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July 23, 2014

The Honorable Louise Slaughter  
Ranking Minority Member  
Committee on Rules  
1627 Longworth House Office Building  
Washington, DC 20515

The Honorable James McGovern  
438 Cannon House Office Building  
Washington, DC 20515

The Honorable Alcee L. Hastings  
2353 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jared Polis  
1433 Longworth House Office Building  
Washington, DC 20515

Dear Mrs. Slaughter and Messrs. McGovern, Hastings, and Polis:

Thank you for your letter dated July 17, 2014, outlining your questions regarding H. Res. 676, which authorizes House litigation. Specifically, you asked to be provided with information regarding the anticipated cost of a lawsuit against the President as well as which accounts would supply such funding. As demonstrated by our nearly five hour hearing last week, it is my intent to conduct this process in a thoughtful and transparent process.

In regard to your first question, it is too early in the process to calculate an exact dollar amount that will be spent on all elements of the litigation process. H. Res. 676 authorizes the Speaker to initiate litigation and authorizes the Office of General Counsel to retain outside counsel or experts, if needed. The resolution does not *require* either action, nor does it authorize or appropriate any new funding. Decisions regarding legal action and whether to retain outside experts would occur *after* passage of H. Res. 676.

However, in the Defense of Marriage Act litigation referenced in your letter, the House of Representatives defended that law in court in close to two-dozen cases across the country. After consultation with the interested parties, I fully expect potential legal action brought under this resolution to be far narrower in scope than that case, which suggests that total litigation costs should be lower as well.

It is also important to note that I anticipate that all contracts surrounding any litigation authorized by this resolution will go through the approval process previously used by the House Administration Committee for Office of General Counsel initiated contracts. Funds spent on outside counsel have been and would continue to be included in the quarterly Statements of Disbursements, which are publically available.

I can more clearly answer your second question. I do not anticipate that any new funds would need to be appropriated in this fiscal year. Funds spent on such litigation would come from the account of the Office of General Counsel, which falls under House accounts. If those previously existing funds were found to be insufficient, the appropriate House officers, in coordination with the Appropriations Committee, could then transfer funds from other House accounts with anticipated savings.

While I am confident that any use of taxpayer money will go through an open and transparent process, we must ensure that the House of Representatives has the flexibility necessary to hire the most qualified experts available to defend the Constitution. A lawsuit against the President for failing to fulfill his constitutional duty to faithfully execute the law is a small price to pay for defending the separation of powers and the American people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pete Sessions', with a long horizontal flourish extending to the right.

Pete Sessions  
Chairman, House Committee on Rules