

[118H3988RH]

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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To provide for congressional approval of national emergency declarations.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

A BILL

To provide for congressional approval of national emergency
declarations.

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 “Assuring that Robust,
5 Thorough, and Informed Congressional Leadership is Ex-
6 ercised Over National Emergencies Act” or the “ARTI-
7 CLE ONE Act”.

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

3 The National Emergencies Act (50 U.S.C. 1621 et
4 seq.) is amended by inserting after title I the following:

5 **“TITLE II—DECLARATIONS OF**
6 **FUTURE NATIONAL EMER-**
7 **GENCIES**

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

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

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

22 “(1) a proclamation declaring a national emer-
23 gency under subsection (a); or

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

1 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
2 EMERGENCIES NOT APPROVED.—

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

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

22 “(d) EFFECT OF FUTURE LAWS.—No law enacted
23 after the date of the enactment of this Act shall supersede
24 this title unless it does so in specific terms, referring to

1 this title, and declaring that the new law supersedes the
2 provisions of this title.

3 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
4 **GENCIES.**

5 “(a) TEMPORARY EFFECTIVE PERIODS.—

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

14 “(2) EXERCISE OF POWERS AND AUTHORI-
15 TIES.—Any emergency power or authority made
16 available under a provision of law specified pursuant
17 to section 201(b) may be exercised pursuant to a
18 declaration of a national emergency for a period of
19 30 calendar days from the issuance of the proclama-
20 tion or Executive order (not counting the day on
21 which such proclamation or Executive order was
22 issued). That power or authority may not be exer-
23 cised after such period expires unless there is en-
24 acted into law a joint resolution of approval under
25 section 203 approving—

1 “(A) the proclamation of the national
2 emergency or the Executive order; and

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

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

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

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

24 “(2) there is enacted into law a joint resolution
25 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 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

4 “(1) IN GENERAL.—Any national emergency
5 declared by the President under section 201(a) shall
6 terminate on the earliest of—

7 “(A) the date provided for in subsection
8 (a);

9 “(B) the date provided for in subsection
10 (b);

11 “(C) the date specified in an Act of Con-
12 gress terminating the emergency; or

13 “(D) the date specified in a proclamation
14 of the President terminating the emergency.

15 “(2) EFFECT OF TERMINATION.—

16 “(A) IN GENERAL.—Effective on the date
17 of the termination of a national emergency
18 under paragraph (1)—

19 “(i) except as provided by subpara-
20 graph (B), any powers or authorities exer-
21 cised by reason of the emergency shall
22 cease to be exercised;

23 “(ii) any amounts reprogrammed or
24 transferred under any provision of law
25 with respect to the emergency that remain

1 unobligated on that date shall be returned
2 and made available for the purpose for
3 which such amounts were appropriated;
4 and

5 “(iii) any contracts entered into pur-
6 suant to authorities provided as a result of
7 the emergency shall be terminated.

8 “(B) SAVINGS PROVISION.—The termi-
9 nation of a national emergency shall not af-
10 fect—

11 “(i) any legal action taken or pending
12 legal proceeding not finally concluded or
13 determined on the date of the termination
14 under paragraph (1);

15 “(ii) any legal action or legal pro-
16 ceeding based on any act committed prior
17 to that date; or

18 “(iii) any rights or duties that ma-
19 tured or penalties that were incurred prior
20 to that date.

21 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
22 **GENCIES.**

23 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—
24 In this section, the term ‘joint resolution of approval’

1 means a joint resolution that contains only the following
2 provisions after its resolving clause:

3 “(1) A provision approving—

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

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

8 “(C) an Executive order issued under sec-
9 tion 202(b).

10 “(2) A provision approving a list of all or a por-
11 tion of the provisions of law specified by the Presi-
12 dent under section 201(b) in the proclamation or
13 Executive order that is the subject of the joint reso-
14 lution.

15 “(b) PROCEDURES FOR CONSIDERATION OF JOINT
16 RESOLUTIONS OF APPROVAL.—

17 “(1) INTRODUCTION.—After the President
18 transmits to Congress a proclamation declaring a
19 national emergency under section 201(a), or an Ex-
20 ecutive order specifying emergency powers or au-
21 thorities under section 201(b)(2) or renewing a na-
22 tional emergency under section 202(b), a joint reso-
23 lution of approval may be introduced in either House
24 of Congress by any member of that House.

1 “(2) REQUESTS TO CONVENE CONGRESS DUR-
2 ING RECESSES.—If, when the President transmits to
3 Congress a proclamation declaring a national emer-
4 gency under section 201(a), or an Executive order
5 specifying emergency powers or authorities under
6 section 201(b)(2) or renewing a national emergency
7 under section 202(b), Congress has adjourned sine
8 die or has adjourned for any period in excess of 3
9 calendar days, the majority leader of the Senate and
10 the Speaker of the House of Representatives, or
11 their respective designees, acting jointly after con-
12 sultation with and the concurrence of the minority
13 leader of the Senate and the minority leader of the
14 House, shall notify the Members of the Senate and
15 House, respectively, to reassemble at such place and
16 time as they may designate if, in their opinion, the
17 public interest shall warrant it.

18 “(3) CONSIDERATION IN SENATE.—In the Sen-
19 ate, the following shall apply:

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

1 charged from further consideration of the reso-
2 lution and it shall be placed on the calendar.

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

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

1 tween the proponents and opponents of the res-
2 olution.

3 “(D) AMENDMENTS.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), no amendments shall
6 be in order with respect to a joint resolu-
7 tion of approval.

8 “(ii) AMENDMENTS TO STRIKE OR
9 ADD SPECIFIED PROVISIONS OF LAW.—
10 Clause (i) shall not apply with respect to
11 any amendment—

12 “(I) to strike a provision or pro-
13 visions of law from the list required
14 by subsection (a)(2); or

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

21 “(E) MOTION TO RECONSIDER FINAL
22 VOTE.—A motion to reconsider a vote on pas-
23 sage of a joint resolution of approval shall not
24 be in order.

1 “(F) APPEALS.—Points of order, including
2 questions of relevancy, and appeals from the de-
3 cision of the Presiding Officer, shall be decided
4 without debate.

5 “(4) CONSIDERATION IN HOUSE OF REP-
6 RESENTATIVES.—In the House of Representatives,
7 the following shall apply:

8 “(A) REPORTING AND DISCHARGE.—If the
9 committee to which a joint resolution of ap-
10 proval has been referred has not reported it to
11 the House within 10 calendar days after the
12 date of referral, such committee shall be dis-
13 charged from further consideration of the joint
14 resolution.

15 “(B) PROCEEDING TO CONSIDERATION.—

16 “(i) IN GENERAL.—Beginning on the
17 third legislative day after the committee to
18 which a joint resolution of approval has
19 been referred reports it to the House or
20 has been discharged from further consider-
21 ation, and except as provided in clause (ii),
22 it shall be in order to move to proceed to
23 consider the joint resolution in the House.
24 The previous question shall be considered
25 as ordered on the motion to its adoption

1 without intervening motion. The motion
2 shall not be debatable. A motion to recon-
3 sider the vote by which the motion is dis-
4 posed of shall not be in order.

5 “(ii) SUBSEQUENT MOTIONS TO PRO-
6 CEED TO JOINT RESOLUTION OF AP-
7 PROVAL.—A motion to proceed to consider
8 a joint resolution of approval shall not be
9 in order after the House has disposed of
10 another motion to proceed on that resolu-
11 tion.

12 “(C) FLOOR CONSIDERATION.—Upon
13 adoption of the motion to proceed in accordance
14 with subparagraph (B)(i), the joint resolution
15 of approval shall be considered as read. The
16 previous question shall be considered as ordered
17 on the joint resolution to final passage without
18 intervening motion except two hours of debate,
19 which shall include debate on any amendments,
20 equally divided and controlled by the sponsor of
21 the joint resolution (or a designee) and an op-
22 ponent. A motion to reconsider the vote on pas-
23 sage of the joint resolution shall not be in
24 order.

25 “(D) AMENDMENTS.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), no amendments shall
3 be in order with respect to a joint resolu-
4 tion of approval.

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

9 “(I) to strike a provision or pro-
10 visions of law from the list required
11 by 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.

18 “(5) RECEIPT OF RESOLUTION FROM OTHER
19 HOUSE.—If, before passing a joint resolution of ap-
20 proval, one House receives from the other a joint
21 resolution of approval from the other House, then—

22 “(A) the joint resolution of the other
23 House shall not be referred to a committee and
24 shall be deemed to have been discharged from
25 committee on the day it is received; and

1 “(B) the procedures set forth in para-
2 graphs (3) and (4), as applicable, shall apply in
3 the receiving House to the joint resolution re-
4 ceived from the other House to the same extent
5 as such procedures apply to a joint resolution of
6 the receiving House.

7 “(c) RULE OF CONSTRUCTION.—The enactment of a
8 joint resolution of approval under this section shall not
9 be interpreted to serve as a grant or modification by Con-
10 gress of statutory authority for the emergency powers of
11 the President.

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

14 “(1) as an exercise of the rulemaking power of
15 the Senate and the House of Representatives, re-
16 spectively, and as such is deemed a part of the rules
17 of each House, respectively, but applicable only with
18 respect to the procedure to be followed in the House
19 in the case of joint resolutions described in this sec-
20 tion, and supersedes other rules only to the extent
21 that it is inconsistent with such other rules; and

22 “(2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **“SEC. 204. APPLICABILITY.**

4 “This title shall apply to a national emergency pursu-
5 ant to which the President proposes to exercise emergency
6 powers or authorities made available under any provision
7 of law that is not a provision of law described in section
8 604(a).”.

9 **SEC. 3. REPORTING REQUIREMENTS.**

10 Section 401 of the National Emergencies Act (50
11 U.S.C. 1641) is amended—

12 (1) in subsection (c)—

13 (A) in the first sentence by inserting “,
14 and make publicly available” after “transmit to
15 Congress”; and

16 (B) in the second sentence by inserting “,
17 and make publicly available,” before “a final re-
18 port”; and

19 (2) by adding at the end the following:

20 “(d) REPORT ON EMERGENCIES.—The President
21 shall transmit to the entities described in subsection (g),
22 with any proclamation declaring a national emergency
23 under section 201(a) or any Executive order specifying
24 emergency powers or authorities under section 201(b)(2)

1 or renewing a national emergency under section 202(b),
2 a report, in writing, that includes the following:

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

8 “(2) The estimated duration of the national
9 emergency, or a statement that the duration of the
10 national emergency cannot reasonably be estimated
11 at the time of transmission of the report.

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) The total expenditures estimated to be in-
18 curred by the United States Government during
19 such six-month period which are directly attributable
20 to the exercise of powers and authorities conferred
21 by such declaration.

22 “(5) In the case of a renewal of a national
23 emergency, a summary of the actions the President
24 or other officers have taken in the preceding one-

1 year period, including any reprogramming or trans-
2 fer of funds, to address the emergency.

3 “(e) PROVISION OF INFORMATION TO CONGRESS.—
4 The President shall provide to the entities described in
5 subsection (g) such other information as such entities may
6 request in connection with any national emergency in ef-
7 fect 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 fre-
11 quently than every 6 months for the duration of the emer-
12 gency, report to the entities described in subsection (g)
13 on the status of the emergency, the total expenditures in-
14 curred by the United States Government, and the actions
15 the President or other officers have taken and authorities
16 the President and such officers have relied on in address-
17 ing the emergency.

18 “(g) ENTITIES DESCRIBED.—The entities described
19 in this subsection are—

20 “(1) the Speaker of the House of Representa-
21 tives;

22 “(2) minority leader of the House of Represent-
23 atives;

24 “(3) the Committee on Transportation and In-
25 frastructure of the House of Representatives; and

1 “(4) the Committee on Homeland Security and
2 Governmental Affairs of the Senate.”.

3 **SEC. 4. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES**
4 **INVOKING INTERNATIONAL EMERGENCY**
5 **ECONOMIC POWERS ACT.**

6 (a) IN GENERAL.—The National Emergencies Act
7 (50 U.S.C. 1601 et seq.) is further amended by adding
8 at the end the following:

9 **“TITLE VI—DECLARATIONS OF**
10 **CERTAIN EMERGENCIES IN-**
11 **VOKING INTERNATIONAL**
12 **EMERGENCY ECONOMIC POW-**
13 **ERS ACT**

14 **“SEC. 604. APPLICABILITY.**

15 “(a) IN GENERAL.—This title shall apply to a na-
16 tional emergency pursuant to which the President pro-
17 poses to exercise emergency powers or authorities made
18 available under the International Emergency Economic
19 Powers Act (50 U.S.C. 1701 et seq.).

20 “(b) EFFECT OF ADDITIONAL POWERS AND AU-
21 THORITIES.—This title shall not apply to a national emer-
22 gency or the exercise of emergency powers and authorities
23 pursuant to the national emergency if, in addition to the
24 exercise of emergency powers and authorities described in
25 subsection (a), the President proposes to exercise, pursu-

1 ant to the national emergency, any emergency powers and
2 authorities under any other provision of law.”.

3 (b) TRANSFER.—Sections 201, 202, and 301 of the
4 National Emergencies Act (50 U.S.C. 1601 et seq.), as
5 such sections appeared on the day before the date of en-
6 actment of this Act, are—

7 (1) transferred to title VI of such Act (as added
8 by subsection (a));

9 (2) inserted before section 604 of such title (as
10 added by subsection (a)); and

11 (3) redesignated as sections 601, 602, and 603,
12 respectively.

13 (c) CONFORMING AMENDMENT.—Title II of the Na-
14 tional Emergencies Act (50 U.S.C. 1601 et seq.), as such
15 title appeared the day before the date of enactment of this
16 Act, is amended by striking the heading for such title.

17 **SEC. 5. CONFORMING AMENDMENTS.**

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

20 (b) INTERNATIONAL EMERGENCY ECONOMIC POW-
21 ERS ACT.—Section 207(b) of the International Emergency
22 Economic Powers Act (50 U.S.C. 1706) is amended by
23 striking “concurrent resolution” each place it appears and
24 inserting “joint resolution”.

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

2 (a) IN GENERAL.—This Act and the amendments
3 made by this Act shall—

4 (1) take effect on the date of the enactment of
5 this Act; and

6 (2) except as provided in subsection (b), apply
7 with respect to national emergencies declared under
8 section 201 of the National Emergencies Act on or
9 after such date.

10 (b) APPLICABILITY TO RENEWALS OF EXISTING
11 EMERGENCIES.—With respect to a national emergency de-
12 clared under section 201 of the National Emergencies Act
13 before the date of the enactment of this Act that would
14 expire or be renewed under section 202(d) of that Act (as
15 in effect on the day before such date of enactment), that
16 national emergency shall be subject to the requirements
17 for renewal under section 202(b) of that Act, as amended
18 by section 2.

19 (c) SUPERSESSION.—This Act and the amendments
20 made by this Act shall supersede title II of the National
21 Emergencies Act (50 U.S.C. 1621 et seq.) as such title
22 was in effect on the day before the date of enactment of
23 this Act.