AMENDMENT TO
RULES COMMITTEE PRINT 117-13
OFFERED BY MR. GOSAR OF ARIZONA

Add at the end of title LX the following:

SEC. ____ . RESTORATION OF SEPARATION OF POWERS.

(a) Separation of Powers Restoring Rescissions.—

(1) Repeal of war powers resolution.—
The War Powers Resolution (50 U.S.C. 1541 et seq.) is repealed.

(2) Termination of states of emergency.—

(A) In general.—All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency (as defined in section 105 of title 5, United States Code) as a result of the existence of any declaration of national emergency in effect on the date of enactment of this Act are terminated 90 days after such date.

Such termination shall not affect—
(i) any action taken or proceeding pending not finally concluded or determined on such date;

(ii) any action or proceeding based on any act committed prior to such date; or

(iii) any rights or duties that matured or penalties that were incurred prior to such date.

(B) DEFINITION.—For the purpose of this paragraph, the term “national emergency” means a general declaration of emergency made by the President or any other officer or employee of the executive branch.

(3) TERMINATION OF AUTHORITY TO DECLARE EMERGENCY.—To the extent that any Act of Congress in effect on the date of enactment of this Act grants to the President or any other officer or employee of the executive branch the power to declare a national emergency, such power is hereby divested to the Congress alone.

(b) REQUIREMENT OF STATEMENT OF AUTHORITY FOR PRESIDENTIAL ORDERS.—

(1) STATEMENT OF AUTHORITY.—The President shall include with each Presidential order a statement of the specific statutory or constitutional
provision which in fact grants the President the au-
thority claimed for such action.

(2) INVALIDITY OF NONCONFORMING OR-
DERS.—A Presidential order which does not include
the statement required by paragraph (1) is invalid,
to the extent such Presidential order is issued under
authority granted by a congressional enactment.

(c) EFFECT OF PRESIDENTIAL ORDERS.—

(1) LIMITED EFFECT OF PRESIDENTIAL OR-
DERS.—A Presidential order neither constitutes nor
has the force of law and is limited in its application
and effect to the executive branch.

(2) EXCEPTIONS.—Paragraph (1) does not
apply to—

(A) a reprieve or pardon for an offense
against the United States, except in cases of
impeachment;

(B) an order given to military personnel
pursuant to duties specifically related to actions
taken as Commander in Chief of the Armed
Forces; or

(C) a Presidential order citing the specific
congressional enactment relied upon for the au-
 thority exercised in such order and—

(i) issued pursuant to such authority;
(ii) commensurate with the limit imposed by the plain language of such authority; and

(iii) not issued pursuant to a ratified or unratified treaty or bilateral or multilateral agreement which—

(I) violates the ninth or tenth amendments to the Constitution; or

(II) makes a delegation of power to a foreign government or international body when no such delegating authority exists under the Constitution.

(d) STANDING TO CHALLENGE PRESIDENTIAL ORDERS WHICH IMPACT SEPARATION OF POWERS INTEGRITY.— The following persons may bring an action in an appropriate United States court to challenge the validity of any Presidential order which exceeds the power granted to the President by the relevant authorizing statute or the Constitution:

(1) CONGRESS AND ITS MEMBERS.—The House of Representatives, the Senate, any Senator, and any Representative to the House of Representatives, if the challenged Presidential order—

(A) infringes on any power of Congress;
(B) exceeds any power granted by a congressional enactment; or

(C) violates subsection (b) because it does not state the statutory authority which in fact grants the President the power claimed for the action taken in such Presidential order.

(2) STATE AND LOCAL GOVERNMENTS.—The highest governmental official of any State, commonwealth, district, territory, or possession of the United States, or any political subdivision thereof, or the designee of such person, if the challenged Presidential order infringes on the powers afforded to the States under the Constitution.

(3) AGGRIEVED PERSONS.—Any person aggrieved in a liberty or property interest adversely affected directly by the challenged Presidential order.

(e) DEFINITION OF PRESIDENTIAL ORDER.—In this section, the term “Presidential order” means—

(1) any Executive order, Presidential proclamation, or Presidential directive; and

(2) any other Presidential or Executive action by whatever name described purporting to have normative effect outside the executive branch which is
issued under the authority of the President or any other officer or employee of the executive branch.