

Calendar No. 307116TH CONGRESS
1ST SESSION**S. 764****[Report No. 116–159]**

To provide for congressional approval of national emergency declarations,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Mr. LEE (for himself, Mr. GRASSLEY, Mr. TILLIS, Ms. ERNST, Mr. TOOMEY, Mr. JOHNSON, Mr. MORAN, Mr. ALEXANDER, Mr. SASSE, Mr. BLUNT, Mr. PORTMAN, Mr. YOUNG, Mr. ROMNEY, Mr. CRUZ, Mr. WICKER, Mr. CORNYN, Ms. MCSALLY, Mr. ISAKSON, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 18, 2019

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

To provide for congressional approval of national emergency
declarations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Assuring that Robust,
3 Thorough, and Informed Congressional Leadership is Ex-
4 ercised Over National Emergencies Act” or the “ARTI-
5 CLE ONE Act”.

6 **SEC. 2. REQUIREMENTS RELATING TO DECLARATION AND**
7 **RENEWAL OF NATIONAL EMERGENCIES.**

8 Section 201 of the National Emergencies Act (50
9 U.S.C. 1621) is amended to read as follows:

10 **“SEC. 201. DECLARATIONS AND RENEWALS OF NATIONAL**
11 **EMERGENCIES.**

12 “(a) **AUTHORITY TO DECLARE NATIONAL EMER-**
13 **GENCIES.**—With respect to Acts of Congress authorizing
14 the exercise, during the period of a national emergency,
15 of any special or extraordinary power, the President is au-
16 thorized to declare such a national emergency by procla-
17 mation. Such proclamation shall immediately be trans-
18 mitted to Congress and published in the Federal Register.

19 “(b) **SPECIFICATION OF PROVISIONS OF LAW TO BE**
20 **EXERCISED.**—No powers or authorities made available by
21 statute for use during the period of a national emergency
22 shall be exercised unless and until the President specifies
23 the provisions of law under which the President proposes
24 that the President, or other officers will act in—

25 “(1) a proclamation declaring a national emer-
26 gency under subsection (a); or

1 “(2) one or more Executive orders relating to
2 the emergency published in the Federal Register and
3 transmitted to Congress.

4 “(c) TEMPORARY EFFECTIVE PERIODS.—

5 “(1) IN GENERAL.—A declaration of a national
6 emergency under subsection (a), shall last for 30
7 days from the issuance of the proclamation (not
8 counting the day on which the proclamation was
9 issued) and shall terminate when that 30-day period
10 expires unless there is enacted into law a joint reso-
11 lution of approval under section 203 with respect to
12 the proclamation.

13 “(2) EXERCISE OF POWERS AND AUTHORI-
14 TIES.—Any power or authority made available under
15 a provision of law described in subsection (a) and
16 specified pursuant to subsection (b) may be exer-
17 cised for 30 days from the issuance of the proclama-
18 tion or Executive order (not counting the day on
19 which such proclamation or Executive order was
20 issued). That power or authority cannot be exercised
21 once that 30-day period expires, unless there is en-
22 acted into law a joint resolution of approval under
23 section 203 approving—

24 “(A) the proclamation of the national
25 emergency or the Executive order; and

1 “(B) the exercise of the power or authority
2 specified by the President in such proclamation
3 or Executive order.

4 “(3) EXCEPTION IF CONGRESS IS UNABLE TO
5 CONVENE.—If Congress is physically unable to con-
6 vene as a result of an armed attack upon the United
7 States or another national emergency, the 30-day
8 periods described in paragraphs (1) and (2) shall
9 begin on the first day Congress convenes for the
10 first time after the attack or other emergency.

11 “(d) RENEWAL OF NATIONAL EMERGENCIES.—A na-
12 tional emergency declared by the President under sub-
13 section (a) or previously renewed under this subsection,
14 and not already terminated pursuant to subsection (e) or
15 section 202(a), shall terminate on the date that is one year
16 after the President transmitted to Congress the proclama-
17 tion declaring the emergency under subsection (a) or Con-
18 gress approved a previous renewal pursuant to this sub-
19 section, unless—

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

23 “(2) there is enacted into law a joint resolution
24 of approval renewing the emergency pursuant to sec-

1 tion 203 before the termination of the emergency or
2 previous renewal of the emergency.

3 “(e) EFFECT OF FUTURE LAWS.—No law enacted
4 after the date of the enactment of this Act shall supersede
5 this title unless it does so in specific terms, referring to
6 this title; and declaring that the new law supersedes the
7 provisions of this title.”.

8 **SEC. 3. TERMINATION OF NATIONAL EMERGENCIES.**

9 Section 202 of the National Emergencies Act (50
10 U.S.C. 1622) is amended to read as follows:

11 **“SEC. 202. TERMINATION OF NATIONAL EMERGENCIES.**

12 “(a) IN GENERAL.—Any national emergency declared
13 by the President under section 201(a) shall terminate on
14 the earliest of—

15 “(1) the date provided for in section 201(e);

16 “(2) the date on which Congress, by statute,
17 terminates the emergency;

18 “(3) the date on which the President issues a
19 proclamation terminating the emergency; or

20 “(4) the date provided for in section 201(d).

21 “(b) EFFECT OF TERMINATION.—

22 “(1) IN GENERAL.—Effective on the date of the
23 termination of a national emergency under sub-
24 section (a)—

1 “(A) except as provided by paragraph (2);
2 any powers or authorities exercised by reason of
3 the emergency shall cease to be exercised;

4 “(B) any amounts reprogrammed or trans-
5 ferred under any provision of law with respect
6 to the emergency that remain unobligated on
7 that date shall be returned and made available
8 for the purpose for which such amounts were
9 appropriated; and

10 “(C) any contracts entered into under any
11 provision of law for construction relating to the
12 emergency shall be terminated unless construc-
13 tion commenced under the contract before that
14 date.

15 “(2) SAVINGS PROVISION.—Except as specifi-
16 cally provided in subparagraph (B) or (C) of para-
17 graph (1), the termination of a national emergency
18 shall not affect—

19 “(A) any action taken or proceeding pend-
20 ing not finally concluded or determined on the
21 date of the termination under subsection (a);

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

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

4 **SEC. 4. REVIEW BY CONGRESS OF NATIONAL EMER-**
5 **GENCIES.**

6 Title II of the National Emergencies Act (50 U.S.C.
7 1621 et seq.) is amended by adding at the end the fol-
8 lowing:

9 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
10 **GENCIES.**

11 “(a) JOINT RESOLUTIONS OF APPROVAL.—

12 “(1) JOINT RESOLUTION OF APPROVAL DE-
13 FINED.—For purposes of this section, the term
14 ‘joint resolution of approval’ means a joint resolution
15 that contains only the following provisions after its
16 resolving clause—

17 “(A) a provision approving—

18 “(i) a proclamation of a national
19 emergency made under section 201(a);

20 “(ii) an Executive order issued under
21 section 201(b)(2); or

22 “(iii) an Executive order issued under
23 section 201(d); and

24 “(B) a provision approving a list of all or
25 a portion of the provisions of law specified by

1 the President under section 201(b) in the pro-
2 clamations or Executive orders that are the subject
3 of the joint resolution.

4 “(2) PROCEDURES FOR CONSIDERATION OF
5 JOINT RESOLUTIONS OF APPROVAL.—

6 “(A) INTRODUCTION.—After the President
7 transmits to Congress a proclamation declaring
8 a national emergency under section 201(a), or
9 an Executive order renewing an emergency
10 under section 201(d) or specifying emergency
11 powers or authorities under section 201(b)(2), a
12 joint resolution of approval may be introduced
13 in either House of Congress by any member of
14 that House.

15 “(B) REQUESTS TO CONVENE CONGRESS
16 DURING RECESSES.—If, when the President
17 transmits to Congress a proclamation declaring
18 a national emergency under section 201(a), or
19 an Executive order renewing an emergency
20 under section 201(d) or specifying emergency
21 powers or authorities under section 201(b)(2),
22 Congress has adjourned sine die or has ad-
23 journed for any period in excess of 3 calendar
24 days, the Speaker of the House of Representa-
25 tives and the President pro tempore of the Sen-

1 ate, if they deem it advisable (or if petitioned
2 by at least one-third of the membership of their
3 respective Houses) shall jointly request the
4 President to convene Congress in order that it
5 may consider the proclamation or Executive
6 order and take appropriate action pursuant to
7 this section.

8 “(C) COMMITTEE REFERRAL.—A joint res-
9 olution of approval shall be referred in each
10 House of Congress to the committee or commit-
11 tees having jurisdiction over the emergency au-
12 thorities invoked by the proclamation or Execu-
13 tive order that is the subject of the joint resolu-
14 tion.

15 “(D) CONSIDERATION IN SENATE.—In the
16 Senate, the following shall apply:

17 “(i) REPORTING AND DISCHARGE.—If
18 the committee to which a joint resolution
19 of approval has been referred has not re-
20 ported it at the end of 10 calendar days
21 after its introduction, that committee shall
22 be automatically discharged from further
23 consideration of the resolution and it shall
24 be placed on the calendar.

1 “(ii) PROCEEDING TO CONSIDER-
2 ATION.—Notwithstanding Rule XXII of
3 the Standing Rules of the Senate, when
4 the committee to which a joint resolution
5 of approval is referred has reported the
6 resolution, or when that committee is dis-
7 charged under clause (i) from further con-
8 sideration of the resolution, it is at any
9 time thereafter in order (even though a
10 previous motion to the same effect has
11 been disagreed to) for a motion to proceed
12 to the consideration of the joint resolution,
13 and all points of order against the joint
14 resolution (and against consideration of
15 the joint resolution) are waived. The mo-
16 tion to proceed is subject to 4 hours of de-
17 bate divided equally between those favoring
18 and those opposing the joint resolution of
19 approval. The motion is not subject to
20 amendment, or to a motion to postpone, or
21 to a motion to proceed to the consideration
22 of other business.

23 “(iii) FLOOR CONSIDERATION.—A
24 joint resolution of approval shall be subject
25 to 10 hours of debate, to be divided evenly

1 between the proponents and opponents of
2 the resolution.

3 “(iv) AMENDMENTS.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), no amend-
6 ments shall be in order with respect to
7 a joint resolution of approval.

8 “(II) AMENDMENTS TO STRIKE
9 OR ADD SPECIFIED PROVISIONS OF
10 LAW.—Subclause (I) shall not apply
11 with respect to any amendment to
12 strike or add from the list required by
13 paragraph (1)(B) a provision or provi-
14 sions of law specified by the President
15 under section 201(b) in the proclama-
16 tion or Executive order.

17 “(v) MOTION TO RECONSIDER FINAL
18 VOTE.—A motion to reconsider a vote on
19 final passage of a joint resolution of ap-
20 proval shall not be in order.

21 “(vi) APPEALS.—Points of order, in-
22 cluding questions of relevancy, and appeals
23 from the decision of the Presiding Officer,
24 shall be decided without debate.

1 “(E) CONSIDERATION IN HOUSE OF REP-
2 RESENTATIVES.—In the House of Representa-
3 tives, if any committee to which a joint resolu-
4 tion of approval has been referred has not re-
5 ported it to the House at the end of 10 cal-
6 endar days after its introduction, such com-
7 mittee shall be discharged from further consid-
8 eration of the joint resolution, and it shall be
9 placed on the appropriate calendar. On Thurs-
10 days it shall be in order at any time for the
11 Speaker to recognize a Member who favors pas-
12 sage of a joint resolution that has appeared on
13 the calendar for at least 3 calendar days to call
14 up that joint resolution for immediate consider-
15 ation in the House without intervention of any
16 point of order. When so called up a joint resolu-
17 tion shall be considered as read and shall be de-
18 batable for 1 hour equally divided and con-
19 trolled by the proponent and an opponent, and
20 the previous question shall be considered as or-
21 dered to its passage without intervening motion.
22 It shall not be in order to reconsider the vote
23 on passage. If a vote on final passage of the
24 joint resolution has not been taken on or before
25 the close of the tenth calendar day after the

1 resolution is reported by the committee or com-
2 mittees to which it was referred, or after such
3 committee or committees have been discharged
4 from further consideration of the resolution,
5 such vote shall be taken on that day.

6 “(F) RECEIPT OF RESOLUTION FROM
7 OTHER HOUSE.—If, before passing a joint reso-
8 lution of approval, one House receives from the
9 other a joint resolution of approval from the
10 other House, then—

11 “(i) the joint resolution of the other
12 House shall not be referred to a committee
13 and shall be deemed to have been dis-
14 charged from committee on the day it is
15 received; and

16 “(ii) the procedures set forth in sub-
17 paragraphs (D), (E), and (F), as applica-
18 ble, shall apply in the receiving House to
19 the joint resolution received from the other
20 House to the same extent as such proce-
21 dures apply to a joint resolution of the re-
22 ceiving House.

23 “(G) RULE OF CONSTRUCTION.—The en-
24 actment of a joint resolution of approval under
25 this subsection shall not be interpreted to serve

1 as a grant or modification by Congress of statu-
2 tory authority for the emergency powers of the
3 President.

4 “(b) RULES OF THE HOUSE AND SENATE.—Sub-
5 section (a) is enacted by Congress—

6 “(1) as an exercise of the rulemaking power of
7 the Senate and the House of Representatives, re-
8 spectively, and as such is deemed a part of the rules
9 of each House, respectively, but applicable only with
10 respect to the procedure to be followed in the House
11 in the case of joint resolutions of approval, and su-
12 persede other rules only to the extent that it is in-
13 consistent with such other rules; and

14 “(2) with full recognition of the constitutional
15 right of either House to change the rules (so far as
16 relating to the procedure of that House) at any time,
17 in the same manner, and to the same extent as in
18 the case of any other rule of that House.”.

19 **SEC. 5. REPORTING REQUIREMENTS.**

20 Section 401 of the National Emergencies Act (50
21 U.S.C. 1641) is amended by adding at the end the fol-
22 lowing:

23 “(d) REPORT ON EMERGENCIES.—The President
24 shall transmit to Congress, with any proclamation declar-
25 ing a national emergency under section 201(a), or Execu-

1 tive order renewing an emergency under section 201(d)
2 or specifying emergency powers or authorities under sec-
3 tion 201(b)(2), a report, in writing, that includes the fol-
4 lowing:

5 “(1) A description of the circumstances necessi-
6 tating the declaration of a national emergency, the
7 renewal of such an emergency, or the use of a new
8 emergency authority specified in the Executive
9 order, as the case may be.

10 “(2) The estimated duration of the national
11 emergency.

12 “(3) A summary of the actions the President or
13 other officers intend to take, including any re-
14 programming or transfer of funds, and the statutory
15 authorities the President and such officers expect to
16 rely on in addressing the national emergency.

17 “(4) In the case of a renewal of a national
18 emergency, a summary of the actions the President
19 or other officers have taken in the preceding one-
20 year period, including any reprogramming or trans-
21 fer of funds, to address the emergency.

22 “(e) PROVISION OF INFORMATION TO CONGRESS.—
23 The President shall provide to Congress such other infor-
24 mation as Congress may request in connection with any
25 national emergency in effect under title II.

1 “(f) PERIODIC REPORTS ON STATUS OF EMER-
 2 GENCIES.—If the President declares a national emergency
 3 under section 201(a), the President shall, not less fre-
 4 quently than every 180 days for the duration of the emer-
 5 gency, report to Congress on the status of the emergency
 6 and the actions the President or other officers have taken
 7 and authorities the President and such officers have relied
 8 on in addressing the emergency.”.

9 **SEC. 6. CONFORMING AMENDMENTS.**

10 (a) NATIONAL EMERGENCIES ACT.—Title III of the
 11 National Emergencies Act (50 U.S.C. 1631) is repealed.

12 (b) INTERNATIONAL EMERGENCY ECONOMIC POW-
 13 ERS ACT.—Section 207 of the International Emergency
 14 Economic Powers Act (50 U.S.C. 1706) is amended—

15 (1) in subsection (b), by striking “if the na-
 16 tional emergency” and all that follows through
 17 “under this section.” and inserting the following:
 18 “if—

19 “(1) the national emergency is terminated pur-
 20 suant to section 202(a)(2) of the National Emer-
 21 gencies Act; or

22 “(2) a joint resolution of approval is not en-
 23 acted as required by section 203 of that Act to ap-
 24 prove—

25 “(A) the national emergency; or

1 “(B) the exercise of such authorities.”; and
2 (2) in subsection (e)(1), by striking “para-
3 graphs (A), (B), and (C) of section 202(a)” and in-
4 serting “section 202(b)(2)”.

5 **SEC. 7. APPLICABILITY.**

6 (a) **IN GENERAL.**—Except as provided in subsection
7 (b), this Act and the amendments made by this Act shall
8 take effect upon enactment.

9 (b) **APPLICATION TO NATIONAL EMERGENCIES PRE-**
10 **VIOUSLY DECLARED.**—A national emergency declared
11 under section 201 of the National Emergencies Act before
12 the date of the enactment of this Act shall be unaffected
13 by the amendments made by this Act except that such
14 emergencies shall terminate on the date that is one year
15 after such date of enactment unless the emergency is re-
16 newed under subsection (d) of section 201, as amended
17 by section 2 of this Act.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Assuring that Robust,*
20 *Thorough, and Informed Congressional Leadership is Exer-*
21 *cised Over National Emergencies Act” or the “ARTICLE*
22 *ONE Act”.*

1 **SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL EMER-**
 2 **GENCIES.**

3 *Title II of the National Emergencies Act (50 U.S.C.*
 4 *1621 et seq.) is amended by striking sections 201 and 202*
 5 *and inserting the following:*

6 **“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.**

7 *“(a) AUTHORITY TO DECLARE NATIONAL EMER-*
 8 *GENCIES.—With respect to Acts of Congress authorizing the*
 9 *exercise, during the period of a national emergency, of any*
 10 *special or extraordinary power, the President is authorized*
 11 *to declare such a national emergency by proclamation. Such*
 12 *proclamation shall immediately be transmitted to Congress*
 13 *and published in the Federal Register.*

14 *“(b) SPECIFICATION OF PROVISIONS OF LAW TO BE*
 15 *EXERCISED.—No powers or authorities made available by*
 16 *statute for use during the period of a national emergency*
 17 *shall be exercised unless and until the President specifies*
 18 *the provisions of law under which the President proposes*
 19 *that the President or other officers will act in—*

20 *“(1) a proclamation declaring a national emer-*
 21 *gency under subsection (a); or*

22 *“(2) one or more Executive orders relating to the*
 23 *emergency published in the Federal Register and*
 24 *transmitted to Congress.*

25 *“(c) PROHIBITION ON SUBSEQUENT ACTIONS IF*
 26 *EMERGENCIES NOT APPROVED.—*

1 “(1) *SUBSEQUENT DECLARATIONS.*—If a joint
2 *resolution of approval is not enacted under section*
3 *203 with respect to a national emergency before the*
4 *expiration of the 30-day period described in section*
5 *202(a), or with respect to a national emergency pro-*
6 *posed to be renewed under section 202(b), the Presi-*
7 *dent may not, during the remainder of the term of of-*
8 *fice of that President, declare a subsequent national*
9 *emergency under subsection (a) with respect to the*
10 *same circumstances.*

11 “(2) *EXERCISE OF AUTHORITIES.*—If a joint res-
12 *olution of approval is not enacted under section 203*
13 *with respect to a power or authority specified by the*
14 *President in a proclamation under subsection (a) or*
15 *an Executive order under subsection (b)(2) with re-*
16 *spect to a national emergency, the President may not,*
17 *during the remainder of the term of office of that*
18 *President, exercise that power or authority with re-*
19 *spect to that emergency.*

20 “(d) *EFFECT OF FUTURE LAWS.*—No law enacted
21 *after the date of the enactment of this Act shall supersede*
22 *this title unless it does so in specific terms, referring to this*
23 *title, and declaring that the new law supersedes the provi-*
24 *sions of this title.*

1 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
2 **GENCIES.**

3 *“(a) TEMPORARY EFFECTIVE PERIODS.—*

4 *“(1) IN GENERAL.—A declaration of a national*
5 *emergency shall remain in effect for 30 days from the*
6 *issuance of the proclamation under section 201(a)*
7 *(not counting the day on which the proclamation was*
8 *issued) and shall terminate when that 30-day period*
9 *expires unless there is enacted into law a joint resolu-*
10 *tion of approval under section 203 with respect to the*
11 *proclamation.*

12 *“(2) EXERCISE OF POWERS AND AUTHORITIES.—*
13 *Any emergency power or authority made available*
14 *under a provision of law specified pursuant to section*
15 *201(b) may be exercised pursuant to a declaration of*
16 *a national emergency for 30 days from the issuance*
17 *of the proclamation or Executive order (not counting*
18 *the day on which such proclamation or Executive*
19 *order was issued). That power or authority may not*
20 *be exercised after that 30-day period expires unless*
21 *there is enacted into law a joint resolution of ap-*
22 *proval under section 203 approving—*

23 *“(A) the proclamation of the national emer-*
24 *gency or the Executive order; and*

1 “(B) *the exercise of the power or authority*
2 *specified by the President in such proclamation*
3 *or Executive order.*

4 “(3) *EXCEPTION IF CONGRESS IS UNABLE TO*
5 *CONVENE.—If Congress is physically unable to con-*
6 *vene as a result of an armed attack upon the United*
7 *States or another national emergency, the 30-day pe-*
8 *riods described in paragraphs (1) and (2) shall begin*
9 *on the first day Congress convenes for the first time*
10 *after the attack or other emergency.*

11 “(b) *RENEWAL OF NATIONAL EMERGENCIES.—A na-*
12 *tional emergency declared by the President under section*
13 *201(a) or previously renewed under this subsection, and not*
14 *already terminated pursuant to subsection (a) or (c), shall*
15 *terminate on the date that is one year after the President*
16 *transmitted to Congress the proclamation declaring the*
17 *emergency or Congress approved a previous renewal pursu-*
18 *ant to this subsection, unless—*

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

22 “(2) *there is enacted into law a joint resolution*
23 *of approval renewing the emergency pursuant to sec-*
24 *tion 203 before the termination of the emergency or*
25 *previous renewal of the emergency.*

1 “(c) *TERMINATION OF NATIONAL EMERGENCIES.*—

2 “(1) *IN GENERAL.*—*Any national emergency de-*
3 *clared by the President under section 201(a) shall ter-*
4 *minate on the earliest of—*

5 “(A) *the date provided for in subsection (a);*

6 “(B) *the date provided for in subsection (b);*

7 “(C) *the date specified in an Act of Con-*
8 *gress terminating the emergency; or*

9 “(D) *the date specified in a proclamation of*
10 *the President terminating the emergency.*

11 “(2) *EFFECT OF TERMINATION.*—

12 “(A) *IN GENERAL.*—*Effective on the date of*
13 *the termination of a national emergency under*
14 *paragraph (1)—*

15 “(i) *except as provided by subpara-*
16 *graph (B), any powers or authorities exer-*
17 *cised by reason of the emergency shall cease*
18 *to be exercised;*

19 “(ii) *any amounts reprogrammed or*
20 *transferred under any provision of law with*
21 *respect to the emergency that remain unob-*
22 *ligated on that date shall be returned and*
23 *made available for the purpose for which*
24 *such amounts were appropriated; and*

1 “(iii) any contracts entered into under
2 any provision of law for construction relat-
3 ing to the emergency shall be terminated.

4 “(B) SAVINGS PROVISION.—The termination
5 of a national emergency shall not affect—

6 “(i) any legal action taken or pending
7 legal proceeding not finally concluded or de-
8 termined on the date of the termination
9 under paragraph (1);

10 “(ii) any legal action or legal pro-
11 ceeding based on any act committed prior
12 to that date; or

13 “(iii) any rights or duties that ma-
14 tured or penalties that were incurred prior
15 to that date.

16 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
17 **GENCIES.**

18 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—In
19 this section, the term ‘joint resolution of approval’ means
20 a joint resolution that contains only the following provi-
21 sions after its resolving clause:

22 “(1) A provision approving—

23 “(A) a proclamation of a national emer-
24 gency made under section 201(a);

1 “(B) an Executive order issued under sec-
2 tion 201(b)(2); or

3 “(C) an Executive order issued under sec-
4 tion 202(b).

5 “(2) A provision approving a list of all or a por-
6 tion of the provisions of law specified by the President
7 under section 201(b) in the proclamation or Executive
8 order that is the subject of the joint resolution.

9 “(b) PROCEDURES FOR CONSIDERATION OF JOINT
10 RESOLUTIONS OF APPROVAL.—

11 “(1) INTRODUCTION.—After the President trans-
12 mits to Congress a proclamation declaring a national
13 emergency under section 201(a), or an Executive
14 order specifying emergency powers or authorities
15 under section 201(b)(2) or renewing a national emer-
16 gency under section 202(b), a joint resolution of ap-
17 proval may be introduced in either House of Congress
18 by any member of that House.

19 “(2) REQUESTS TO CONVENE CONGRESS DURING
20 RECESSES.—If, when the President transmits to Con-
21 gress a proclamation declaring a national emergency
22 under section 201(a), or an Executive order speci-
23 fying emergency powers or authorities under section
24 201(b)(2) or renewing a national emergency under
25 section 202(b), Congress has adjourned sine die or has

1 *adjourned for any period in excess of 3 calendar days,*
2 *the majority leader of the Senate and the Speaker of*
3 *the House of Representatives, or their respective des-*
4 *ignees, acting jointly after consultation with and with*
5 *the concurrence of the minority leader of the Senate*
6 *and the minority leader of the House, shall notify the*
7 *Members of the Senate and House, respectively, to re-*
8 *assemble at such place and time as they may des-*
9 *ignate if, in their opinion, the public interest shall*
10 *warrant it.*

11 “(3) *COMMITTEE REFERRAL.*—*A joint resolution*
12 *of approval shall be referred in each House of Con-*
13 *gress to the committee or committees having jurisdic-*
14 *tion over the emergency authorities invoked by the*
15 *proclamation or Executive order that is the subject of*
16 *the joint resolution.*

17 “(4) *CONSIDERATION IN SENATE.*—*In the Sen-*
18 *ate, the following shall apply:*

19 “(A) *REPORTING AND DISCHARGE.*—*If the*
20 *committee to which a joint resolution of ap-*
21 *proval has been referred has not reported it at*
22 *the end of 10 calendar days after its introduc-*
23 *tion, that committee shall be automatically dis-*
24 *charged from further consideration of the resolu-*
25 *tion and it shall be placed on the calendar.*

1 “(B) *PROCEEDING TO CONSIDERATION.*—
2 *Notwithstanding Rule XXII of the Standing*
3 *Rules of the Senate, when the committee to which*
4 *a joint resolution of approval is referred has re-*
5 *ported the resolution, or when that committee is*
6 *discharged under subparagraph (A) from further*
7 *consideration of the resolution, it is at any time*
8 *thereafter in order (even though a previous mo-*
9 *tion to the same effect has been disagreed to) for*
10 *a motion to proceed to the consideration of the*
11 *joint resolution, and all points of order against*
12 *the joint resolution (and against consideration of*
13 *the joint resolution) are waived. The motion to*
14 *proceed is subject to 4 hours of debate divided*
15 *equally between those favoring and those oppos-*
16 *ing the joint resolution of approval. The motion*
17 *is not subject to amendment, or to a motion to*
18 *postpone, or to a motion to proceed to the consid-*
19 *eration of other business.*

20 “(C) *FLOOR CONSIDERATION.*—*A joint reso-*
21 *lution of approval shall be subject to 10 hours of*
22 *consideration, to be divided evenly between the*
23 *proponents and opponents of the resolution.*

24 “(D) *AMENDMENTS.*—

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), no amendments shall be in*
3 *order with respect to a joint resolution of*
4 *approval.*

5 “(ii) *AMENDMENTS TO STRIKE OR ADD*
6 *SPECIFIED PROVISIONS OF LAW.*—*Clause (i)*
7 *shall not apply with respect to any amend-*
8 *ment—*

9 “(I) *to strike a provision or provi-*
10 *sions of law from the list required by*
11 *subsection (a)(2); or*

12 “(II) *to add to that list a provi-*
13 *sion or provisions of law specified by*
14 *the President under section 201(b) in*
15 *the proclamation or Executive order*
16 *that is the subject of the joint resolu-*
17 *tion of approval.*

18 “(E) *MOTION TO RECONSIDER FINAL*
19 *VOTE.*—*A motion to reconsider a vote on passage*
20 *of a joint resolution of approval shall not be in*
21 *order.*

22 “(F) *APPEALS.*—*Points of order, including*
23 *questions of relevancy, and appeals from the de-*
24 *cision of the Presiding Officer, shall be decided*
25 *without debate.*

1 “(5) *CONSIDERATION IN HOUSE OF REPRESENTA-*
2 *TIVES.—In the House of Representatives, if any com-*
3 *mittee to which a joint resolution of approval has*
4 *been referred has not reported it to the House at the*
5 *end of 10 calendar days after its introduction, such*
6 *committee shall be discharged from further consider-*
7 *ation of the joint resolution, and it shall be placed on*
8 *the appropriate calendar. On Thursdays it shall be in*
9 *order at any time for the Speaker to recognize a*
10 *Member who favors passage of a joint resolution that*
11 *has appeared on the calendar for at least 3 calendar*
12 *days to call up that joint resolution for immediate*
13 *consideration in the House without intervention of*
14 *any point of order. When so called up a joint resolu-*
15 *tion shall be considered as read and shall be debatable*
16 *for 1 hour equally divided and controlled by the pro-*
17 *ponent and an opponent, and the previous question*
18 *shall be considered as ordered to its passage without*
19 *intervening motion. It shall not be in order to recon-*
20 *sider the vote on passage. If a vote on final passage*
21 *of the joint resolution has not been taken on or before*
22 *the close of the tenth calendar day after the resolution*
23 *is reported by the committee or committees to which*
24 *it was referred, or after such committee or committees*

1 *have been discharged from further consideration of the*
2 *resolution, such vote shall be taken on that day.*

3 “(6) *RECEIPT OF RESOLUTION FROM OTHER*
4 *HOUSE.—If, before passing a joint resolution of ap-*
5 *proval, one House receives from the other a joint reso-*
6 *lution of approval from the other House, then—*

7 “(A) *the joint resolution of the other House*
8 *shall not be referred to a committee and shall be*
9 *deemed to have been discharged from committee*
10 *on the day it is received; and*

11 “(B) *the procedures set forth in paragraphs*
12 *(3), (4), and (5), as applicable, shall apply in*
13 *the receiving House to the joint resolution re-*
14 *ceived from the other House to the same extent*
15 *as such procedures apply to a joint resolution of*
16 *the receiving House.*

17 “(c) *RULE OF CONSTRUCTION.—The enactment of a*
18 *joint resolution of approval under this section shall not be*
19 *interpreted to serve as a grant or modification by Congress*
20 *of statutory authority for the emergency powers of the Presi-*
21 *dent.*

22 “(d) *RULES OF THE HOUSE AND SENATE.—This sec-*
23 *tion is enacted by Congress—*

24 “(1) *as an exercise of the rulemaking power of*
25 *the Senate and the House of Representatives, respec-*

1 *tively, and as such is deemed a part of the rules of*
 2 *each House, respectively, but applicable only with re-*
 3 *spect to the procedure to be followed in the House in*
 4 *the case of joint resolutions described in this section,*
 5 *and supersedes other rules only to the extent that it*
 6 *is inconsistent with such other rules; and*

7 *“(2) with full recognition of the constitutional*
 8 *right of either House to change the rules (so far as re-*
 9 *lating to the procedure of that House) at any time,*
 10 *in the same manner, and to the same extent as in the*
 11 *case of any other rule of that House.*

12 **“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMER-**
 13 **GENCIES INVOKING INTERNATIONAL EMER-**
 14 **GENCY ECONOMIC POWERS ACT.**

15 *“(a) IN GENERAL.—In the case of a national emer-*
 16 *gency described in subsection (b), the provisions of this Act,*
 17 *as in effect on the day before the date of the enactment of*
 18 *the Assuring that Robust, Thorough, and Informed Congres-*
 19 *sional Leadership is Exercised Over National Emergencies*
 20 *Act, shall continue to apply on and after such date of enact-*
 21 *ment.*

22 *“(b) NATIONAL EMERGENCY DESCRIBED.—*

23 *“(1) IN GENERAL.—A national emergency de-*
 24 *scribed in this subsection is a national emergency*
 25 *pursuant to which the President proposes to exercise*

1 *emergency powers or authorities made available*
2 *under the International Emergency Economic Powers*
3 *Act (50 U.S.C. 1701 et seq.), supplemented as nec-*
4 *essary by a provision of law specified in paragraph*
5 *(2).*

6 “(2) *PROVISIONS OF LAW SPECIFIED.*—*The pro-*
7 *visions of law specified in this paragraph are—*

8 “(A) *the United Nations Participation Act*
9 *of 1945 (22 U.S.C. 287 et seq.);*

10 “(B) *section 212(f) of the Immigration and*
11 *Nationality Act (8 U.S.C. 1182(f)); or*

12 “(C) *any provision of law that authorizes*
13 *the implementation, imposition, or enforcement*
14 *of economic sanctions with respect to a foreign*
15 *country.*

16 “(c) *EFFECT OF ADDITIONAL POWERS AND AUTHORI-*
17 *TIES.*—*Subsection (a) shall not apply to a national emer-*
18 *gency or the exercise of emergency powers and authorities*
19 *pursuant to the national emergency if, in addition to the*
20 *exercise of emergency powers and authorities described in*
21 *subsection (b), the President proposes to exercise, pursuant*
22 *to the national emergency, any emergency powers and au-*
23 *thorities under any other provision of law.”.*

1 **SEC. 3. REPORTING REQUIREMENTS.**

2 *Section 401 of the National Emergencies Act (50*
3 *U.S.C. 1641) is amended by adding at the end the following:*

4 *“(d) REPORT ON EMERGENCIES.—The President shall*
5 *transmit to Congress, with any proclamation declaring a*
6 *national emergency under section 201(a) or any Executive*
7 *order specifying emergency powers or authorities under sec-*
8 *tion 201(b)(2) or renewing a national emergency under sec-*
9 *tion 202(b), a report, in writing, that includes the fol-*
10 *lowing:*

11 *“(1) A description of the circumstances necessi-*
12 *tating the declaration of a national emergency, the re-*
13 *newal of such an emergency, or the use of a new*
14 *emergency authority specified in the Executive order,*
15 *as the case may be.*

16 *“(2) The estimated duration of the national*
17 *emergency, or a statement that the duration of the*
18 *national emergency cannot reasonably be estimated at*
19 *the time of transmission of the report.*

20 *“(3) A summary of the actions the President or*
21 *other officers intend to take, including any re-*
22 *programming or transfer of funds, and the statutory*
23 *authorities the President and such officers expect to*
24 *rely on in addressing the national emergency.*

25 *“(4) In the case of a renewal of a national emer-*
26 *gency, a summary of the actions the President or*

1 *other officers have taken in the preceding one-year pe-*
 2 *riod, including any reprogramming or transfer of*
 3 *funds, to address the emergency.*

4 *“(e) PROVISION OF INFORMATION TO CONGRESS.—The*
 5 *President shall provide to Congress such other information*
 6 *as Congress may request in connection with any national*
 7 *emergency in effect under title II.*

8 *“(f) PERIODIC REPORTS ON STATUS OF EMER-*
 9 *GENCIES.—If the President declares a national emergency*
 10 *under section 201(a), the President shall, not less frequently*
 11 *than every 6 months for the duration of the emergency, re-*
 12 *port to Congress on the status of the emergency and the ac-*
 13 *tions the President or other officers have taken and authori-*
 14 *ties the President and such officers have relied on in ad-*
 15 *dresssing the emergency.”.*

16 **SEC. 4. EXCLUSION OF IMPOSITION OF DUTIES AND IM-**
 17 **PORT QUOTAS FROM PRESIDENTIAL AU-**
 18 **THORITIES UNDER INTERNATIONAL EMER-**
 19 **GENCY ECONOMIC POWERS ACT.**

20 *Section 203 of the International Emergency Economic*
 21 *Powers Act (50 U.S.C. 1702) is amended—*

22 (1) *by redesignating subsection (c) as subsection*
 23 *(d); and*

24 (2) *by inserting after subsection (b) the fol-*
 25 *lowing:*

1 “(c)(1) *The authority granted to the President by this*
2 *section does not include the authority to impose duties or*
3 *tariff-rate quotas or (subject to paragraph (2)) other quotas*
4 *on articles entering the United States.*

5 “(2) *The limitation under paragraph (1) does not pro-*
6 *hibit the President from excluding all articles imported*
7 *from a country from entering the United States.”.*

8 **SEC. 5. CONFORMING AMENDMENTS.**

9 (a) *NATIONAL EMERGENCIES ACT.*—*Title III of the*
10 *National Emergencies Act (50 U.S.C. 1631) is repealed.*

11 (b) *INTERNATIONAL EMERGENCY ECONOMIC POWERS*
12 *ACT.*—*Section 207 of the International Emergency Eco-*
13 *nomic Powers Act (50 U.S.C. 1706) is amended—*

14 (1) *in subsection (b), by striking “concurrent res-*
15 *olution” and inserting “joint resolution”; and*

16 (2) *by adding at the end the following:*

17 “(e) *In this section, the term ‘National Emergencies*
18 *Act’ means the National Emergencies Act, as in effect on*
19 *the day before the date of the enactment of the Assuring*
20 *that Robust, Thorough, and Informed Congressional Lead-*
21 *ership is Exercised Over National Emergencies Act.”.*

22 **SEC. 6. EFFECTIVE DATE; APPLICABILITY.**

23 (a) *IN GENERAL.*—*This Act and the amendments*
24 *made by this Act shall—*

1 (1) *take effect on the date of the enactment of*
2 *this Act; and*

3 (2) *except as provided in subsection (b), apply*
4 *with respect to national emergencies declared under*
5 *section 201 of the National Emergencies Act on or*
6 *after that date.*

7 (b) *APPLICABILITY TO RENEWALS OF EXISTING EMER-*
8 *GENCIES.—When a national emergency declared under sec-*
9 *tion 201 of the National Emergencies Act before the date*
10 *of the enactment of this Act would expire or be renewed*
11 *under section 202(d) of that Act (as in effect on the day*
12 *before such date of enactment), that national emergency*
13 *shall be subject to the requirements for renewal under sec-*
14 *tion 202(b) of that Act, as amended by section 2.*

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116TH CONGRESS
1ST Session

S. 764

[Report No. 116-159]

A BILL

To provide for congressional approval of national emergency declarations, and for other purposes.

NOVEMBER 18, 2019

Reported with an amendment