

Calendar No. 736

118TH CONGRESS
2D SESSION**S. 4373****[Report No. 118–316]**

To provide for congressional approval of national emergency declarations.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2024

Mr. PAUL (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “~~Reforming Emergency Powers to Uphold the Balances~~

1 and Limitations Inherent in the Constitution Act” or the
2 “REPUBLIC Act”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES

Sec. 101. Congressional review of national emergencies.

Sec. 102. Reporting requirements.

Sec. 103. Conforming repeal.

Sec. 104. Effective date; applicability.

TITLE II—LIMITATIONS ON EMERGENCY AUTHORITIES

Sec. 201. Presidential war powers under Communications Act of 1934.

Sec. 202. Limitations on International Emergency Economic Powers Act au-
thorities.

Sec. 203. Congressional approval requirement for use of Insurrection Act au-
thorities.

Sec. 204. Disclosure to Congress of presidential emergency action documents.

5 **TITLE I—CONGRESSIONAL RE-** 6 **VIEW OF NATIONAL EMER-** 7 **GENCIES**

8 **SEC. 101. CONGRESSIONAL REVIEW OF NATIONAL EMER-** 9 **GENCIES.**

10 Title II of the National Emergencies Act (50 U.S.C.
11 1621 et seq.) is amended by striking sections 201 and 202
12 and inserting the following:

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

14 “(a) **AUTHORITY TO DECLARE NATIONAL EMER-**
15 **GENCIES.**—With respect to Acts of Congress authorizing
16 the exercise, during the period of a national emergency,
17 of any special or extraordinary power, the President is au-
18 thorized to declare such a national emergency by procla-

1 mation. Such proclamation shall immediately be trans-
 2 mitted to Congress and published in the Federal Register.

3 “(b) SPECIFICATION OF PROVISIONS OF LAW TO BE
 4 EXERCISED.—No powers or authorities made available by
 5 statute for use during the period of a national emergency
 6 shall be exercised unless and until the President specifies
 7 the provisions of law under which the President proposes
 8 that the President or other officers will act in—

9 “(1) a proclamation declaring a national emer-
 10 gency under subsection (a); or

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

14 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
 15 EMERGENCIES NOT APPROVED.—

16 “(1) SUBSEQUENT DECLARATIONS.—If a joint
 17 resolution of approval is not enacted under section
 18 203 with respect to a national emergency before the
 19 expiration of the 30-day period described in section
 20 202(a), or with respect to a national emergency pro-
 21 posed to be renewed under section 202(b), the Presi-
 22 dent may not, during the remainder of the term of
 23 office of that President, declare a subsequent na-
 24 tional emergency under subsection (a) with respect
 25 to the same circumstances.

1 “(2) EXERCISE OF AUTHORITIES.—If a joint
 2 resolution of approval is not enacted under section
 3 203 with respect to a power or authority specified by
 4 the President in a proclamation under subsection (a)
 5 or an Executive order under subsection (b)(2) with
 6 respect to a national emergency, the President may
 7 not, during the remainder of the term of office of
 8 that President, exercise that power or authority with
 9 respect to that emergency.

10 “(d) EFFECT OF FUTURE LAWS.—No law enacted
 11 after the date of the enactment of this Act shall supersede
 12 this title unless it does so in specific terms, referring to
 13 this title, and declaring that the new law supersedes the
 14 provisions of this title.

15 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
 16 **GENCIES.**

17 “(a) TEMPORARY EFFECTIVE PERIODS.—

18 “(1) IN GENERAL.—A declaration of a national
 19 emergency shall remain in effect for 30 days from
 20 the issuance of the proclamation under section
 21 201(a) (not counting the day on which the proclama-
 22 tion was issued) and shall terminate when that 30-
 23 day period expires unless there is enacted into law
 24 a joint resolution of approval under section 203 with
 25 respect to the proclamation.

1 ~~“(2) EXERCISE OF POWERS AND AUTHORI-~~
 2 ~~TIES.—Any emergency power or authority made~~
 3 ~~available under a provision of law specified pursuant~~
 4 ~~to section 201(b) may be exercised pursuant to a~~
 5 ~~declaration of a national emergency for 30 days~~
 6 ~~from the issuance of the proclamation or Executive~~
 7 ~~order (not counting the day on which such proclama-~~
 8 ~~tion or Executive order was issued). That power or~~
 9 ~~authority may not be exercised after that 30-day pe-~~
 10 ~~riod expires unless there is enacted into law a joint~~
 11 ~~resolution of approval under section 203 approv-~~
 12 ~~ing—~~

13 ~~“(A) the proclamation of the national~~
 14 ~~emergency or the Executive order; and~~

15 ~~“(B) the exercise of the power or authority~~
 16 ~~specified by the President in such proclamation~~
 17 ~~or Executive order.~~

18 ~~“(3) EXCEPTION IF CONGRESS IS UNABLE TO~~
 19 ~~CONVENE.—If Congress is physically unable to con-~~
 20 ~~vene as a result of an armed attack upon the United~~
 21 ~~States or another national emergency, the 30-day~~
 22 ~~periods described in paragraphs (1) and (2) shall~~
 23 ~~begin on the first day Congress convenes for the~~
 24 ~~first time after the attack or other emergency.~~

1 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
 2 tional emergency declared by the President under section
 3 201(a) or previously renewed under this subsection, and
 4 not already terminated pursuant to subsection (a) or (c),
 5 shall terminate on the date that is 90 days after the Presi-
 6 dent transmitted to Congress the proclamation declaring
 7 the emergency or Congress approved a previous renewal
 8 pursuant to this subsection, unless—

9 “(1) the President publishes in the Federal
 10 Register and transmits to Congress an Executive
 11 order renewing the emergency; and

12 “(2) there is enacted into law a joint resolution
 13 of approval renewing the emergency pursuant to sec-
 14 tion 203 before the termination of the emergency or
 15 previous renewal of the emergency.

16 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

17 “(1) TERMINATION DATE.—

18 “(A) IN GENERAL.—Any national emer-
 19 gency declared by the President under section
 20 201(a) shall terminate on the earliest of—

21 “(i) the date provided for in sub-
 22 section (a);

23 “(ii) the date provided for in sub-
 24 section (b);

1 “(iii) the date specified in an Act of
2 Congress terminating the emergency; or

3 “(iv) the date specified in a proclama-
4 tion of the President terminating the emer-
5 gency.

6 “(B) 5-YEAR LIMITATION.—Under no cir-
7 cumstances may a national emergency declared
8 by the President under section 201(a)—

9 “(i) continue on or after the date that
10 is 5 years after the date on which the na-
11 tional emergency was first declared; or

12 “(ii) in the case of a national emer-
13 gency declared before the date of the en-
14 actment of the Reforming Emergency Pow-
15 ers to Uphold the Balances and Limita-
16 tions Inherent in the Constitution Act,
17 continue on or after the date that is 5
18 years after such date of enactment.

19 “(2) EFFECT OF TERMINATION.—

20 “(A) IN GENERAL.—Effective on the date
21 of the termination of a national emergency
22 under paragraph (1)—

23 “(i) except as provided by subpara-
24 graph (B), any powers or authorities exer-

1 cised by reason of the emergency shall
2 cease to be exercised;

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

10 “(iii) any contracts entered into under
11 any provision of law relating to the emer-
12 gency shall be terminated.

13 “(B) SAVINGS PROVISION.—The termi-
14 nation of a national emergency shall not af-
15 fect—

16 “(i) any legal action taken or pending
17 legal proceeding not finally concluded or
18 determined on the date of the termination
19 under paragraph (1);

20 “(ii) any legal action or legal pro-
21 ceeding based on any act committed prior
22 to that date; or

23 “(iii) any rights or duties that ma-
24 tured or penalties that were incurred prior
25 to that date.

1 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
 2 **GENCIES.**

3 **“(a) JOINT RESOLUTION OF APPROVAL DEFINED.—**

4 In this section, the term ‘joint resolution of approval’
 5 means a joint resolution that contains only the following
 6 provisions after its resolving clause:

7 **“(1) A provision approving—**

8 **“(A) a proclamation of a national emer-**
 9 **gency made under section 201(a);**

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

12 **“(C) an Executive order issued under sec-**
 13 **tion 202(b).**

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

19 **“(b) PROCEDURES FOR CONSIDERATION OF JOINT**
 20 **RESOLUTIONS OF APPROVAL.—**

21 **“(1) INTRODUCTION.—**After the President
 22 transmits to Congress a proclamation declaring a
 23 national emergency under section 201(a), or an Ex-
 24 ecutive order specifying emergency powers or au-
 25 thorities under section 201(b)(2) or renewing a na-
 26 tional emergency under section 202(b), a joint reso-

1 lution of approval may be introduced in either House
 2 of Congress by any member of that House.

3 ~~“(2) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—~~If, when the President transmits to
 4 Congress a proclamation declaring a national emergency 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 consultation with and with the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

12 ~~“(3) COMMITTEE REFERRAL.—~~A joint resolution of approval shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked by the proclamation or Executive order that is the subject of the joint resolution.

1 “(4) CONSIDERATION IN SENATE.—In the Sen-
2 ate, the following shall apply:

3 “(A) REPORTING AND DISCHARGE.—If the
4 committee to which a joint resolution of ap-
5 proval has been referred has not reported it at
6 the end of 10 calendar days after its introduc-
7 tion, that committee shall be automatically dis-
8 charged from further consideration of the reso-
9 lution and it shall be placed on the calendar.

10 “(B) PROCEEDING TO CONSIDERATION.—
11 Notwithstanding Rule XXII of the Standing
12 Rules of the Senate, when the committee to
13 which a joint resolution of approval is referred
14 has reported the resolution, or when that com-
15 mittee is discharged under subparagraph (A)
16 from further consideration of the resolution, it
17 is at any time thereafter in order (even though
18 a previous motion to the same effect has been
19 disagreed to) for a motion to proceed to the
20 consideration of the joint resolution, and all
21 points of order against the joint resolution (and
22 against consideration of the joint resolution)
23 are waived. The motion to proceed is subject to
24 4 hours of debate divided equally between those
25 favoring and those opposing the joint resolution

1 of approval. The motion is not subject to
 2 amendment, or to a motion to postpone, or to
 3 a motion to proceed to the consideration of
 4 other business.

5 “(C) AMENDMENTS.—

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

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

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

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

23 “(D) MOTION TO RECONSIDER FINAL
 24 VOTE.—A motion to reconsider a vote on pas-

1 sage of a joint resolution of approval shall not
2 be in order.

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

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

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

17 ~~“(B) PROCEEDING TO CONSIDERATION.—~~

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

1 The previous question shall be considered
 2 as ordered on the motion to its adoption
 3 without intervening motion. The motion
 4 shall not be debatable. A motion to recon-
 5 sider the vote by which the motion is dis-
 6 posed of shall not be in order.

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

14 “(C) FLOOR CONSIDERATION.—Upon
 15 adoption of the motion to proceed in accordance
 16 with subparagraph (B)(i), the joint resolution
 17 of approval shall be considered as read. The
 18 previous question shall be considered as ordered
 19 on the joint resolution to final passage without
 20 intervening motion except two hours of debate,
 21 which shall include debate on any amendments,
 22 equally divided and controlled by the sponsor of
 23 the joint resolution (or a designee) and an op-
 24 ponent. A motion to reconsider the vote on pas-

sage of the joint resolution shall not be in order.

~~“(D) AMENDMENTS.—~~

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

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

~~“(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or~~

~~“(H) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.~~

~~“(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives from the other a joint resolution of approval from the other House, then—~~

1 “(A) the joint resolution of the other
 2 House shall not be referred to a committee and
 3 shall be deemed to have been discharged from
 4 committee on the day it is received; and

5 “(B) the procedures set forth in para-
 6 graphs (3), (4), and (5), as applicable, shall
 7 apply in the receiving House to the joint resolu-
 8 tion received from the other House to the same
 9 extent as such procedures apply to a joint reso-
 10 lution of the receiving House.

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

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

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

1 “(2) with full recognition of the constitutional
 2 right of either House to change the rules (so far as
 3 relating to the procedure of that House) at any time;
 4 in the same manner, and to the same extent as in
 5 the case of any other rule of that House.”.

6 **SEC. 102. REPORTING REQUIREMENTS.**

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

10 “(d) REPORT ON EMERGENCIES.—The President
 11 shall transmit to Congress, with any proclamation declar-
 12 ing a national emergency under section 201(a) or any Ex-
 13 ecutive order specifying emergency powers or authorities
 14 under section 201(b)(2) or renewing a national emergency
 15 under section 202(b), a report, in writing, that includes
 16 the following:

17 “(1) A description of the circumstances necessi-
 18 tating the declaration of a national emergency, the
 19 renewal of such an emergency, or the use of a new
 20 emergency authority specified in the Executive
 21 order, as the case may be.

22 “(2) The estimated duration of the national
 23 emergency, or a statement that the duration of the
 24 national emergency cannot reasonably be estimated
 25 at the time of transmission of the report.

1 “(3) A summary of the actions the President or
 2 other officers intend to take, including any re-
 3 programming or transfer of funds; and the statutory
 4 authorities the President and such officers expect to
 5 rely on in addressing the national emergency.

6 “(4) In the case of a renewal of a national
 7 emergency, a summary of the actions the President
 8 or other officers have taken in the preceding 90-day
 9 period, including any reprogramming or transfer of
 10 funds, to address the emergency.

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

15 “(f) PERIODIC REPORTS ON STATUS OF EMER-
 16 GENCIES.—If the President declares a national emergency
 17 under section 201(a), the President shall, not less fre-
 18 quently than every 6 months for the duration of the emer-
 19 gency, report to Congress on the status of the emergency
 20 and the actions the President or other officers have taken
 21 and authorities the President and such officers have relied
 22 on in addressing the emergency.”.

23 **SEC. 103. CONFORMING REPEAL.**

24 Title III of the National Emergencies Act (50 U.S.C.
 25 1631) is repealed.

1 **SEC. 104. EFFECTIVE DATE; APPLICABILITY.**

2 (a) ~~IN GENERAL.~~—This title and the amendments
3 made by this title 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 that date.

10 (b) ~~APPLICABILITY TO RENEWALS OF EXISTING~~
11 ~~EMERGENCIES.~~—When a national emergency declared
12 under section 201 of the National Emergencies Act before
13 the date of the enactment of this Act would expire or be
14 renewed under section 202(d) of that Act (as in effect on
15 the day before such date of enactment), that national
16 emergency shall be subject to the requirements for renewal
17 under section 202(b) of that Act, as amended by section
18 101.

19 **TITLE II—LIMITATIONS ON**
20 **EMERGENCY AUTHORITIES**

21 **SEC. 201. PRESIDENTIAL WAR POWERS UNDER COMMU-**
22 **NICATIONS ACT OF 1934.**

23 (a) ~~IN GENERAL.~~—Section 706 of the Communica-
24 tions Act of 1934 (47 U.S.C. 606) is amended—

25 (1) by striking subsections (e) through (g); and

1 (2) by redesignating subsection (h) as sub-
2 section (e).

3 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.—~~

4 Section 309(h) of the Communications Act of 1934 (47
5 U.S.C. 309(h)) is amended—

6 (1) by inserting “and” before “(2)”; and

7 (2) by striking “Act,” and all that follows and
8 inserting “Act.”.

9 **SEC. 202. LIMITATIONS ON INTERNATIONAL EMERGENCY**
10 **ECONOMIC POWERS ACT AUTHORITIES.**

11 (a) ~~PROHIBITION AGAINST USE OF AUTHORITIES~~
12 ~~WITH RESPECT TO UNITED STATES PERSONS.—~~Section
13 202 of the International Emergency Economic Powers Act
14 (50 U.S.C. 1701) is amended by adding at the end the
15 following:

16 “(c)(1) The authorities granted to the President by
17 section 203 may not be exercised with respect to a United
18 States person.

19 “(2) In this section, the term ‘United States person’
20 means—

21 “(A) a United States citizen or an alien lawfully
22 admitted for permanent residence to the United
23 States;

24 “(B) an entity—

1 “(i) organized under the laws of the
2 United States or any jurisdiction within the
3 United States; or

4 “(ii) in which more than 50 percent of the
5 controlling interest is owned by a person de-
6 scribed in subparagraph (A), (B)(i), or (C); or
7 “(C) any person in the United States.”.

8 (b) EXCLUSION OF IMPOSITION OF DUTIES AND IM-
9 PORT QUOTAS.—Section 203 of the International Emer-
10 gency Economic Powers Act (50 U.S.C. 1702) is amend-
11 ed—

12 (1) by redesignating subsection (e) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing:

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

20 “(2) The limitation under paragraph (1) does not
21 prohibit the President from excluding all articles, or all
22 of a certain type of article, imported from a country from
23 entering the United States.”.

1 **SEC. 203. CONGRESSIONAL APPROVAL REQUIREMENT FOR**
 2 **USE OF INSURRECTION ACT AUTHORITIES.**

3 (a) ~~IN GENERAL.~~—Chapter 13 of title 10, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing new section:

6 **“§ 256. Congressional approval requirement**

7 “The President may not use authorities described in
 8 section 251, 252, or 253 unless Congress first enacts legis-
 9 lation approving such use of authority.”.

10 (b) ~~CLERICAL AMENDMENT.~~—The table of sections
 11 at the beginning of chapter 13 of title 10, United States
 12 Code, is amended by inserting after the item relating to
 13 section 255 the following new item:

“256. Congressional approval requirement.”.

14 **SEC. 204. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
 15 **EMERGENCY ACTION DOCUMENTS.**

16 (a) ~~IN GENERAL.~~—Not later than 3 days after the
 17 conclusion of the process for approval, adoption, or revi-
 18 sion of any presidential emergency action document, the
 19 President shall submit that document to the appropriate
 20 congressional committees.

21 (b) ~~DOCUMENTS IN EXISTENCE BEFORE DATE OF~~
 22 ~~ENACTMENT.~~—Not later than 15 days after the date of
 23 the enactment of this Act, the President shall submit to
 24 the appropriate congressional committees all presidential

1 emergency action documents in existence before such date
2 of enactment.

3 ~~(c) OVERSIGHT.—~~

4 ~~(1) SENATE.—~~The Committee on Homeland
5 Security and Governmental Affairs of the Senate
6 shall have—

7 ~~(A) continuing legislative oversight juris-~~
8 ~~isdiction in the Senate with respect to the pro-~~
9 ~~posal, creation, implementation, and execution~~
10 ~~of presidential emergency action documents;~~
11 ~~and~~

12 ~~(B) access to any and all presidential~~
13 ~~emergency action documents.~~

14 ~~(2) HOUSE OF REPRESENTATIVES.—~~The Com-
15 mittee on Oversight and Accountability of the House
16 of Representatives shall have—

17 ~~(A) continuing legislative oversight juris-~~
18 ~~isdiction in the House of Representatives with re-~~
19 ~~spect to the proposal, creation, implementation,~~
20 ~~and execution of presidential emergency action~~
21 ~~documents; and~~

22 ~~(B) access to any and all presidential~~
23 ~~emergency action documents.~~

24 ~~(3) DUTY TO COOPERATE.—~~All officers and em-
25 ployees of any Federal agency shall have the duty to

1 cooperate with the exercise of oversight jurisdiction
2 described in this subsection.

3 ~~(4) SECURITY CLEARANCES.—~~The chairpersons
4 and ranking members of the appropriate congressional
5 committees, and designated staff of those
6 committees, shall be granted all security clearances
7 required to access, and granted access to, presidential
8 emergency action documents, including under
9 relevant Presidential or agency special access and
10 compartmented access programs.

11 ~~(d) DEFINITIONS.—~~In this section:

12 ~~(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—~~The term “appropriate congressional committees” means—

15 ~~(A) the Committee on Homeland Security~~
16 ~~and Governmental Affairs of the Senate; and~~

17 ~~(B) the Committee on Oversight and Accountability~~
18 ~~of the House of Representatives.~~

19 ~~(2) FEDERAL AGENCY.—~~The term “Federal
20 agency”—

21 ~~(A) has the meaning given the term “agency”~~
22 ~~in section 552(f) of title 5, United States~~
23 ~~Code; and~~

24 ~~(B) includes the Executive Office of the~~
25 ~~President, the Executive Office of the Vice~~

1 President, the Office of Management and Budget,
2 et, and the National Security Council.

3 ~~(3)~~ ~~PRESIDENTIAL EMERGENCY ACTION DOCUMENT.~~—The term “presidential emergency action
4 document” refers to any document created by any
5 Federal agency before, on, or after the date of the
6 enactment of this Act, that is—
7

8 (A) designated as a presidential emergency
9 action document or presidential emergency action
10 directive;

11 (B) designed to implement a presidential
12 decision or transmit a presidential request when
13 an emergency disrupts normal executive, legislative,
14 judicial, or other Federal governmental
15 processes;

16 (C) a Presidential Policy Directive, regardless
17 of whether the directive is available to the
18 public, that triggers any change in policies, procedures,
19 or operations of the Federal Government upon the declaration
20 by the President of
21 an emergency; or

22 (D) any other document, briefing, or plan,
23 regardless of whether the document, briefing, or
24 plan exists in any tangible or written form, that
25 triggers any change in operations of the Fed-

1 eral Government upon the declaration by the
2 President of an emergency.

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Re-*
5 *forming Emergency Powers to Uphold the Balances and*
6 *Limitations Inherent in the Constitution Act” or the “RE-*
7 *PUBLIC Act”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*
9 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES

Sec. 101. Congressional review of national emergencies.

Sec. 102. Reporting requirements.

Sec. 103. Exclusion of certain national emergencies invoking International Emer-
gency Economic Powers Act.

Sec. 104. Conforming amendments.

Sec. 105. Effective date; applicability.

TITLE II—LIMITATIONS ON EMERGENCY AUTHORITIES

Sec. 201. Protections for United States persons with respect to use of authorities
under International Emergency Economic Powers Act.

Sec. 202. Exclusion of authority to impose duties and import quotas from Inter-
national Emergency Economic Powers Act.

Sec. 203. Presidential war powers under Communications Act of 1934.

Sec. 204. Disclosure to Congress of presidential emergency action documents.

10 **TITLE I—CONGRESSIONAL RE-**
11 **VIEW OF NATIONAL EMER-**
12 **GENCIES**

13 **SEC. 101. CONGRESSIONAL REVIEW OF NATIONAL EMER-**
14 **GENCIES.**

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

1 **“TITLE II—DECLARATIONS OF**
 2 **FUTURE NATIONAL EMER-**
 3 **GENCIES**

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

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

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

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

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

23 “(c) *PROHIBITION ON SUBSEQUENT ACTIONS IF*
 24 *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 a period of 30*
6 *calendar days from the issuance of the proclamation*
7 *under section 201(a) (not counting the day on which*
8 *the proclamation was issued) and shall terminate*
9 *when such period expires unless there is enacted into*
10 *law a joint resolution of approval under section 203*
11 *with respect to the 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 a period of 30 calendar*
17 *days from the issuance of the proclamation or Execu-*
18 *tive order (not counting the day on which such proc-*
19 *lamation or Executive order was issued). That power*
20 *or authority may not be exercised after such period*
21 *expires unless there is enacted into law a joint resolu-*
22 *tion of approval 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 pur-
 2 suant to authorities provided as a result of
 3 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 the*
 5 *concurrence of the minority leader of the Senate and*
 6 *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) *CONSIDERATION IN SENATE.*—*In the Sen-*
 12 *ate, the following shall apply:*

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

20 “(B) *PROCEEDING TO CONSIDERATION.*—
 21 *Notwithstanding Rule XXII of the Standing*
 22 *Rules of the Senate, when the committee to which*
 23 *a joint resolution of approval is referred has re-*
 24 *ported the resolution, or when that committee is*
 25 *discharged under subparagraph (A) from further*

1 *consideration of the resolution, it is at any time*
 2 *thereafter in order (even though a previous mo-*
 3 *tion to the same effect has been disagreed to) for*
 4 *a motion to proceed to the consideration of the*
 5 *joint resolution, and all points of order against*
 6 *the joint resolution (and against consideration of*
 7 *the joint resolution) are waived. The motion to*
 8 *proceed is subject to 4 hours of debate divided*
 9 *equally between those favoring and those oppos-*
 10 *ing the joint resolution of approval. The motion*
 11 *is not subject to amendment, or to a motion to*
 12 *postpone, or to a motion to proceed to the consid-*
 13 *eration of other business.*

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

18 “(D) *AMENDMENTS.*—

19 “(i) *IN GENERAL.*—*Except as provided*
 20 *in clause (ii), no amendments shall be in*
 21 *order with respect to a joint resolution of*
 22 *approval.*

23 “(ii) *AMENDMENTS TO STRIKE OR ADD*
 24 *SPECIFIED PROVISIONS OF LAW.*—*Clause (i)*

1 *shall not apply with respect to any amend-*
 2 *ment—*

3 “(I) *to strike a provision or provi-*
 4 *sions of law from the list required by*
 5 *subsection (a)(2); or*

6 “(II) *to add to that list a provi-*
 7 *sion or provisions of law specified by*
 8 *the President under section 201(b) in*
 9 *the proclamation or Executive order*
 10 *that is the subject of the joint resolu-*
 11 *tion of approval.*

12 “(E) *MOTION TO RECONSIDER FINAL*
 13 *VOTE.—A motion to reconsider a vote on passage*
 14 *of a joint resolution of approval shall not be in*
 15 *order.*

16 “(F) *APPEALS.—Points of order, including*
 17 *questions of relevancy, and appeals from the de-*
 18 *cision of the Presiding Officer, shall be decided*
 19 *without debate.*

20 “(4) *CONSIDERATION IN HOUSE OF REPRESENTA-*
 21 *TIVES.—In the House of Representatives, the fol-*
 22 *lowing shall apply:*

23 “(A) *REPORTING AND DISCHARGE.—If the*
 24 *committee to which a joint resolution of ap-*
 25 *proval has been referred has not reported it to*

1 *the House within 10 calendar days after the date*
 2 *of referral, such committee shall be discharged*
 3 *from further consideration of the joint resolution.*

4 *“(B) PROCEEDING TO CONSIDERATION.—*

5 *“(i) IN GENERAL.—Beginning on the*
 6 *third legislative day after the committee to*
 7 *which a joint resolution of approval has*
 8 *been referred reports it to the House or has*
 9 *been discharged from further consideration,*
 10 *and except as provided in clause (ii), it*
 11 *shall be in order to move to proceed to con-*
 12 *sider the joint resolution in the House. The*
 13 *previous question shall be considered as or-*
 14 *dered on the motion to its adoption without*
 15 *intervening motion. The motion shall not be*
 16 *debatable. A motion to reconsider the vote*
 17 *by which the motion is disposed of shall not*
 18 *be in order.*

19 *“(ii) SUBSEQUENT MOTIONS TO PRO-*
 20 *CEED TO JOINT RESOLUTION OF AP-*
 21 *PROVAL.—A motion to proceed to consider a*
 22 *joint resolution of approval shall not be in*
 23 *order after the House has disposed of an-*
 24 *other motion to proceed on that resolution.*

1 “(C) *FLOOR CONSIDERATION.*—Upon adop-
 2 tion of the motion to proceed in accordance with
 3 subparagraph (B)(i), the joint resolution of ap-
 4 proval shall be considered as read. The previous
 5 question shall be considered as ordered on the
 6 joint resolution to final passage without inter-
 7 vening motion except two hours of debate, which
 8 shall include debate on any amendments, equally
 9 divided and controlled by the sponsor of the joint
 10 resolution (or a designee) and an opponent. A
 11 motion to reconsider the vote on passage of the
 12 joint resolution shall not be in order.

13 “(D) *AMENDMENTS.*—

14 “(i) *IN GENERAL.*—Except as provided
 15 in clause (ii), no amendments shall be in
 16 order with respect to a joint resolution of
 17 approval.

18 “(ii) *AMENDMENTS TO STRIKE OR ADD*
 19 *SPECIFIED PROVISIONS OF LAW.*—Clause (i)
 20 shall not apply with respect to any amend-
 21 ment—

22 “(I) to strike a provision or provi-
 23 sions of law from the list required by
 24 subsection (a)(2); or

1 “(II) to add to that list a provi-
 2 sion or provisions of law specified by
 3 the President under section 201(b) in
 4 the proclamation or Executive order
 5 that is the subject of the joint resolu-
 6 tion.

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

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

15 “(B) the procedures set forth in paragraphs
 16 (3) and (4), as applicable, shall apply in the re-
 17 ceiving House to the joint resolution received
 18 from the other House to the same extent as such
 19 procedures apply to a joint resolution of the re-
 20 ceiving House.

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

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

3 “(1) *as an exercise of the rulemaking power of*
 4 *the Senate and the House of Representatives, respec-*
 5 *tively, and as such is deemed a part of the rules of*
 6 *each House, respectively, but applicable only with re-*
 7 *spect to the procedure to be followed in the House in*
 8 *the case of joint resolutions described in this section,*
 9 *and supersedes other rules only to the extent that it*
 10 *is inconsistent with such other rules; and*

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

16 **“SEC. 204. APPLICABILITY.**

17 *“This title shall apply to a national emergency pursu-*
 18 *ant to which the President proposes to exercise emergency*
 19 *powers or authorities made available under any provision*
 20 *of law that is not a provision of law described in section*
 21 *604(a).”.*

22 **SEC. 102. REPORTING REQUIREMENTS.**

23 *Section 401 of the National Emergencies Act (50*
 24 *U.S.C. 1641) is amended—*

25 (1) *in subsection (c)—*

1 (A) in the first sentence by inserting “, and
2 make publicly available” after “transmit to Con-
3 gress”; and

4 (B) in the second sentence by inserting “,
5 and make publicly available,” before “a final re-
6 port”; and

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

8 “(d) *REPORT ON EMERGENCIES.*—The President shall
9 transmit to the entities described in subsection (g), with any
10 proclamation declaring a national emergency under section
11 201(a) or any Executive order specifying emergency powers
12 or authorities under section 201(b)(2) or renewing a na-
13 tional emergency under section 202(b), a report, in writing,
14 that includes the following:

15 “(1) A description of the circumstances necessi-
16 tating the declaration of a national emergency, the re-
17 newal of such an emergency, or the use of a new
18 emergency authority specified in the Executive order,
19 as the case may be.

20 “(2) The estimated duration of the national
21 emergency, or a statement that the duration of the
22 national emergency cannot reasonably be estimated at
23 the time of transmission of the report.

24 “(3) A summary of the actions the President or
25 other officers intend to take, including any re-

1 *programming or transfer of funds, and the statutory*
 2 *authorities the President and such officers expect to*
 3 *rely on in addressing the national emergency.*

4 *“(4) The total expenditures estimated to be in-*
 5 *curring by the United States Government during such*
 6 *six-month period which are directly attributable to*
 7 *the exercise of powers and authorities conferred by*
 8 *such declaration.*

9 *“(5) In the case of a renewal of a national emer-*
 10 *gency, a summary of the actions the President or*
 11 *other officers have taken in the preceding one-year pe-*
 12 *riod, including any reprogramming or transfer of*
 13 *funds, to address the emergency.*

14 *“(e) PROVISION OF INFORMATION TO CONGRESS.—The*
 15 *President shall provide to the entities described in sub-*
 16 *section (g) such other information as such entities may re-*
 17 *quest in connection with any national emergency in effect*
 18 *under title II.*

19 *“(f) PERIODIC REPORTS ON STATUS OF EMER-*
 20 *GENCIES.—If the President declares a national emergency*
 21 *under section 201(a), the President shall, not less frequently*
 22 *than every 6 months for the duration of the emergency, re-*
 23 *port to the entities described in subsection (g) on the status*
 24 *of the emergency, the total expenditures incurred by the*
 25 *United States Government, and the actions the President*

1 *or other officers have taken and authorities the President*
 2 *and such officers have relied on in addressing the emer-*
 3 *gency.*

4 “(g) *ENTITIES DESCRIBED.*—*The entities described in*
 5 *this subsection are—*

6 “(1) *the Speaker of the House of Representatives;*

7 “(2) *minority leader of the House of Representa-*
 8 *tives;*

9 “(3) *the Committee on Transportation and In-*
 10 *frastructure of the House of Representatives; and*

11 “(4) *the Committee on Homeland Security and*
 12 *Governmental Affairs of the Senate.”.*

13 **SEC. 103. EXCLUSION OF CERTAIN NATIONAL EMER-**
 14 **GENCIES INVOKING INTERNATIONAL EMER-**
 15 **GENCY ECONOMIC POWERS ACT.**

16 (a) *IN GENERAL.*—*The National Emergencies Act (50*
 17 *U.S.C. 1601 et seq.), as amended by this title, is further*
 18 *amended by adding at the end the following:*

1 **“TITLE VI—DECLARATIONS OF**
 2 **CERTAIN EMERGENCIES IN-**
 3 **VOKING INTERNATIONAL**
 4 **EMERGENCY ECONOMIC POW-**
 5 **ERS ACT**

6 **“SEC. 604. APPLICABILITY.**

7 “(a) *IN GENERAL.*—This title shall apply to a na-
 8 tional emergency pursuant to which the President proposes
 9 to exercise emergency powers or authorities made available
 10 under the International Emergency Economic Powers Act
 11 (50 U.S.C. 1701 et seq.).

12 “(b) *EFFECT OF ADDITIONAL POWERS AND AUTHORI-*
 13 *TIES.*—This title shall not apply to a national emergency
 14 or the exercise of emergency powers and authorities pursu-
 15 ant to the national emergency if, in addition to the exercise
 16 of emergency powers and authorities described in subsection
 17 (a), the President proposes to exercise, pursuant to the na-
 18 tional emergency, any emergency powers and authorities
 19 under any other provision of law.”.

20 “(b) *TRANSFER.*—Sections 201, 202, and 301 of the Na-
 21 tional Emergencies Act (50 U.S.C. 1601 et seq.), as such
 22 sections appeared on the day before the date of the enact-
 23 ment of this Act, are—

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

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

3 (3) *redesignated as sections 601, 602, and 603,*
 4 *respectively.*

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

9 **SEC. 104. 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 POWERS*
 13 *ACT.—Section 207(b) of the International Emergency Eco-*
 14 *nomic Powers Act (50 U.S.C. 1706) is amended by striking*
 15 *“concurrent resolution” each place it appears and inserting*
 16 *“joint resolution”.*

17 **SEC. 105. EFFECTIVE DATE; APPLICABILITY.**

18 (a) *IN GENERAL.—This title and the amendments*
 19 *made by this title shall—*

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

22 (2) *except as provided in subsection (b), apply*
 23 *with respect to national emergencies declared under*
 24 *section 201 of the National Emergencies Act on or*
 25 *after such date.*

1 (b) *APPLICABILITY TO RENEWALS OF EXISTING EMER-*
 2 *GENCIES.*—*With respect to a national emergency declared*
 3 *under section 201 of the National Emergencies Act before*
 4 *the date of the enactment of this Act that would expire or*
 5 *be renewed under section 202(d) of that Act (as in effect*
 6 *on the day before such date of enactment), that national*
 7 *emergency shall be subject to the requirements for renewal*
 8 *under section 202(b) of that Act, as amended by section 101.*

9 (c) *SUPERSESSION.*—*This title and the amendments*
 10 *made by this title shall supersede title II of the National*
 11 *Emergencies Act (50 U.S.C. 1621 et seq.) as such title was*
 12 *in effect on the day before the date of enactment of this Act.*

13 **TITLE II—LIMITATIONS ON** 14 **EMERGENCY AUTHORITIES**

15 **SEC. 201. PROTECTIONS FOR UNITED STATES PERSONS**
 16 **WITH RESPECT TO USE OF AUTHORITIES**
 17 **UNDER INTERNATIONAL EMERGENCY ECO-**
 18 **NOMIC POWERS ACT.**

19 *The International Emergency Economic Powers Act*
 20 *(50 U.S.C. 1701 et seq.) is amended by inserting after sec-*
 21 *tion 203 the following:*

22 **“SEC. 203A. PROTECTIONS FOR UNITED STATES PERSONS.**

23 **“(a) LIMITATIONS FOR NECESSITIES.—**

24 **“(1) IN GENERAL.—***Except as provided by para-*
 25 *graph (2) and in accordance with this section, no au-*

1 *thority provided under section 203 may be exercised*
 2 *to target a United States person.*

3 “(2) *EXCEPTION FOR ISSUANCE OF GENERAL LI-*
 4 *CENSES.—An authority provided under section 203*
 5 *may be exercised to target a United States person if*
 6 *the President has, before using the authority, issued*
 7 *a general license that ensures that the United States*
 8 *person has sufficient access to the necessities of life,*
 9 *including food, nutritional support, water, shelter,*
 10 *clothing, sanitation, medicine, health care and other*
 11 *vital services, and gainful employment where nec-*
 12 *essary to provide the United States person a means*
 13 *for subsistence.*

14 “(3) *DUE PROCESS FOR UNITED STATES PER-*
 15 *SONS.—*

16 “(A) *IN GENERAL.—When taking an action*
 17 *pursuant to authority provided by section 203 to*
 18 *target a United States person, the President*
 19 *shall—*

20 “(i) *provide contemporaneous notice of*
 21 *the action to the United States person;*

22 “(ii) *not later than one week after tak-*
 23 *ing the action, provide the United States*
 24 *person with the record on which the decision*
 25 *to take the action was based, including an*

1 *unclassified summary, or a redacted*
2 *version, of any classified information that*
3 *provides the United States person with sub-*
4 *stantially the same ability to respond to*
5 *that information as the classified informa-*
6 *tion;*

7 *“(iii) provide the United States person*
8 *with the opportunity to request review of*
9 *the decision and to submit information in*
10 *support of that request;*

11 *“(iv) provide the United States person*
12 *with the opportunity for an administrative*
13 *hearing not later than 90 days after re-*
14 *questing a review under clause (iii), unless*
15 *the United States person agrees to a longer*
16 *period; and*

17 *“(v) render a written decision on a re-*
18 *quest for review under clause (iii) not later*
19 *than 90 days after the hearing under clause*
20 *(iv), or, if no such hearing is requested, not*
21 *later than 90 days after the later of—*

22 *“(I) the request for review; or*

23 *“(II) the submission of informa-*
24 *tion in support of that request.*

1 “(B) *FAILURE TO RENDER TIMELY DECI-*
 2 *SION.—Failure to render a decision within the*
 3 *time frame specified in subparagraph (A)(v)*
 4 *shall be considered an agency action for purposes*
 5 *of section 702 of title 5, United States Code.*

6 “(b) *WARRANT FOR SEIZURE OF PROPERTY OF*
 7 *UNITED STATES PERSONS.—*

8 “(1) *IN GENERAL.—When taking an action pur-*
 9 *suant to authority provided by section 203 to target*
 10 *a United States person, the President may not block*
 11 *or otherwise prevent the access of the United States*
 12 *person to property in which the United States person*
 13 *has an ownership interest except pursuant to a war-*
 14 *rant issued using the procedures described in the Fed-*
 15 *eral Rules of Criminal Procedure (or, in the case of*
 16 *a court-martial or other proceeding under the Uni-*
 17 *form Code of Military Justice (chapter 47 of title 10,*
 18 *United States Code), issued under section 846 of title*
 19 *10, United States Code (article 46 of the Uniform*
 20 *Code of Military Justice), in accordance with regula-*
 21 *tions prescribed by the President) by a court of com-*
 22 *petent jurisdiction.*

23 “(2) *DELAYED WARRANTS.—To the extent con-*
 24 *sistent with the Fourth Amendment to the Constitu-*
 25 *tion of the United States, a court shall permit the*

1 *temporary blocking of property under section 203*
 2 *without a warrant on an emergency basis, or use*
 3 *other means lawfully available to the court, to enable*
 4 *the Federal Government to identify the property that*
 5 *is subject to blocking while reducing the risk of prop-*
 6 *erty flight.*

7 “(c) *JUDICIAL REVIEW.*—

8 “(1) *IN GENERAL.*—*A United States person that*
 9 *is the target of an action taken by the President pur-*
 10 *suant to any authority provided under section 203*
 11 *may bring an action in a United States court of com-*
 12 *petent jurisdiction, after exhaustion of any available*
 13 *administrative remedies, to obtain judicial review of*
 14 *the lawfulness of that action, including whether the*
 15 *action was authorized by the Executive order or or-*
 16 *ders specifying the measures to be taken under section*
 17 *203 in response to a determination issued under sec-*
 18 *tion 202.*

19 “(2) *CONDUCT OF REVIEW.*—*In an action*
 20 *brought under paragraph (1)—*

21 “(A) *the review of the court shall be de*
 22 *novo;*

23 “(B) *any party may introduce evidence not*
 24 *included in the administrative record;*

1 “(C) *any administrative record or portions*
 2 *thereof may be entered into evidence, and ques-*
 3 *tions of authentication or hearsay shall bear on*
 4 *the weight to be accorded the evidence rather*
 5 *than its admissibility;*

6 “(D) *classified information shall be handled*
 7 *in accordance with the Classified Information*
 8 *Procedures Act (18 U.S.C. App.), except that ref-*
 9 *erences to the ‘defendant’ in such Act shall be*
 10 *deemed to apply to the plaintiff; and*

11 “(E) *the court shall have the authority to*
 12 *order injunctive relief, actual damages, and at-*
 13 *torneys’ fees.*

14 “(3) *OTHER MEANS OF REVIEW.—The avail-*
 15 *ability of judicial review under this subsection shall*
 16 *not preclude other available means of judicial review,*
 17 *including under section 702 of title 5, United States*
 18 *Code, except that a person may not exercise the right*
 19 *to judicial review under more than one provision of*
 20 *law.*

21 “(d) *UNITED STATES PERSON DEFINED.—In this sec-*
 22 *tion, the term ‘United States person’ means—*

23 “(1) *a United States national; or*

24 “(2) *an entity—*

1 “(A) organized under the laws of the United
 2 States or any jurisdiction within the United
 3 States; and

4 “(B) in which more than 50 percent of the
 5 controlling interest is owned by a person de-
 6 scribed in paragraph (1).”.

7 **SEC. 202. EXCLUSION OF AUTHORITY TO IMPOSE DUTIES**
 8 **AND IMPORT QUOTAS FROM INTERNATIONAL**
 9 **EMERGENCY ECONOMIC POWERS ACT.**

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

12 (1) by redesignating subsection (c) as subsection
 13 (d); and

14 (2) by inserting after subsection (b) the fol-
 15 lowing:

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

20 “(2) The limitation under paragraph (1) does not pro-
 21 hibit the President from excluding all articles, or all of a
 22 certain type of article, imported from a country from enter-
 23 ing the United States.”.

1 **SEC. 203. PRESIDENTIAL WAR POWERS UNDER COMMU-**
 2 **NICATIONS ACT OF 1934.**

3 (a) *IN GENERAL.*—Section 706 of the Communications
 4 Act of 1934 (47 U.S.C. 606) is amended—

5 (1) *by striking subsections (c) through (g); and*

6 (2) *by redesignating subsection (h) as subsection*

7 *(c).*

8 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
 9 tion 309(h) of the Communications Act of 1934 (47 U.S.C.
 10 309(h)) is amended—

11 (1) *by inserting “and” before “(2)”;* and

12 (2) *by striking “Act;” and all that follows and*
 13 *inserting “Act.”*

14 **SEC. 204. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**
 15 **EMERGENCY ACTION DOCUMENTS.**

16 (a) *IN GENERAL.*—Not later than 3 days after the con-
 17 clusion of the process for approval, adoption, or revision
 18 of any presidential emergency action document, the Presi-
 19 dent shall submit that document to the appropriate congres-
 20 sional committees.

21 (b) *DOCUMENTS IN EXISTENCE BEFORE DATE OF EN-*
 22 *ACTMENT.*—Not later than 15 days after the date of the en-
 23 actment of this Act, the President shall submit to the appro-
 24 priate congressional committees all presidential emergency
 25 action documents in existence before such date of enactment.

26 (c) *OVERSIGHT.*—

1 (1) *SENATE.*—*The Committee on Homeland Se-*
 2 *curity and Governmental Affairs of the Senate shall*
 3 *have—*

4 (A) *continuing legislative oversight jurisdic-*
 5 *tion in the Senate with respect to the proposal,*
 6 *creation, implementation, and execution of presi-*
 7 *dential emergency action documents; and*

8 (B) *access to any and all presidential emer-*
 9 *gency action documents.*

10 (2) *HOUSE OF REPRESENTATIVES.*—*The Com-*
 11 *mittee on Oversight and Accountability of the House*
 12 *of Representatives shall have—*

13 (A) *continuing legislative oversight jurisdic-*
 14 *tion in the House of Representatives with respect*
 15 *to the proposal, creation, implementation, and*
 16 *execution of presidential emergency action docu-*
 17 *ments; and*

18 (B) *access to any and all presidential emer-*
 19 *gency action documents.*

20 (3) *DUTY TO COOPERATE.*—*All officers and em-*
 21 *ployees of any Federal agency shall have the duty to*
 22 *cooperate with the exercise of oversight jurisdiction*
 23 *described in this subsection.*

24 (4) *SECURITY CLEARANCES.*—*The chairpersons*
 25 *and ranking members of the appropriate congres-*

sional committees, and designated staff of those committees, shall be granted all security clearances required to access, and granted access to, presidential emergency action documents, including under relevant Presidential or agency special access and compartmented access programs.

(d) *DEFINITIONS.*—In this section:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means—

(A) *the Committee on Homeland Security and Governmental Affairs of the Senate; and*

(B) *the Committee on Oversight and Accountability of the House of Representatives.*

(2) *FEDERAL AGENCY.*—The term “Federal agency”—

(A) *has the meaning given the term “agency” in section 552(f) of title 5, United States Code; and*

(B) *includes the Executive Office of the President, the Executive Office of the Vice President, the Office of Management and Budget, and the National Security Council.*

(3) *PRESIDENTIAL EMERGENCY ACTION DOCUMENT.*—The term “presidential emergency action doc-

1 *ument” refers to any document created by any Fed-*
2 *eral agency before, on, or after the date of the enact-*
3 *ment of this Act, that is—*

4 *(A) designated as a presidential emergency*
5 *action document or presidential emergency ac-*
6 *tion directive;*

7 *(B) designed to implement a presidential*
8 *decision or transmit a presidential request when*
9 *an emergency disrupts normal executive, legisla-*
10 *tive, judicial, or other Federal governmental*
11 *processes;*

12 *(C) a Presidential Policy Directive, regard-*
13 *less of whether the directive is available to the*
14 *public, that triggers any change in policies, pro-*
15 *cedures, or operations of the Federal Government*
16 *upon the declaration by the President of an*
17 *emergency; or*

18 *(D) any other document, briefing, or plan,*
19 *regardless of whether the document, briefing, or*
20 *plan exists in any tangible or written form, that*
21 *triggers any change in operations of the Federal*
22 *Government upon the declaration by the Presi-*
23 *dent of an emergency.*

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S. 4373

[Report No. 118-316]

A BILL

To provide for congressional approval of national
emergency declarations.

DECEMBER 19 (legislative day, DECEMBER 16), 2024
Reported with an amendment