

116TH CONGRESS
1ST SESSION

H. R. 1720

To amend the National Emergencies Act to provide that a national emergency declared by the President terminates 30 days after the declaration unless a joint resolution affirming such declaration is enacted into law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2019

Mr. BIGGS (for himself, Mr. BUCK, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, 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

A BILL

To amend the National Emergencies Act to provide that a national emergency declared by the President terminates 30 days after the declaration unless a joint resolution affirming such declaration is enacted into law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Limiting Emergency
5 Powers Act of 2019”.

1 **SEC. 2. LIMITATION ON DURATION OF NATIONAL EMER-**
2 **GENCY WITHOUT CONGRESSIONAL AP-**
3 **PROVAL.**

4 (a) IN GENERAL.—Section 202 of the National
5 Emergencies Act (50 U.S.C. 1622) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) Any national emergency declared by the Presi-
9 dent in accordance with this title shall terminate if—

10 “(1) there has not been enacted into law a joint
11 resolution affirming the declaration of such national
12 emergency before the date that is 30 days after the
13 date on which such national emergency is declared;

14 “(2) there is enacted into law a joint resolution
15 terminating the emergency; or

16 “(3) the President issues a proclamation termi-
17 nating the emergency.”;

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b)(1) The date on which a national emergency is
21 terminated pursuant to subsection (a) shall be the first
22 occurrence of any of the following dates:

23 “(A) The last date of the period described in
24 subsection (a)(1).

25 “(B) The date specified in any joint resolution
26 referred to in subsection (a)(2).

1 “(C) The date specified in a proclamation by
2 the President terminating the emergency as provided
3 in subsection (a)(3).

4 “(2) Effective on the date of the termination of a na-
5 tional emergency under paragraph (1)—

6 “(A) any amounts reprogrammed or transferred
7 under any provision of law with respect to the emer-
8 gency that remain unobligated on that date shall be
9 returned and made available for the purpose for
10 which such amounts were appropriated;

11 “(B) any contracts entered into under any pro-
12 vision of law for construction relating to the emer-
13 gency shall be terminated unless construction com-
14 menced under the contract before that date; and

15 “(C) any powers or authorities exercised by rea-
16 son of said emergency shall cease to be exercised
17 after that date, except that a termination shall not
18 affect—

19 “(i) any action taken or proceeding pend-
20 ing not finally concluded or determined on such
21 date;

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

1 “(iii) any rights or duties that matured or
2 penalties that were incurred prior to such
3 date.”;

4 (3) in subsection (c)—

5 (A) in paragraph (1) by inserting “or af-
6 firm” after “terminate”; and

7 (B) in paragraph (5) by striking “, sub-
8 section (b) of this section,”; and

9 (4) by striking subsection (d) and inserting the
10 following:

11 “(d) A national emergency declared by the President
12 under section 201, affirmed by a joint resolution under
13 subsection (a)(1), and not otherwise previously termi-
14 nated, shall terminate on the date that is 2 years after
15 the President transmitted to Congress the proclamation
16 declaring the emergency under section 201(a) or Congress
17 affirms a previous renewal pursuant to this subsection,
18 unless—

19 “(1) the President publishes in the Federal
20 Register and transmits to Congress an Executive
21 order renewing the emergency; and

22 “(2) there is enacted into law a joint resolution
23 affirming the renewal of the declaration, according
24 to the requirements of subsection (c), before the ter-

1 mination of the emergency or previous renewal of
2 the emergency.”.

3 (b) APPLICATION TO NATIONAL EMERGENCIES PRE-
4 VIOUSLY DECLARED.—A national emergency declared
5 under section 201 of the National Emergencies Act (50
6 U.S.C. 1621 et seq.) before the date of the enactment of
7 this Act shall be unaffected by the amendments made by
8 this Act except that such emergencies shall terminate on
9 the date that is 2 years after such date of enactment un-
10 less the emergency is renewed under section 201(d) of the
11 National Emergencies Act, as amended by this Act.

○