirteenth Congress.

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