

117TH CONGRESS
1ST SESSION

H. RES. 596

Impeaching Joseph R. Biden, President of the United States, for usurping Congress's legislative authority and willfully circumventing the express guidance of the United States Supreme Court by extending the COVID-19 eviction moratorium, and other high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 23, 2021

Mrs. GREENE of Georgia (for herself, Mrs. MILLER of Illinois, and Mr. GOSAR) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Joseph R. Biden, President of the United States, for usurping Congress's legislative authority and willfully circumventing the express guidance of the United States Supreme Court by extending the COVID-19 eviction moratorium, and other high crimes and misdemeanors.

1 *Resolved*, That Joseph Robinette Biden, President of
2 the United States, is impeached for usurping Congress's
3 legislative authority and circumventing the express guid-
4 ance of the United States Supreme Court, and other high
5 crimes and misdemeanors, and that the following Articles
6 of Impeachment be exhibited to the United States Senate:

1 Articles of Impeachment exhibited by the House of
2 Representatives of the United States of America in the
3 name of itself and of the people of the United States of
4 America, against Joseph Robinette Biden, in maintenance
5 and support of its impeachment against him for usurping
6 Congressional prerogatives, disregarding and circum-
7 venting the express guidance of the Supreme Court, and
8 for other high crimes and misdemeanors.

9 ARTICLE I: USURPING CONGRESS’S LEGISLATIVE
10 AUTHORITY

11 The Constitution provides that the House of Rep-
12 resentatives “shall have the sole Power of Impeachment”
13 and that the President “shall be removed from Office on
14 Impeachment for, and Conviction of, Treason, Bribery, or
15 other high Crimes and Misdemeanors.”.

16 Further, the Constitution states that “all legislative
17 powers herein granted shall be vested in a Congress of
18 the United States which shall consist of a Senate and a
19 House of Representatives.”.

20 Whereas Congress has the authority to enumerate the
21 powers, duties, and functions to be exercised by agencies,
22 as well as directly counteract, through later legislation,
23 certain agency actions implementing delegated authority.

24 Whereas the Constitution outlines that the “executive
25 Power shall be vested in a President of the United

1 States.”. Thus, the President serves as the chief executive
2 officer of the executive branch of the Federal Government.
3 Any regulations, guidance, or extensions made by execu-
4 tive departments are derived from the executive power of
5 the President and are subject to his discretion.

6 Whereas, in September 2020, the Centers for Disease
7 Control and Prevention (CDC) issued an order tempo-
8 rarily halting residential evictions to stop the spread of
9 COVID–19 under Section 361 of the Public Health Serv-
10 ice Act. According to the Department of Health and
11 Human Services (HHS), Section 361 of the Public Health
12 Service Act (42 U.S.C. 264) gives the Secretary of Health
13 and Human Services the authorization to take measures
14 to prevent the entry and spread of communicable diseases
15 from foreign countries into the United States and between
16 States.

17 Whereas the CDC’s order was extended by the Biden
18 Administration in March 2021 to remain in effect through
19 June 30th, after which it was extended again through July
20 31, 2021.

21 Whereas Justice Kavanaugh expressed on June 29,
22 2021, that Congress—and not the executive branch—is
23 responsible for taking legislative action on the eviction
24 moratorium in response to the COVID–19 pandemic. In
25 fact, Justice Kavanaugh explicitly stated in his opinion

1 that “in my view, clear and specific congressional author-
2 ization (via new legislation) would be necessary for the
3 CDC to extend the moratorium past July 31.”.

4 Whereas, on August 3, 2021, the Centers for Disease
5 Control extended their eviction moratorium until October
6 3, 2021, in direct contradiction to Justice Kavanaugh’s
7 opinion on June 29, 2021.

8 By these actions, President Biden has demonstrated
9 his manifest disrespect for Congress, the American people,
10 and the rule of law by usurping congressional prerogatives
11 explicitly enumerated in the Constitution and reaffirmed
12 by the Supreme Court.

13 ARTICLE II: DISREGARDING AND CIRCUM-
14 VENTING THE JUDICIAL AUTHORITY OF THE SU-
15 PREME COURT OF THE UNITED STATES

16 The Constitution provides that the “judicial Power
17 of the United States shall be vested in one supreme Court,
18 and in such inferior courts as the Congress may from time
19 to time ordain and establish.”.

20 Whereas, on June 29, 2021, Justice Kavanaugh stat-
21 ed in his concurring opinion that the CDC’s eviction mora-
22 torium via administrative order “exceeded [its] statutory
23 authority,” thus making clear that the nationwide morato-
24 rium via administrative order was prima facie invalid be-
25 yond July 31, 2021. Further, Justice Kavanaugh made

1 clear that only an Act of Congress—in his words: “via new
2 legislation”—would be able to extend the moratorium be-
3 yond the end of July.

4 In direct contravention to Justice Kavanaugh’s opin-
5 ion, President Biden empowered CDC Director Dr. Ro-
6 chelle Walensky to extend the moratorium for two months,
7 forcing thousands of landlords to obey an order already
8 declared to be circumspect by Justice Kavanaugh.

9 Whereas congressional Democrats—the majority
10 party in the House of Representatives that controls the
11 schedule of legislative items brought to the floor for con-
12 sideration—failed to hold a roll call vote on the extension
13 of an eviction moratorium before leaving for August re-
14 cess.

15 Combine these facts with the ongoing rental assist-
16 ance provided by Congress and distributed in the State
17 of Georgia over the last eight months:

18 (1) The State of Georgia received \$710 million
19 through from the U.S. Treasury Department
20 through the Federal Emergency Rental Assistance
21 Program.

22 (2) The Georgia Rental Assistance Program
23 has distributed \$14,118,327 to tenants and land-
24 lords as of July 28, which is 2.6 percent of the total
25 amount of funds, according to the Georgia Depart-

1 ment of Community Affairs, the State agency re-
2 sponsible for distributing the money to most Georgia
3 counties.

4 (3) Of the \$710 million allocated to Georgia in
5 the first round of funding, \$552 million has gone to
6 the State Department of Community Affairs, which
7 oversees [several] housing programs in communities
8 like Athens–Clarke that have fewer than 200,000
9 residents. The rest of the money has been distrib-
10 uted by 12 local governments in larger communities.

11 (4) Department of Community Affairs (DCA)
12 Deputy Commissioner for Housing Tonya Curry de-
13 scribes: “We got the rental assistance in January,
14 we stood up our portal on March 8, and we’ve been
15 accepting applications ever since. I think that the
16 perception is that there’s a slow rollout, but we’re
17 receiving applications every day from citizens in
18 need of these funds.”

19 (5) Since starting, the program has paid out
20 slightly more than \$16 million to 4,950 households.
21 In Athens–Clarke, they have received 400 applica-
22 tions and paid rent for 76 households, for a total of
23 \$449,800 paid out so far.

24 (6) More than 22 percent of Georgia renters
25 were not caught up on rent as of July 5, according

1 to data from the Census Bureau, or more than
2 340,000 tenants. According to information from the
3 Athens–Clarke Magistrate Court office, there were
4 134 evictions filed in June—the last month for
5 which data was readily available—with 53 resulting
6 in hearings. Evictions were expected to increase
7 after the end of the Center for Disease Control mor-
8 atorium ended July 31, but a new moratorium ap-
9 plying to counties with widespread COVID went into
10 effect August 3.

11 Whereas the preceding facts demonstrate that suffi-
12 cient Federal funding for rental assistance has been pro-
13 vided, even while disbursement of the funds has lagged.

14 Whereas, in his conduct as President of the United
15 States, in violation of his constitutional oath to faithfully
16 execute the office of President of the United States, and,
17 to the best of his ability, preserve, protect, defend, the
18 Constitution of the United States, and in violation of his
19 constitutional duty to take care that the laws be faithfully
20 executed—Joseph Robinette Biden is guilty of usurping
21 Congress’s authority to make law and circumventing the
22 Supreme Court’s authority to rule on all cases arising
23 under the Constitution.

24 Wherefore President Biden, by such conduct, has
25 demonstrated that he will remain a threat to national se-

1 curity and the Constitution if allowed to remain in office,
2 and has acted in a manner grossly incompatible with self-
3 governance and the rule of law. President Biden thus war-
4 rants impeachment and trial, removal from office, and dis-
5 qualification to hold and enjoy any office of honor, trust,
6 or profit under the United States.

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