

114TH CONGRESS
2D SESSION

H. RES. 617

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 with respect to the unlawful transfer of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2016

Mr. DUNCAN of South Carolina 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

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 with respect to the unlawful transfer of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

1 *Resolved*, That the Speaker is authorized to initiate
2 or intervene in one or more civil actions on behalf of the
3 House of Representatives in a Federal court of competent
4 jurisdiction to seek any appropriate relief regarding the

1 failure of the President, the head of any department or
2 agency, or any other officer or employee of the executive
3 branch, to act in a manner consistent with that official's
4 duties under the Constitution and laws of the United
5 States with respect to the transfer of any individual de-
6 tained at Guantanamo (as such term is defined in section
7 1034(f)(2) of the National Defense Authorization Act for
8 Fiscal Year 2016 (Public Law 114–92)) in violation of
9 section 1031, 1033, or 1034 of the National Defense Au-
10 thorization Act for Fiscal Year 2016 (Public Law 114–
11 92) or of an appropriations Act. The phrase “appropriate
12 relief” includes but is not limited to all forms of equitable
13 relief, including a declaratory judgment action to deter-
14 mine the meaning of laws and whether they are being
15 obeyed or disobeyed, and a writ of mandamus, temporary
16 restraining order, preliminary injunction, permanent in-
17 junction, and such other relief as is necessary to compel
18 obedience to law.

19 SEC. 2. The Speaker shall notify the House of Rep-
20 resentatives of a decision to initiate or intervene in any
21 civil action pursuant to this resolution.

22 SEC. 3. (a) The Office of the General Counsel of the
23 House of Representatives, at the direction of the Speaker,
24 shall represent the House in any civil action initiated, or
25 in which the House intervenes, pursuant to this resolution,

1 and may employ the services of outside counsel and other
2 experts for this purpose.

3 (b) The chair of the Committee on House Adminis-
4 tration shall cause to be printed in the Congressional
5 Record a statement setting forth the aggregate amounts
6 expended by the Office of General Counsel on outside
7 counsel and other experts pursuant to subsection (a) on
8 a quarterly basis. Such statement shall be submitted for
9 printing not more than 30 days after the expiration of
10 each such period.

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