



Speaker Boehner posts plan to bring lawsuit against President Obama

Per Pergram-Capitol Hill

This lays out the parameters of the lawsuit House Speaker John Boehner (R-OH) intends to file against President Obama. The text of the resolution, authorizing the House to bring the lawsuit, is up on the House Rules Committee website. The Rules Committee will hold its first hearing on the resolution (which must be voted on by the entire House) next Wednesday.

The following is from the Speaker's Office. It accuses the president of executive overreach when it comes to Obamacare and altering the individual mandate and issuing executive orders.

Key Points from Speaker Boehner's office:

- The president's unilateral actions on the health care law's employer mandate will be the focus of the litigation brought by the House. There are many examples of executive overreach by the president, but his actions on the health care law are the ones that give the House the best chance of success in the courts.
- In the case of the health care law's employer mandate, the president changed the law without a vote of Congress, effectively creating his own law by literally waiving the mandate and the penalties for failing to comply with it. He legislated without the Legislative Branch. The Constitution doesn't give presidents the power to do that. No president should have such authority. That's what the House litigation will argue.
- The president likes to create straw men. We aren't arguing that the president shouldn't be able to issue executive orders; all presidents can and should be able to do that. We're arguing that the president shouldn't be able to make his own laws, as he did in the case of the suspension of the employer mandate. It's a very important distinction, a point that Boehner made today.

- A number of folks have looked at the employer mandate and how the president had no authority to waive the law. Here is one example, from Michael Cannon of the CATO Institute [here](#): “[T]he [Obama administration’s] unilateral decision to delay the employer mandate is the latest indication that we do not live under a Rule of Law, but under a Rule of Rulers who write and rewrite laws at whim, without legitimate authority, and otherwise compel behavior to suit their ends. Congress gave neither the IRS nor the president any authority to delay the imposition of the Patient Protection and Affordable Care Act’s employer mandate. In the section of the law creating that mandate, Congress included several provisions indicating the mandate will take effect in 2014. In case those provisions were not clear enough, Section 4980H further clarifies: ‘(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2013.’ It is hard to see how the will of the people’s elected representatives – including President Obama, who signed that effective date into law – could have been expressed more clearly, or how it could be clearer that the IRS has no legitimate power to delay the mandate.”

Boehner statement:

Boehner: This Is About Protecting the Constitution

WASHINGTON, DC – House Speaker John Boehner (R-OH) issued the following statement announcing that the House would initiate legal action over President Obama’s unilateral actions on the health care law’s employer mandate in 2013:

“Today we’re releasing a draft resolution that will authorize the House to file suit over the way President Obama unilaterally changed the employer mandate. In 2013, the president changed the health care law without a vote of Congress, effectively creating his own law by literally waiving the employer mandate and the penalties for failing to comply with it. That’s not the way our system of government was designed to work. No president should have the power to make laws on his or her own.

“As I’ve said, this isn’t about Republicans versus Democrats; it’s about the Legislative Branch versus the Executive Branch, and above all protecting the Constitution. The Constitution states that the president must faithfully execute the laws, and spells out that only the Legislative Branch has the power to legislate. The current president believes he has the power to make his own laws – at times even boasting about it. He has said that if Congress won’t make the laws he wants, he’ll go ahead and make them himself, and in the case of the employer mandate in his health care law, that’s exactly what he did. If this president can get away with making his own laws, future presidents will have the ability to as well. The House has an obligation to stand up for the Legislative Branch, and the Constitution, and that is exactly what we will do.”

NOTE: The president’s unilateral actions on the health care law’s employer mandate will be the focus of the litigation brought by the House (the text of the resolution can be found [here](#)).