

(5) Paragraphs (1)–(4) of this subsection, subsection (b) of this section, and section 1651(b) of this title are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) Automatic termination of national emergency; continuation notice from President to Congress; publication in Federal Register

Any national emergency declared by the President in accordance with this subchapter, and not otherwise previously terminated, shall terminate on the anniversary of the declaration of that emergency if, within the ninety-day period prior to each anniversary date, the President does not publish in the Federal Register and transmit to the Congress a notice stating that such emergency is to continue in effect after such anniversary.

(Pub. L. 94-412, title II, §202, Sept. 14, 1976, 90 Stat. 1255; Pub. L. 99-93, title VIII, §801, Aug. 16, 1985, 99 Stat. 448.)

Editorial Notes

AMENDMENTS

1985—Subsecs. (a) to (c). Pub. L. 99-93 substituted “there is enacted into law a joint resolution terminating the emergency” for “Congress terminates the emergency by concurrent resolution” in par. (1) of subsec. (a), and substituted “joint resolution” for “concurrent resolution” wherever appearing in second sentence of subsec. (a), subsec. (b), and pars. (1) to (4) of subsec. (c).

SUBCHAPTER III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

§ 1631. Declaration of national emergency by Executive order; authority; publication in Federal Register; transmittal to Congress

When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act. Such specification may be made either in the declaration of a national emergency, or by one or more contemporaneous or subsequent Executive orders published in the Federal Register and transmitted to the Congress.

(Pub. L. 94-412, title III, §301, Sept. 14, 1976, 90 Stat. 1257.)

Executive Documents

RELEASE OF AMERICAN HOSTAGES IN IRAN

For provisions relating to the release of the American hostages in Iran, see Ex. Ord. Nos. 12276 to 12285,

Jan. 19, 1981, 46 F.R. 7913 to 7932, listed in a table under section 1701 of this title.

SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PRESIDENT

§ 1641. Accountability and reporting requirements of President

(a) Maintenance of file and index of Presidential orders, rules and regulations during national emergency

When the President declares a national emergency, or Congress declares war, the President shall be responsible for maintaining a file and index of all significant orders of the President, including Executive orders and proclamations, and each Executive agency shall maintain a file and index of all rules and regulations, issued during such emergency or war issued pursuant to such declarations.

(b) Presidential orders, rules and regulations; transmittal to Congress

All such significant orders of the President, including Executive orders, and such rules and regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

(c) Expenditures during national emergency; Presidential reports to Congress

When the President declares a national emergency or Congress declares war, the President shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures.

(Pub. L. 94-412, title IV, §401, Sept. 14, 1976, 90 Stat. 1257.)

Executive Documents

DELEGATION OF AUTHORITY OF CERTAIN NATIONAL EMERGENCY EXPENDITURE REPORTING FUNCTIONS

Memorandum of President of the United States, July 7, 2023, 88 F.R. 44665, provided:

Memorandum for the Secretary of Homeland Security[,] the Secretary of Health and Human Services[, and] the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA) and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. Delegations. The Secretary of Homeland Security is hereby authorized to submit expenditure information to the Congress on the national emergency declared in Proclamation 6867 [46 U.S.C. 70051 note], as amended [sic] by Proclamation 7757 [46 U.S.C. 70051 note], Proclamation 9398 [46 U.S.C. 70051 note], and Proclamation 9699 [46 U.S.C. 70051 note], consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)). The Secretary of Homeland Security is hereby authorized to submit expenditure information to the Congress on the national emergency declared in Proclamation 10371 [46 U.S.C. 70051 note], consistent with section 401(c) of the NEA. The Secretary of Health and Human Services,

in consultation with the Secretary of the Treasury, is hereby authorized to submit expenditure information to the Congress on the national emergency declared in Proclamation 9994 [50 U.S.C. 1621 note], consistent with section 401(c) of the NEA. With respect to the delegations under this section, the Secretaries may consult with the Congress as warranted to ensure that the Congress receives complete and accurate expenditure information as expeditiously as possible.

SEC. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Homeland Security is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

§ 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

(a) The provisions of this chapter shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) Chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(2) Section 3727(a)–(e)(1) of title 31.

(3) Section 6305 of title 41.

(4) Public Law 85–804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.).

(5) Section 3201(a) of title 10.

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after September 14, 1976.

(Pub. L. 94–412, title V, § 502, Sept. 14, 1976, 90 Stat. 1258; Pub. L. 95–223, title I, § 101(d), Dec. 28, 1977, 91 Stat. 1625; Pub. L. 96–513, title V, § 507(b), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 105–362, title IX, § 901(r)(2), Nov. 10, 1998, 112 Stat. 3291; Pub. L. 107–314, div. A, title X, § 1062(o)(1), Dec. 2, 2002, 116 Stat. 2652; Pub. L. 117–81, div. A, title XVII, § 1702(k)(2), Dec. 27, 2021, 135 Stat. 2160.)

Editorial Notes

REFERENCES IN TEXT

Public Law 85–804, referred to in subsec. (a)(4), is Pub. L. 85–804, Aug. 28, 1958, 72 Stat. 972, which is classified

generally to chapter 29 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–81 added pars. (1) to (5) and struck out former pars. (1) to (5) which set out sections and provisions to which the provisions of this chapter are inapplicable.

2002—Subsec. (a). Pub. L. 107–314 redesignated pars. (3) to (7) as (1) to (5), respectively, and struck out former par. (2) which read as follows: “Act of April 28, 1942 (40 U.S.C. 278b);”.

1998—Subsec. (a)(6). Pub. L. 105–362 substituted “1431 et seq.” for “1431–1435”.

1980—Subsec. (a)(8). Pub. L. 96–513 struck out par. (8) which made reference to sections 3313, 6386(c), and 8313 of title 10.

1977—Subsec. (a)(1). Pub. L. 95–223 struck out par. (1) which read as follows: “Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b));”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

CHAPTER 35—INTERNATIONAL EMERGENCY ECONOMIC POWERS

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| 1701. | Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities. |
| 1702. | Presidential authorities. |
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§ 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 1702 of this title may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this chapter and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

(Pub. L. 95–223, title II, § 202, Dec. 28, 1977, 91 Stat. 1626.)