

## HR 4317

### Separation of Powers Restoration Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** International Affairs

**Introduced:** Jul 1, 2021

**Current Status:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

**Latest Action:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. (Nov 1, 2022)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/4317>

### Sponsor

**Name:** Rep. Gosar, Paul A. [R-AZ-4]

**Party:** Republican • **State:** AZ • **Chamber:** House

### Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boebert, Lauren [R-CO-3]	R · CO		Jul 1, 2021
Rep. Greene, Marjorie Taylor [R-GA-14]	R · GA		Jul 1, 2021
Rep. Massie, Thomas [R-KY-4]	R · KY		Jul 1, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Foreign Affairs Committee	House	Referred To	Jul 1, 2021
Judiciary Committee	House	Referred to	Nov 1, 2022
Rules Committee	House	Referred To	Jul 1, 2021

### Subjects & Policy Tags

#### Policy Area:

International Affairs

### Related Bills

*No related bills are listed.*

## Separation of Powers Restoration Act

This bill restricts the scope of presidential orders. A *presidential order* means any executive order, presidential proclamation, or presidential directive, as well as any other presidential or executive action issued under the authority of the President or other federal officer or employee that purports to effect standards and norms outside of the executive branch.

Specifically, the bill limits the application of a presidential order to the executive branch unless the order is issued pursuant to certain presidential powers under the Constitution or statutory authority. The bill further specifies that the President may not issue an order under a ratified or unratified treaty (or bilateral or multilateral agreement) if the treaty (1) violates constitutional protections for rights retained by the people or powers reserved to the states, or (2) delegates power to a foreign government or international body absent constitutional authority. When issuing a presidential order, the President must cite to the applicable constitutional or statutory authority.

A presidential order without this citation is invalid. Members of Congress, nonfederal government officials, and aggrieved persons may challenge an order's validity on the basis that it exceeds the President's constitutional or statutory authority.

The bill also repeals the War Powers Resolution (a joint resolution that outlines procedures for Congress and the President to participate in decisions to send Armed Forces into hostilities) and terminates emergency authorities available to the President and other federal officers and employees for responding to a declared national emergency.

## Actions Timeline

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- **Nov 1, 2022:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
- **Jul 1, 2021:** Introduced in House
- **Jul 1, 2021:** Referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.