

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
	<i>Plaintiff,</i>)	
)	
	v.)	Case No. 14-cv-01967-RMC
)	
SYLVIA MATHEWS BURWELL,)	
in her official capacity as Secretary of the United States)	
Department of Health and Human Services, et al.,)	
)	
	<i>Defendants.</i>)	
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[PROPOSED] ORDER

UPON CONSIDERATION of Plaintiff United States House of Representatives’ Motion for Summary Judgment (“Motion”), including the Memorandum of Points and Authorities in Support; Defendants’ opposition; Plaintiff’s reply; and the entire record herein, it is by this Court this __ day of _____, 2016 ORDERED

That the Motion is GRANTED. As to Count I of the Complaint (Nov. 21, 2014) (ECF No. 1), it is hereby DECLARED

That Defendants’ payments to health insurance issuers, pursuant to Sections 1402 and 1412(c)(3) of the Patient Protection and Affordable Care Act, violate Article 1, section 9, clause 7 of the United States Constitution.

As to Count V of the Complaint, it is hereby DECLARED

That Defendants’ payments to health insurance issuers, pursuant to Sections 1402 and 1412(c)(3) of the Patient Protection and Affordable Care Act, violate the Administrative Procedure Act, 5 U.S.C. § 706(2)(B).

As to Counts I and V of the Complaint, it is further ORDERED

That Defendants Lew and the Treasury Department be and hereby are permanently enjoined from making any payments to health insurance issuers, pursuant to Sections 1402 and 1412(c)(3) of the Patient Protection and Affordable Care Act, unless and until a law appropriating funds for such payments is enacted in accordance with Article I of the United States Constitution.

ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE