



March 13, 2019

Support the ARTICLE ONE Act, S. 764

On behalf of our activist community, I urge you to contact your representative and ask him or her to cosponsor the Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies (ARTICLE ONE) Act. Introduced by Sen. Mike Lee (R-Utah), the ARTICLE ONE Act would amend the National Emergencies Act of 1976 to require congressional approval of an emergency declaration made by a president.

Over the past several years, there has been a movement in Congress to reassert the original intent of Article I of the Constitution, which vests all lawmaking authority to the Legislative Branch. Congress has, however, ceded some of this authority to the Executive Branch. Regardless of one's view of the legality of the emergency declaration at the southern border, it's essential that Congress reclaim the authority the Constitution provides under Article I.

History shows, regardless of which party a president belongs to, the power of the Executive Branch grows with each successive president. Each president takes the power left by his or her predecessor as a floor, not a ceiling. Although members of Congress from the president's party may cheer such action, the end result is increased executive power, at the expense of Congress, and blurred constitutional lines that pose a greater threat to the individual liberties protected by the Bill of Rights.

Concerned members of Congress have introduced legislation, such as the Regulations From the Executive in Need of Scrutiny (REINS) Act and the Bicameral Congressional Trade Authority Act, to reclaim some of this authority through joint resolutions of approval that would have to be passed by both chambers of Congress and signed by a president to approve a major rule, in the case of the REINS Act, or a unilateral trade action, in the case of the Bicameral Congressional Trade Authority Act, in order for it to take effect.

The ARTICLE ONE Act is similar in approach. Under the ARTICLE ONE Act, a president would still have the power to declare a national emergency, but the declaration of a national emergency will terminate after 30 days, absent the House and Senate passing a joint resolution of

approval. The only exception is if Congress is physically unable to convene. In such a case, the 30-day clock would begin running when Congress does reconvene. For true emergencies, 30 days is ample time for Congress to act.

In the case of the approval of a joint resolution, the national emergency may last for one year after the transmission of the joint resolution to the president. The national emergency may be extended if the president publishes it in the Federal Register and sends Congress an executive order that renews the declaration. Congress would treat renewal of the declaration by the same process as the initial approval. This legislative input is crucial to ensuring unnecessary emergency declarations don't stay on the books for decades, and is a key part of reasserting Article I.

The ARTICLE ONE Act would add reporting requirements on an emergency declaration. This is similar in concept to the reporting requirements under the War Powers Act. The reporting requirements would mandate that the president describe the circumstances of a national emergency, the estimated duration, and a summary of the actions that the administration will take. In the case of a renewal of an emergency declaration, the president would also be required to summarize the actions take under the previous authority. The report would have to be submitted at least every 180 days.

Whether it's the REINS Act, the Bicameral Congressional Trade Authority Act, or the ARTICLE ONE Act, Congress must reclaim its power from the Executive Branch or continue to see its constitutional authority diminished at the hands of executive overreach, of which presidents of both parties are guilty. For these reasons, I urge you to contact your senators and ask them to cosponsor the ARTICLE ONE Act, S. 764.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks