

118TH CONGRESS
1ST SESSION

H. R. 4928

To provide for clarification and limitations with respect to the exercise of national security powers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Mr. MCGOVERN (for himself and Ms. MACE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for clarification and limitations with respect to the exercise of national security powers, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Security Reforms and Accountability Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—WAR POWERS REFORM

- Sec. 101. Short title.
- Sec. 102. Purpose and policy.
- Sec. 103. Consultation and notification.
- Sec. 104. Specific statutory authorization required.
- Sec. 105. Congressional priority procedures for joint resolution.
- Sec. 106. Interpretation of joint resolution.
- Sec. 107. Judicial review.
- Sec. 108. Termination of funding; termination of use of military force.
- Sec. 109. Law of Armed Conflict, international humanitarian law, and the treaty obligations of the United States.
- Sec. 110. Definitions.

TITLE II—ARMS EXPORT REFORM

- Sec. 201. Short title.
- Sec. 202. Congressional review and approval of certain sales, exports, leases, and loans of defense articles and services.
- Sec. 203. Prohibition on transfer of defense articles and defense services to countries that commit genocide or violations of international humanitarian law.

TITLE III—NATIONAL EMERGENCIES REFORM ACT

- Sec. 301. Short title.
- Sec. 302. Congressional review of national emergencies.
- Sec. 303. Reporting requirements.
- Sec. 304. Disclosures to Congress of presidential documents relating to emergency actions.
- Sec. 305. Conforming amendments.
- Sec. 306. Effective date; applicability.

1 TITLE I—WAR POWERS REFORM**2 SEC. 101. SHORT TITLE.**

3 This title may be cited as the “War Powers Resolu-
4 tion Modernization and Accountability Act”.

5 SEC. 102. PURPOSE AND POLICY.

6 Section 2 of the War Powers Resolution (50 U.S.C.
7 1541) is amended—

8 (1) in subsection (a), by striking “imminent in-
9 volvement in hostilities is clearly indicated by the
10 circumstances” and inserting “there is a serious risk
11 of hostilities”;

1 (2) in subsection (b), by inserting “declare war,
2 exercise enumerated war powers, and” after “Con-
3 gress shall have the power to”; and

4 (3) in subsection (c)—

5 (A) in the matter preceding paragraph

6 (1)—

7 (i) by striking “powers” and inserting
8 “authority”; and

9 (ii) by striking “imminent involvement
10 in hostilities is clearly indicated by the cir-
11 cumstances” and inserting “there is a seri-
12 ous risk of hostilities”; and

13 (B) by amending paragraph (3) to read as
14 follows: “(3) when necessary to repel a sudden
15 attack, or respond to a concrete, specific, and
16 immediate threat of such a sudden attack upon
17 the United States, its territories or possessions,
18 United States forces, or United States citi-
19 zens.”.

20 **SEC. 103. CONSULTATION AND NOTIFICATION.**

21 Section 3 of the War Powers Resolution (50 U.S.C.
22 1542) is amended—

23 (1) in the section heading, by inserting “AND
24 NOTIFICATION” after “CONSULTATION”;

1 (2) by striking “The President” and inserting
2 “(a) The President”;

3 (3) by inserting “, including with the appro-
4 appropriate congressional committees and leadership,”
5 after “consult with Congress”;

6 (4) by striking “imminent involvement in hos-
7 tilities is clearly indicated by the circumstances” and
8 inserting “there is a serious risk of hostilities”;

9 (5) by striking “until United States Armed
10 Forces” and inserting “, including submitting to the
11 appropriate congressional committees and leadership
12 any and all information and materials relied on to
13 justify the decision to introduce and continue the de-
14 ployment of United States forces, until such forces”;
15 and

16 (6) by adding at the end the following:

17 “(b) The President shall notify the Congress, includ-
18 ing the appropriate congressional committees and leader-
19 ship—

20 “(1) before United States forces are introduced
21 into the territory, airspace, or waters of a foreign
22 country while equipped for combat, except with re-
23 spect to deployments that relate solely to supply, re-
24 placement, repair, or training of such forces; and

1 (1) by striking sections 4, 5, 6, and 7;

2 (2) by redesignating sections 8, 9, and 10 as
3 sections 6, 11, and 12, respectively; and

4 (3) by inserting after section 3 the following:

5 “SPECIFIC STATUTORY AUTHORIZATION REQUIRED

6 “SEC. 4. (a) In the absence of a declaration of war,
7 and except as provided in subsection (b), United States
8 forces may be introduced into hostilities or into situations
9 where there is a serious risk of hostilities only if, before
10 introducing such forces—

11 “(1) the President submits to the appropriate
12 congressional committees and leadership an initial
13 report in accordance with the requirements of sub-
14 section (d)(1) for the use of such forces; and

15 “(2) the Congress enacts a specific statutory
16 authorization for the use of such forces.

17 “(b)(1) In the absence of a declaration of war, in any
18 case in which United States forces are introduced into hos-
19 tilities or into situations where there is a serious risk of
20 hostilities—

21 “(A) when necessary to repel a sudden attack,
22 or respond to a concrete, specific, and immediate
23 threat of such a sudden attack, upon the territory,
24 airspace, or waters of the United States, United
25 States forces, or United States citizens; and

1 “(B) the time required to obtain prior specific
2 statutory authorization for the use of such forces as
3 required under subsection (a) would prevent an ef-
4 fective defense against the attack or threat of at-
5 tack,

6 the President shall, not later than 48 hours after ordering
7 the use of such forces, inform the appropriate congress-
8 sional committees and leadership of the President’s deci-
9 sion and describe the use of such forces, the justification
10 for the use of such forces without prior specific statutory
11 authorization, and certify whether hostilities have con-
12 cluded or are continuing.

13 “(2)(A) Except as provided in subparagraph (B), not
14 later than seven calendar days after ordering the use of
15 United States forces as described in paragraph (1), the
16 President shall submit to the appropriate congressional
17 committees and leadership—

18 “(i) a request for specific statutory authoriza-
19 tion for the use of such forces; and

20 “(ii) a report that meets the requirements of
21 subsection (d)(1)(B).

22 “(B) The requirement to submit a request for specific
23 statutory authorization for the use of United States forces
24 under subparagraph (A) shall not apply in any case in
25 which the President—

1 “(i) has withdrawn, removed, or otherwise
2 ceased the use of such forces; and

3 “(ii) has certified to the appropriate congress-
4 sional committees and leadership that the President
5 does not anticipate introducing United States forces
6 into hostilities or into situations where there is a se-
7 rious risk of hostilities for a substantially similar
8 purpose.

9 “(c)(1) If the Congress does not enact a specific stat-
10 utory authorization for the use of United States forces
11 under subsection (b) within 20 days of the introduction
12 of such forces into hostilities or a situation where there
13 is a serious risk of hostilities, the President shall with-
14 draw, remove, or otherwise cease the use of such forces.

15 “(2) The 20-day period described in paragraph (1)
16 shall be extended for not more than an additional 10 days
17 if the President determines and certifies to the Congress
18 in writing that unavoidable military necessity respecting
19 the safety of such forces requires the continued use of
20 such forces for the sole purpose of bringing about the safe
21 removal of such forces.

22 “(d)(1)(A) If the Congress does enact a specific stat-
23 utory authorization for the use of United States forces
24 under subsection (a) or (b), the President shall submit to

1 the appropriate congressional committees and leadership
2 a report in writing on the use of such forces—

3 “(i) not less frequently than every 30 days; and

4 “(ii) as new information becomes available or
5 whenever there is a material change in the informa-
6 tion previously reported under this paragraph.

7 “(B) The report required by subparagraph (A) shall,
8 with respect to each use of United States forces, include
9 the following:

10 “(i) The circumstances necessitating the use of
11 such forces.

12 “(ii) An identification of enemy and opposing
13 forces.

14 “(iii) The specific United States constitutional
15 and statutory authorities and international law au-
16 thorities for the use of such forces with respect to
17 each enemy and opposing force identified pursuant
18 to clause (ii), including an explanation of whether
19 the use of such forces is consistent with existing
20 United States international legal obligations.

21 “(iv) The total cost of the use of such forces
22 since the introduction of such forces into hostilities
23 or into situations where there is a serious risk of
24 hostilities.

1 “(v) The estimated scope and duration of the
2 use of such forces, including the personnel and
3 weapons to be deployed.

4 “(vi) The country or countries in which such
5 forces are deployed.

6 “(vii) A description of—

7 “(I) the mission of such forces;

8 “(II) the outcomes or benchmarks that
9 would indicate the mission is complete; and

10 “(III) the length of time it is expected to
11 take to meet the objectives of the mission.

12 “(viii) An identification of United States allied
13 or partner forces or multilateral organizations that
14 are or may be involved in the deployment.

15 “(ix) The risk to United States persons or
16 property involved in the deployment.

17 “(x) Any other information as may be required
18 to fully inform Congress.

19 “(C) The report required by subparagraph (A)—

20 “(i) shall be submitted in unclassified form
21 without any designation relating to dissemination
22 control; and

23 “(ii) may include a classified annex only to the
24 extent required to protect the national security of
25 the United States.

1 “(2) If the Congress does enact a specific statutory
2 authorization for the use of United States forces under
3 subsection (a) or (b), the Director of the Congressional
4 Budget Office shall submit to the appropriate congress-
5 sional committees and leadership—

6 “(A) a report in writing that contains an anal-
7 ysis and estimate of the costs of such use of forces
8 not less frequently than every 180 days until termi-
9 nation of the specific statutory authorization; and

10 “(B) a report in writing that contains a final
11 analysis of the costs of such use of forces not later
12 than 30 days after the date of termination of the
13 specific statutory authorization.

14 “(e) In the event hostilities in which United States
15 forces are engaged extend to a country, organization, or
16 enemy or opposing force that is not identified in a specific
17 statutory authorization pursuant to which United States
18 forces are operating—

19 “(1) such extension shall be deemed to con-
20 stitute a separate introduction of United States
21 forces into hostilities within the meaning of section
22 3 and this section, including with respect to the limi-
23 tations and consultation, notification, and reporting
24 requirements described in such sections; and

1 “CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT
2 RESOLUTION

3 “SEC. 5. (a) Any joint resolution introduced to pro-
4 vide specific statutory authorization under section 4(a) or
5 under section 4(b) before the expiration of the time period
6 specified in paragraph (1) or (2) of section 4(c) shall be
7 referred to the committee of jurisdiction of the House of
8 Representatives or of the Senate, as applicable, and such
9 committee shall report one such joint resolution, together
10 with its recommendations. If a committee of the House
11 to which such joint resolution has been referred has not
12 reported it, within 10 legislative days in the House of Rep-
13 resentatives or 10 session days in the Senate after the date
14 of referral, that committee shall be discharged from fur-
15 ther consideration.

16 “(b) In the House of Representatives:

17 “(1) Between the third legislative day and the
18 13th legislative day after the committee of jurisdic-
19 tion reports the joint resolution to the House or has
20 been discharged from further consideration thereof,
21 it shall be in order for the chair of the committee
22 of jurisdiction (or a designee) or the sponsor of such
23 joint resolution (or a designee) to announce his or
24 her intent to offer a motion to proceed and to move
25 to proceed to consider the joint resolution, except

1 that the chair of the committee (or a designee) shall
2 have priority in recognition to offer the motion fol-
3 lowed by the sponsor.

4 “(2) All points of order against such motion are
5 waived, except that such a motion shall not be in
6 order after the House has disposed of the same joint
7 resolution. A motion to proceed to consider any
8 other joint resolution introduced to provide specific
9 statutory authorization under section 4(a) or under
10 section 4(b) authorizing the use of United States
11 forces for the same purpose as the joint resolution
12 described in preceding sentence shall not be in order
13 after a motion to proceed on the joint resolution de-
14 scribed in the preceding sentence has been offered.

15 “(3) Such motion to proceed shall be scheduled
16 within two legislative days after the date of such an-
17 nouncement.

18 “(4) The previous question shall be considered
19 as ordered on the motion to its adoption without in-
20 tervening motion except 20 minutes of debate equal-
21 ly divided and controlled by a proponent and an op-
22 ponent. A motion to reconsider the vote by which the
23 motion is disposed of shall not be in order. The mo-
24 tion to proceed shall be subject to a motion to table.

1 “(5) Upon adoption of the motion to proceed,
2 such joint resolution shall be considered as read. All
3 points of order against such joint resolution, and
4 against its consideration, are waived. The previous
5 question shall be considered as ordered on such joint
6 resolution to final passage without intervening mo-
7 tion, except that two hours of debate shall be equally
8 divided and controlled by—

9 “(A) the chair of the committee of jurisdic-
10 tion (or a designee) and the ranking member of
11 that committee (or a designee); or

12 “(B) if the sponsor of the such joint reso-
13 lution made the motion to proceed, the sponsor
14 (or a designee) and an opponent.

15 “(6) A motion to reconsider the vote on passage
16 of such joint resolution shall not be in order.

17 “(c) In the Senate—

18 “(1) Notwithstanding Rule XXII of the Stand-
19 ing Rules of the Senate, it is in order at any time
20 after the Committee on Foreign Relations reports
21 such joint resolution to the Senate or has been dis-
22 charged from its consideration (even though a pre-
23 vious motion to the same effect has been disagreed
24 to) to move to proceed to the consideration of such
25 joint resolution, and all points of order against such

1 joint resolution or against its consideration, are
2 waived. The motion to proceed is not debatable. The
3 motion is not subject to a motion to postpone. A mo-
4 tion to reconsider the vote by which the motion is
5 agreed to or disagreed to shall not be in order. If
6 a motion to proceed to the consideration of such
7 joint resolution is agreed to, the joint resolution
8 shall remain the unfinished business until disposed
9 of.

10 “(2) Debate on such joint resolution, and on all
11 debatable motions and appeals in connection there-
12 with, shall be limited to not more than 10 hours,
13 which shall be divided equally between the majority
14 and minority leaders or their designees. A motion to
15 further limit debate is in order and not debatable.
16 An amendment to, or a motion to postpone, or a mo-
17 tion to proceed to the consideration of other busi-
18 ness, or a motion to recommit the joint resolution is
19 not in order.

20 “(3) The vote on passage shall occur imme-
21 diately following the conclusion of the debate on
22 such joint resolution and a single quorum call at the
23 conclusion of the debate, if requested in accordance
24 with the rules of the Senate.

1 “(4) Appeals from the decisions of the Chair re-
2 relating to the application of the rules of the Senate,
3 as the case may be, to the procedure relating to such
4 joint resolution shall be decided without debate.

5 “(5) Debate in the Senate of any veto message
6 with respect to such resolution, including all debat-
7 able motions and appeals in connection with such
8 resolution, shall be limited to 10 hours, to be equally
9 divided between, and controlled by, the majority
10 leader and the minority leader or their designees.

11 “(d)(1) If, before passage by one House of a joint
12 resolution of that House, that House receives a joint reso-
13 lution to provide specific statutory authorization from the
14 other House, then the following procedures shall apply:

15 “(A) The joint resolution of the other House
16 shall not be referred to a committee.

17 “(B) With respect to the joint resolution of the
18 House receiving the legislation—

19 “(i) the procedure in that House shall be
20 the same as if no joint resolution had been re-
21 ceived from the other House; but

22 “(ii) the vote on passage shall be on the
23 joint resolution of the other House.

24 “(2) If one House fails to introduce a joint resolution
25 to provide specific statutory authorization under section

1 4(a) or under section 4(b), the joint resolution of the other
2 House shall be entitled to expedited floor procedures under
3 this section.

4 “(3) If, following passage of the joint resolution in
5 the Senate, the Senate then receives a joint resolution to
6 provide specific statutory authorization from the House of
7 Representatives, the joint resolution shall not be debat-
8 able.

9 “(4) The provisions of this subsection shall not apply
10 in the House of Representatives to a joint resolution which
11 is a revenue measure.

12 “(e) This section is enacted by Congress—

13 “(1) as an exercise of the rulemaking power of
14 the Senate and the House of Representatives, re-
15 spectively, and as such are deemed a part of the
16 rules of each House, respectively, but applicable only
17 with respect to the procedure to be followed in that
18 House in the case of legislation described in those
19 sections, and supersede other rules only to the ex-
20 tent that they are inconsistent with such rules; and

21 “(2) with full recognition of the constitutional
22 right of either House to change the rules (so far as
23 relating to the procedure of that House) at any time,
24 in the same manner, and to the same extent as in
25 the case of any other rule of that House.”.

1 **SEC. 106. INTERPRETATION OF JOINT RESOLUTION.**

2 Section 6 of the War Powers Resolution, as redesignig-
3 nated by section 104(2), is amended to read as follows:

4 “INTERPRETATION OF JOINT RESOLUTION

5 “SEC. 6. (a) Specific statutory authorization for the
6 use of United States forces shall not be inferred—

7 “(1) from any provision of law, including any
8 provision contained in any appropriations Act, unless
9 such provision expressly authorizes the use of such
10 forces and states that it is intended to constitute
11 specific statutory authorization within the meaning
12 of this joint resolution; or

13 “(2) from any source of international legal obli-
14 gation binding on the United States, including any
15 resolution of the United Nations Security Council or
16 any treaty unless such treaty is implemented by leg-
17 islation specifically authorizing the use of such
18 forces and stating that it is intended to constitute
19 specific statutory authorization within the meaning
20 of this joint resolution.

21 “(b) Nothing in this joint resolution may be con-
22 strued to affect the authority granted by the Constitution
23 to the Congress or of the President, or the provisions of
24 any treaty or other international agreement that is in
25 force with respect to the United States before, on, or after
26 the date of the enactment of this section.”.

1 **SEC. 107. JUDICIAL REVIEW.**

2 The War Powers Resolution (50 U.S.C. 1541 et seq.),
3 as amended by this Act, is further amended by inserting
4 after section 6 the following:

5 “JUDICIAL REVIEW

6 “SEC. 7. (a)(1) If an officer or employee of the execu-
7 tive branch, including the President and an officer or em-
8 ployee of the Executive Officer of the President, fails to
9 comply with a provision of this joint resolution, upon the
10 adoption of a resolution described in subsection (b), the
11 House of Representatives or the Senate may bring an ac-
12 tion in the name of the House of Representatives or the
13 Senate (as the case may be) for such relief as may be ap-
14 propriate, including declaratory judgment and any form
15 of ancillary relief, including injunctive relief.

16 “(2) An action brought under this section shall be
17 brought—

18 “(A) in the case of an action brought by the
19 House of Representatives, by the Office of the Gen-
20 eral Counsel of the House of Representatives or such
21 successor office to such Office as the House may
22 designate; or

23 “(B) in the case of an action brought by the
24 Senate, by the Office of the Senate Legal Counsel or
25 such successor office to such Office as the Senate
26 may designate.

1 “(b)(1) A resolution described in this subsection is
2 a resolution described as follows:

3 “(A) The resolution does not have a preamble.

4 “(B) The title is as follows: ‘Authorizing an ac-
5 tion under section 7 of the War Powers Resolution.’.

6 “(C) The matter after the resolving clause is as
7 follows: ‘That the _____ is authorized
8 and directed to bring an action under section 7 of
9 the War Powers Resolution to obtain relief from the
10 failure of _____ to comply with
11 _____ of the War Powers Resolution.’,
12 with the first blank space filled in with the identi-
13 fication of the office responsible for bringing an ac-
14 tion under this section for the House of Congress in-
15 volved, the second blank space filled in with the
16 name and position of the officer or employee of the
17 executive branch who has failed to comply with a
18 provision of this Act, and the third blank space filled
19 in with the provision of this joint resolution with
20 which such officer or employee failed to comply.

21 “(2) The expedited procedures described in section 5
22 shall apply with respect to a resolution described in this
23 subsection.

24 “(c) For purposes of this section, the failure of an
25 officer or employee of the executive branch, including the

1 President and an officer or employee of the Executive Offi-
2 cer of the President, to provide any information to Con-
3 gress as required by this joint resolution shall be treated
4 as the failure of such officer or employee to comply with
5 this joint resolution.

6 “(d) The following rules shall apply with respect to
7 any action brought by the House of Representatives or
8 Senate pursuant to the authority of this section:

9 “(1) The action shall be filed in the United
10 States District Court for the District of Columbia,
11 and shall be heard not later than 30 days after the
12 action is filed by a 3-judge court convened pursuant
13 to section 2284 of title 28, United States Code.

14 “(2) A copy of the complaint shall be delivered
15 promptly to the Clerk of the House of Representa-
16 tives (in the case of an action brought by the House)
17 and the Secretary of the Senate (in the case of an
18 action brought by the Senate).

19 “(3) A final decision in the action shall be re-
20 viewable only by appeal directly to the Supreme
21 Court of the United States. Such appeal shall be
22 taken by the filing of a notice of appeal within 10
23 days, and the filing of a jurisdictional statement
24 within 30 days, of the entry of the final decision.

1 “LAW OF ARMED CONFLICT, INTERNATIONAL HUMANI-
2 TARIAN LAW, AND THE TREATY OBLIGATIONS OF
3 THE UNITED STATES

4 “SEC. 9. United States forces may not be introduced
5 into hostilities or into situations where there is a serious
6 risk of hostilities in a manner inconsistent with the Law
7 of Armed Conflict, international humanitarian law, or the
8 treaty obligations of the United States.”.

9 **SEC. 110. DEFINITIONS.**

10 (a) IN GENERAL.—The War Powers Resolution (50
11 U.S.C. 1541 et seq.), as amended by this Act, is further
12 amended by inserting after section 9 the following:

13 “DEFINITIONS

14 “SEC. 10. In this joint resolution:

15 “(1) The term ‘appropriate congressional com-
16 mittees and leadership’ means—

17 “(A) in the House of Representatives—

18 “(i) the Committee on Foreign Af-
19 fairs, the Committee on Armed Services,
20 the Permanent Select Committee on Intel-
21 ligence, and the Committee on Appropria-
22 tions; and

23 “(ii) the Speaker, the majority leader,
24 and the minority leader; and

25 “(B) in the Senate—

1 “(i) the Committee on Foreign Rela-
2 tions, the Committee on Armed Services,
3 the Select Committee on Intelligence, and
4 the Committee on Appropriations; and

5 “(ii) the majority leader and the mi-
6 nority leader.

7 “(2) The term ‘hostilities’ means any situation
8 involving any continuous or intermittent use of le-
9 thal or potentially lethal force by or against United
10 States forces (or, for purposes of paragraph (3)(B),
11 foreign regular or irregular forces) carried out
12 through land, sea, air, space, or cyber operations, or
13 through any other domain, including whether or not
14 such force is deployed remotely.

15 “(3) The term ‘introduce’ means—

16 “(A) with respect to hostilities or a situa-
17 tion in which there is a serious risk of hos-
18 tilities, any commitment, engagement, or other
19 involvement of United States forces (or, for
20 purposes of paragraph (3)(B), of foreign reg-
21 ular or irregular forces), whether or not consti-
22 tuting self-defense measures by United States
23 forces, in response to an attack or imminent
24 threat of attack outside the United States, and
25 whether or not United States forces are present

1 or operating remotely launched, piloted, or di-
2 rected attacks; or

3 “(B) the use, including assigning or tem-
4 porary detailing, of members of United States
5 forces to—

6 “(i) command, advise, assist, accom-
7 pany, coordinate, or train any foreign reg-
8 ular or irregular forces engaged in hos-
9 tilities or in a situation in which there is
10 a serious risk that those foreign forces be-
11 come engaged in hostilities; or

12 “(ii) provide any other type of support
13 that would render the United States a
14 party to a conflict in which it is not al-
15 ready engaged or be more likely than not
16 to do so.

17 “(4) The term ‘serious risk of hostilities’ means
18 any situation in which there exists a substantial pos-
19 sibility that United States forces (or, for purposes of
20 paragraph (3)(B), foreign regular or irregular
21 forces) will become engaged in hostilities, irrespec-
22 tive of any belief that the presence of such forces
23 will deter the onset of hostilities.

24 “(5) The term ‘specific statutory authorization’
25 means any joint resolution introduced after the date

1 of the enactment of the War Powers Resolution
2 Modernization and Accountability Act and enacted
3 into law to authorize the introduction of United
4 States forces into hostilities or into situations where
5 there is a serious risk of hostilities that sets forth,
6 at a minimum, the following:

7 “(A) A clearly defined mission and oper-
8 ational objectives, the identity of all specific en-
9 tity or entities against which force is author-
10 ized, and the foreign country or countries in
11 which the hostilities by such forces are author-
12 ized.

13 “(B) A requirement the President seek
14 from the Congress a subsequent specific statu-
15 tory authorization, in accordance with the re-
16 quirements of section 4, for any expansion of
17 the mission to include new operational objec-
18 tives, additional enemy forces, or new countries
19 in which such forces are operating, in each case
20 to the extent not specifically identified in the
21 previous authorization.

22 “(C) A termination of the authorization for
23 the use of such forces within two years absent
24 the enactment of a subsequent specific statu-

1 tory authorization for such use of the United
2 States forces.

3 “(6) The term ‘substantially enlarge’ means, for
4 any 30-day period, an increase in the overall number
5 of United States forces, including temporary duty or
6 rotational forces, that is the lesser of—

7 “(A) an increase of 25 percent or more of
8 the number of such forces; or

9 “(B) an increase of 1,000 or more of the
10 number of such forces.

11 “(7) The term ‘train’ or ‘training’ has the
12 meaning given the term ‘military education and
13 training’ in section 644 of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2403).

15 “(8) The term ‘United States forces’ means any
16 individuals who are employed by, or under contract
17 to, or under the direction of, any department or
18 agency of the United States Government who are or
19 may be—

20 “(A) deployed and equipped for combat; or

21 “(B) engaged in the use of lethal or poten-
22 tially lethal force carried out through land, sea,
23 air, space, or cyber operations, or through any
24 other domain”.

1 (b) USE OF TERM “FORCES”.—The War Powers
2 Resolution (50 U.S.C. 1541 et seq.), as amended by this
3 Act, is further amended—

4 (1) by striking “Armed Forces” each place it
5 appears and inserting “forces”; and

6 (2) by striking “armed forces” each place it ap-
7 pears and inserting “forces”.

8 **TITLE II—ARMS EXPORT**
9 **REFORM**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Arms Export Control
12 Reform Act”.

13 **SEC. 202. CONGRESSIONAL REVIEW AND APPROVAL OF**
14 **CERTAIN SALES, EXPORTS, LEASES, AND**
15 **LOANS OF DEFENSE ARTICLES AND SERV-**
16 **ICES.**

17 (a) IN GENERAL.—Section 36 of the Arms Export
18 Control Act (22 U.S.C. 2776) is amended—

19 (1) by redesignating subsections (e), (f), (g),
20 (h), and (i) as subsections (f), (g), (h), (i), and (j),
21 respectively; and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

1 “(e) CONGRESSIONAL REVIEW AND APPROVAL OF
2 CERTAIN SALES, EXPORTS, LEASES, AND LOANS OF DE-
3 FENSE ARTICLES AND SERVICES.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (3) and subject to paragraph (4)—

6 “(A) no letter of offer to sell any defense
7 articles or services described in paragraph (2)
8 may be issued under this Act with respect to a
9 proposed sale to a foreign country or inter-
10 national organization unless—

11 “(i) the President transmits to Con-
12 gress a numbered certification with respect
13 to the letter of offer containing the infor-
14 mation described in paragraphs (1) and
15 (4) of subsection (b); and

16 “(ii) there is enacted into law a joint
17 resolution of approval under paragraph (5)
18 with respect to the letter of offer;

19 “(B) no license may be issued under this
20 Act (other than with regard to a sale under sec-
21 tion 21 or 22 of this Act), including under sec-
22 tion 38 of this Act, for the export of any de-
23 fense articles or services described in paragraph
24 (2) with respect to a proposed export to a for-

1 eign country or international organization un-
2 less—

3 “(i) the President transmits to Con-
4 gress an unclassified numbered certifi-
5 cation with respect to the license con-
6 taining the information described in sub-
7 section (c)(1); and

8 “(ii) there is enacted into law a joint
9 resolution of approval under paragraph (5)
10 with respect to the license; and

11 “(C) no agreement to lease defense articles
12 described in paragraph (2) may be entered into
13 under chapter 6 of this Act with respect to a
14 proposed lease to a foreign country, or to loan
15 defense articles under chapter 2 of part II of
16 the Foreign Assistance Act of 1961 (22 U.S.C.
17 2311 et seq.) with respect to a proposed loan
18 to a foreign country, unless—

19 “(i) the President transmits to Con-
20 gress a written certification with respect to
21 the agreement containing the information
22 described in section 62(a); and

23 “(ii) there is enacted into law a joint
24 resolution of approval under paragraph (5)
25 with respect to the agreement.

1 “(2) DEFENSE ARTICLES AND SERVICES DE-
2 SCRIBED.—Defense articles and services described in
3 this paragraph are the following:

4 “(A) Firearms and ammunition of
5 \$1,000,000 or more.

6 “(B) Air to ground munitions of
7 \$14,000,000 or more.

8 “(C) Tanks, armored vehicles, and related
9 munitions of \$14,000,000 or more.

10 “(D) Fixed and rotary, manned or un-
11 manned aircraft of \$14,000,000 or more.

12 “(E) Services or training of \$14,000,000
13 or more.

14 “(3) EXCEPTION.—The requirements of sub-
15 paragraphs (A)(ii), (B)(ii), and (C)(ii) of paragraph
16 (1) shall not apply with respect to a proposed sale,
17 export, lease, or loan of defense articles or services
18 to the North Atlantic Treaty Organization (NATO),
19 any member country of NATO, Australia, Japan,
20 the Republic of Korea, Israel, New Zealand, or Tai-
21 wan if a joint resolution of approval under para-
22 graph (5) with respect to the sale, export, lease, or
23 loan is not introduced in either House of Congress
24 during the 15-day period beginning on the date on
25 which Congress receives a numbered certification

1 under subparagraph (A)(i) with respect to the sale,
2 an unclassified numbered certification under sub-
3 paragraph (B)(i) with respect to the export, or a
4 written certification under subparagraph (C)(i) with
5 respect to the lease or loan.

6 “(4) EMERGENCY PROCEDURES.—

7 “(A) IN GENERAL.—The requirement that
8 a joint resolution of approval be enacted into
9 law for purposes of subparagraph (A)(ii),
10 (B)(ii), or (C)(ii) of paragraph (1) shall not
11 apply with respect to a proposed sale, export,
12 lease, or loan of defense articles or services if
13 the President—

14 “(i) subject to subparagraph (B) and
15 except as provided in subparagraph (C),
16 determines that an emergency exists that
17 requires the sale, export, lease, or loan to
18 be in the national security interest of the
19 United States; and

20 “(ii) submits to the Committee on
21 Foreign Affairs of the House of Represent-
22 atives and the Committee on Foreign Rela-
23 tions of the Senate such determination and
24 justification for the determination, and
25 which also includes a specific and detailed

1 description of how the waiver of the con-
2 gressional review requirements directly re-
3 sponds to or addresses the circumstances
4 of the emergency cited in the determina-
5 tion.

6 “(B) The President may make a deter-
7 mination under subparagraph (A)(i) only if the
8 President certifies to the Committee on Foreign
9 Affairs of the House of Representatives and the
10 Committee on Foreign Relations of the Senate
11 that the defense articles or services to be sold,
12 exported, leased, or loaned will be delivered not
13 later than 60 days after the date of such certifi-
14 cation.

15 “(C) The President may not make a deter-
16 mination under subparagraph (A)(i) in the case
17 of a proposed sale, export, lease, or loan of de-
18 fense articles or services that include manufac-
19 turing or co-production of the articles or serv-
20 ices outside the United States.

21 “(5) REVIEW BY CONGRESS.—

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

1 that contains only the following provisions after
2 its resolving clause:

3 “(i) In the case of a letter of offer de-
4 scribed in paragraph (1)(A), a provision
5 approving the issuance of the letter of
6 offer.

7 “(ii) In the case of a license described
8 in paragraph (1)(B), a provision approving
9 the issuance of the license.

10 “(iii) In the case of a lease or loan
11 agreement described in paragraph (1)(C),
12 a provision approving the agreement.

13 “(B) PROCEDURES FOR CONSIDERATION
14 OF JOINT RESOLUTIONS OF APPROVAL.—

15 “(i) INTRODUCTION.—After the Presi-
16 dent transmits to Congress a numbered
17 certification with respect to a letter of
18 offer described in paragraph (1)(A)(i), an
19 unclassified numbered certification with re-
20 spect to a license described in paragraph
21 (1)(B)(i), or a written certification with re-
22 spect to the agreement described in para-
23 graph (1)(C)(i), a joint resolution of ap-
24 proval may be introduced in either House
25 of Congress by any member of that House.

1 “(ii) COMMITTEE REFERRAL.—A joint
2 resolution of approval shall be referred in
3 each House of Congress to the Committee
4 on Foreign Relations of the Senate and the
5 Committee on Foreign Affairs of the
6 House of Representatives.

7 “(iii) CONSIDERATION IN SENATE.—
8 In the Senate, the following shall apply:

9 “(I) REPORTING AND DIS-
10 CHARGE.—If the committee to which
11 a joint resolution of approval has been
12 referred has not reported it at the end
13 of 10 session days after its introduc-
14 tion, that committee shall be auto-
15 matically discharged from further con-
16 sideration of the resolution and it
17 shall be placed on the calendar.

18 “(II) PROCEEDING TO CONSIDER-
19 ATION.—Notwithstanding Rule XXII
20 of the Standing Rules of the Senate,
21 when the committee to which a joint
22 resolution of approval is referred has
23 reported the resolution, or when that
24 committee is discharged under sub-
25 clause (I) from further consideration

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

17 “(III) FLOOR CONSIDERATION.—
18 A joint resolution of approval shall be
19 subject to 10 hours of consideration,
20 to be divided evenly between the pro-
21 ponents and opponents of the resolu-
22 tion.

23 “(IV) AMENDMENTS.—No
24 amendments shall be in order with re-
25 spect to a joint resolution of approval.

1 “(V) MOTION TO RECONSIDER
2 FINAL VOTE.—A motion to reconsider
3 a vote on passage of a joint resolution
4 of approval shall not be in order.

5 “(VI) APPEALS.—Points of
6 order, including questions of rel-
7 evancy, and appeals from the decision
8 of the Presiding Officer, shall be de-
9 cided without debate.

10 “(VII) RECEIPT OF RESOLUTION
11 FROM HOUSE.—If, before passing a
12 joint resolution of approval, the Sen-
13 ate receives from the House a joint
14 resolution of approval from the
15 House, then—

16 “(aa) the joint resolution of
17 the House shall not be referred
18 to a committee and shall be
19 deemed to have been discharged
20 from committee on the day it is
21 received; and

22 “(bb) the procedures set
23 forth in this clause shall apply in
24 the Senate to the joint resolution
25 received from the House to the

1 same extent as such procedures
2 apply to a joint resolution of the
3 Senate.

4 “(C) RULES OF THE HOUSE AND SEN-
5 ATE.—This paragraph is enacted by Con-
6 gress—

7 “(i) as an exercise of the rulemaking
8 power of the Senate and the House of Rep-
9 resentatives, respectively, and as such is
10 deemed a part of the rules of each House,
11 respectively, but applicable only with re-
12 spect to the procedure to be followed in the
13 House in the case of joint resolutions de-
14 scribed in this section, and supersedes
15 other rules only to the extent that it is in-
16 consistent with such other rules; and

17 “(ii) with full recognition of the con-
18 stitutional right of either House to change
19 the rules (so far as relating to the proce-
20 dure of that House) at any time, in the
21 same manner, and to the same extent as in
22 the case of any other rule of that House.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) GOVERNMENT-TO-GOVERNMENT SALES.—

1 (A) IN GENERAL.—Section 36(b) of the
2 Arms Export Control Act (22 U.S.C. 2776(b))
3 is amended—

4 (i) in paragraph (1)—

5 (I) in the matter preceding sub-
6 paragraph (A), in the first sentence,
7 by striking “Subject to paragraph
8 (6)” and inserting “Subject to para-
9 graph (4) and subsection (e)”; and

10 (II) in the flush text following
11 subparagraph (P), by striking the last
12 two sentences;

13 (ii) by striking paragraphs (2) and
14 (3);

15 (iii) by redesignating paragraphs (4),
16 (5), and (6) as paragraphs (2), (3), and
17 (4), respectively;

18 (iv) in subparagraph (C) of paragraph
19 (3) (as redesignated), in the first sentence,
20 by striking “Subject to paragraph (4) and
21 subsection (e)”; and

22 (v) in paragraph (4) (as redesi-
23 gnated), in the matter preceding subpara-
24 graph (A), by striking “in paragraph

1 (5)(C)” and inserting “in paragraph
2 (3)(C)”.

3 (B) CONFORMING AMENDMENT.—Section
4 38(f)(5)(B)(ii) of such Act (22 U.S.C.
5 2778(f)(5)(B)(ii)) is amended by striking “sec-
6 tion 36(b)(5)(A)” and inserting “section
7 36(b)(3)(A)”.

8 (2) COMMERCIALY LICENSED SALES.—Section
9 36(c) of such Act (22 U.S.C. 2776(c)) is amended—
10 (A) in paragraph (1), in the first sentence,
11 by striking “Subject to paragraph (5)” and in-
12 serting “Subject to subsection (e)”;

13 (B) by striking paragraphs (2) through
14 (5); and

15 (C) by redesignating paragraph (6) as
16 paragraph (2).

17 (3) PUBLICATION.—Subsection (g) of section
18 36 of such Act (22 U.S.C. 2776) (as redesignated)
19 is amended—

20 (A) in paragraph (2), by striking “and” at
21 the end;

22 (B) in paragraph (3), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(4) each numbered certification transmitted
2 under subsection (e)(1)(A)(i), each unclassified num-
3 ber notification transmitted under subsection
4 (e)(1)(B)(i) and each written certification trans-
5 mitted under subsection (e)(1)(C)(i).”.

6 (4) LEGISLATIVE REVIEW OF LEASES AND
7 LOANS.—

8 (A) REPEAL.—Section 63 of such Act (22
9 U.S.C. 2796b) is repealed.

10 (B) CONFORMING AMENDMENT.—Section
11 62(b) of such Act (22 U.S.C. 2976a(b)) is
12 amended, in the first sentence, by striking
13 “(and in the case” and all that follows through
14 “of that section”).

15 **SEC. 203. PROHIBITION ON TRANSFER OF DEFENSE ARTI-**
16 **CLES AND DEFENSE SERVICES TO COUN-**
17 **TRIES THAT COMMIT GENOCIDE OR VIOLA-**
18 **TIONS OF INTERNATIONAL HUMANITARIAN**
19 **LAW.**

20 (a) IN GENERAL.—No defense articles or defense
21 services may be sold, exported, or transferred to any coun-
22 try, and no letter of offer to sell defense articles or defense
23 services to any country and no application for a license
24 to export or transfer defense articles or defense services
25 controlled for export to any country shall be subject to

1 congressional review and approval requirements, regard-
2 less of monetary value or emergency, of section 36 of the
3 Arms Export Control Act (22 U.S.C. 2776), if the Sec-
4 retary of State has credible information that the govern-
5 ment, military, security forces, or police of such country
6 has committed or is committing genocide, crimes against
7 humanity, or violations of international humanitarian law
8 after the date of enactment of this Act.

9 (b) ASSESSMENT OF RISK.—Any letter of offer to
10 sell, or any application for a license to export or transfer,
11 defense articles or defense services controlled for export
12 subject to the congressional review and approval require-
13 ments, regardless of monetary value, of section 36 of the
14 Arms Export Control Act (22 U.S.C. 2776) shall include
15 an assessment of the risk of the items being used contrary
16 to principles of international humanitarian law, to violate
17 internationally recognized human rights, or to commit acts
18 that may constitute crimes against humanity or genocide,
19 prepared by the Secretary of State through the Assistant
20 Secretary for the Bureau of Democracy, Human Rights,
21 and Labor, in consultation with the Secretary of Defense
22 and the Director of Central Intelligence.

1 **TITLE III—NATIONAL**
2 **EMERGENCIES REFORM ACT**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “National Emergencies
5 Reform Act”.

6 **SEC. 302. CONGRESSIONAL REVIEW OF NATIONAL EMER-**
7 **GENCIES.**

8 Title II of the National Emergencies Act (50 U.S.C.
9 1621 et seq.) is amended by striking sections 201 and 202
10 and inserting the following:

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

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

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

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

3 “(2) one or more Executive orders relating to
4 the emergency transmitted to Congress and pub-
5 lished in the Federal Register.

6 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
7 EMERGENCIES NOT APPROVED.—

8 “(1) SUBSEQUENT DECLARATIONS.—If a joint
9 resolution of approval is not enacted under section
10 203 with respect to a national emergency before the
11 expiration of the period described in section 202(a),
12 or with respect to a national emergency proposed to
13 be renewed under section 202(b), the President may
14 not, during the remainder of the term of office of
15 that President, declare a subsequent national emer-
16 gency under subsection (a) with respect to substan-
17 tially the same facts and circumstances.

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

1 that President, exercise that power or authority with
2 respect to that emergency.

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

8 “(e) LIMITATIONS.—

9 “(1) IN GENERAL.—Any emergency powers in-
10 voked by the President pursuant to a national emer-
11 gency declared under this section shall relate to the
12 nature of, and may be used only to address, that
13 emergency.

14 “(2) AUTHORIZATION OR FUNDING WITH-
15 HELD.—No authority available to the President dur-
16 ing a national emergency declared under this section
17 may be used to provide authorization or funding for
18 any program, project, or activity for which Congress,
19 on or after the date of the events giving rise to the
20 emergency declaration, has withheld authorization or
21 funding.

22 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
23 **GENCIES.**

24 “(a) TEMPORARY EFFECTIVE PERIODS.—

1 “(1) IN GENERAL.—A declaration of a national
2 emergency under subsection (a) shall be effective for
3 30 days beginning on the day after the date of the
4 issuance of the proclamation and shall terminate
5 when that 30-day period expires unless there is en-
6 acted into law a joint resolution of approval under
7 section 203 with respect to the proclamation.

8 “(2) EXERCISE OF POWERS AND AUTHORI-
9 TIES.—

10 “(A) EXERCISE PURSUANT TO PROCLAMA-
11 TION.—Subject to section 201(e), any emer-
12 gency power or authority made available under
13 a provision of law specified pursuant to section
14 201(b)(1) may be exercised pursuant to a dec-
15 laration of a national emergency upon the
16 issuance of the proclamation. That power or au-
17 thority may not be exercised on or after the 30-
18 day period described in paragraph (1) unless
19 there is enacted into law a joint resolution of
20 approval under section 203 approving—

21 “(i) the proclamation of the national
22 emergency; and

23 “(ii) the exercise of the power or au-
24 thority specified by the President in such
25 proclamation.

1 “(B) EXERCISE PURSUANT TO EXECUTIVE
2 ORDER.—Subject to section 201(e), any emer-
3 gency power or authority made available under
4 an Executive order pursuant to section
5 201(b)(2) may be exercised pursuant to a dec-
6 laration of a national emergency upon the
7 issuance of the Executive order specifying the
8 power or authority. That power or authority
9 may not be exercised on or after the earlier
10 of—

11 “(i) the date of the termination of the
12 proclamation declaring the emergency to
13 which the Executive order relates; or

14 “(ii) the date that is 30 days after the
15 date of the issuance of such Executive
16 order, unless there is enacted into law a
17 joint resolution of approval under section
18 203 approving the exercise of the power or
19 authority specified by the President in
20 such Executive order.

21 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
22 tional emergency declared by the President under section
23 201(a) or previously renewed under this subsection that
24 is not otherwise terminated pursuant to subsection (a) or
25 (c) or section 204 shall terminate on the date that is one

1 year after the date on which the President transmitted to
2 Congress the proclamation declaring the emergency or the
3 date on which Congress enacted into law a previous re-
4 newal pursuant to this subsection, unless—

5 “(1) the President publishes in the Federal
6 Register and transmits to Congress an Executive
7 order renewing the emergency; and

8 “(2) there is enacted into law a joint resolution
9 of approval renewing the emergency pursuant to sec-
10 tion 203 before the termination of the emergency or
11 previous renewal of the emergency.

12 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

16 “(A) the date provided for in subsection
17 (a);

18 “(B) the date provided for in subsection
19 (b);

20 “(C) the date specified in a joint resolution
21 of termination under section 203;

22 “(D) the date specified in a proclamation
23 of the President terminating the emergency; or

24 “(E) the date specified in section 204.

1 “(2) EFFECT OF TERMINATION.—Effective on
2 the date of the termination of a national emergency
3 under paragraph (1)—

4 “(A) any powers or authorities exercised
5 by reason of the emergency shall cease to be ex-
6 ercised;

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

13 “(C) any contracts entered into under any
14 provision of law relating to the emergency shall
15 be terminated.

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

18 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—

19 In this section, the term ‘joint resolution of approval’
20 means a joint resolution that contains only the following
21 provisions 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 Presi-
7 dent under section 201(b) in the proclamation or
8 Executive order that is the subject of the joint reso-
9 lution.

10 “(b) JOINT RESOLUTION OF TERMINATION DE-
11 FINED.—In this section, the term ‘joint resolution of ter-
12 mination’ means a resolution introduced in the House or
13 Senate to terminate—

14 “(1) a national emergency declared under this
15 Act; or

16 “(2) the exercise of any authorities pursuant to
17 that emergency.

18 “(c) PROCEDURES FOR CONSIDERATION OF JOINT
19 RESOLUTIONS OF APPROVAL.—

20 “(1) INTRODUCTION.—After the President
21 transmits to Congress a proclamation declaring a
22 national emergency under section 201(a), or an Ex-
23 ecutive order specifying emergency powers or au-
24 thorities under section 201(b)(2) or renewing a na-
25 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) COMMITTEE REFERRAL IN THE SENATE.—
4 In the Senate, a joint resolution of approval shall be
5 referred to the appropriate committee.

6 “(3) CONSIDERATION IN SENATE.—In the Sen-
7 ate, 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 at
11 the end of 10 calendar days after its introduc-
12 tion, that committee shall be discharged from
13 further consideration of the resolution and it
14 shall be placed on the Calendar of Business.

15 “(B) PROCEEDING TO CONSIDERATION.—
16 Notwithstanding Rule XXII of the Standing
17 Rules of the Senate, when the committee to
18 which a joint resolution of approval is referred
19 has reported the resolution, or when that com-
20 mittee is discharged under subparagraph (A)
21 from further consideration of the resolution, it
22 is at any time thereafter in order to move to
23 proceed to the consideration of the joint resolu-
24 tion, and all points of order against the joint
25 resolution (and against the motion to proceed to

1 the consideration of the joint resolution) are
2 waived. The motion to proceed shall be debat-
3 able for 4 hours evenly divided between a pro-
4 ponent and an opponent of the joint resolution
5 of approval. The motion is not subject to
6 amendment, or to a motion to postpone, or to
7 a motion to proceed to the consideration of
8 other business. A motion to reconsider the vote
9 by which the motion is agreed to or disagreed
10 to shall not be in order. If a motion to proceed
11 to the consideration of a joint resolution of ap-
12 proval is agreed to, the joint resolution shall re-
13 main the unfinished business of the Senate
14 until disposed of.

15 “(C) FLOOR CONSIDERATION.—There shall
16 be 10 hours of consideration on a joint resolu-
17 tion of approval, to be divided evenly between
18 the proponents and opponents of the joint reso-
19 lution. There shall be a total of 2 hours of de-
20 bate on any debatable motions in connection
21 with the joint resolution, to be divided evenly
22 between the proponents and opponents of the
23 joint resolution.

1 “(D) AMENDMENTS.—No amendments
2 shall be in order with respect to a joint resolu-
3 tion of approval in the Senate.

4 “(E) MOTION TO RECONSIDER VOTE ON
5 PASSAGE.—A motion to reconsider a vote on
6 passage of a joint resolution of approval shall
7 not be in order.

8 “(F) APPEALS.—Points of order and ap-
9 peals from the decision of the Presiding Officer,
10 shall be decided without debate.

11 “(4) CONSIDERATION IN HOUSE OF REP-
12 RESENTATIVES.—In the House of Representatives,
13 the following shall apply:

14 “(A) REPORTING AND DISCHARGE.—If any
15 committee to which a joint resolution of ap-
16 proval has been referred has not reported it to
17 the House within seven legislative days after
18 the date of referral, such committee shall be
19 discharged from further consideration of the
20 joint resolution.

21 “(B)(i) PROCEEDING TO CONSIDER-
22 ATION.—Beginning on the third legislative day
23 after each committee to which a joint resolution
24 of approval has been referred reports it to the
25 House or has been discharged from further con-

1 sideration, it shall be in order to move to pro-
2 ceed to consider the joint resolution of approval
3 in the House. All points of order against the
4 motion are waived, except as provided in clause
5 (ii) and clause (iii). The previous question shall
6 be considered as ordered on the motion to its
7 adoption without intervening motion. The mo-
8 tion shall not be debatable. A motion to recon-
9 sider the vote by which the motion is disposed
10 of shall not be in order.

11 “(ii) A motion to proceed to consider a
12 joint resolution of approval shall not be in order
13 after the House has disposed of another motion
14 to proceed on that joint resolution of approval.

15 “(iii) A motion to proceed to the consider-
16 ation of a joint resolution of approval of an Ex-
17 ecutive order described in subsection (a)(1) or
18 a list described in subsection (a)(2) shall not be
19 in order prior to the enactment of a joint reso-
20 lution of approval of the proclamation described
21 in subsection (a)(1) that is the subject of such
22 Executive order or list.

23 “(C) CONSIDERATION.—Upon adoption of
24 the motion to proceed in accordance with sub-
25 paragraph (B)(i), the joint resolution of ap-

1 proval shall be considered as read. All points of
2 order against the joint resolution of approval
3 and against its consideration are waived. The
4 previous question shall be considered as ordered
5 on the joint resolution of approval to final pas-
6 sage without intervening motion except two
7 hours of debate equally divided and controlled
8 by the sponsor of the joint resolution of ap-
9 proval (or a designee) and an opponent. A mo-
10 tion to reconsider the vote on passage of the
11 joint resolution of approval shall not be in
12 order.

13 “(5) COORDINATION WITH ACTION BY OTHER
14 HOUSE.—

15 “(A) IN GENERAL.—If, before the passage
16 by one House of a joint resolution of approval
17 of that House, that House receives from the
18 other House a joint resolution of approval with
19 regard to the same proclamation or Executive
20 order, then the following procedures shall apply:

21 “(i) The joint resolution of approval
22 of the other House shall not be referred to
23 a committee.

1 “(ii) With respect to a joint resolution
2 of approval of the House receiving the
3 joint resolution—

4 “(I) the procedure in that House
5 shall be the same as if no joint resolu-
6 tion of approval had been received
7 from the other House; but

8 “(II) the vote on passage shall be
9 on the joint resolution of approval of
10 the other House.

11 “(iii) Upon the failure of passage of
12 the joint resolution of approval of the other
13 House, the question shall immediately
14 occur on passage of the joint resolution of
15 approval of the receiving House.

16 “(B) TREATMENT OF LEGISLATION OF
17 OTHER HOUSE.—If one House fails to introduce
18 a joint resolution of approval under this section,
19 the joint resolution of approval of the other
20 House shall be entitled to expedited floor proce-
21 dures under this section.

22 “(C) APPLICATION TO REVENUE MEAS-
23 URES.—The provisions of this paragraph shall
24 not apply in the House of Representatives to a

1 joint resolution of approval which is a revenue
2 measure.

3 “(6) TREATMENT OF VETO MESSAGE.—Debate
4 on a veto message in the Senate under this section
5 shall be 1 hour evenly divided between the majority
6 and minority leaders or their designees.

7 “(d) PROCEDURES FOR CONSIDERATION OF JOINT
8 RESOLUTIONS TO TERMINATE.—

9 “(1) INTRODUCTION.—After the President
10 transmits to Congress a proclamation declaring a
11 national emergency under section 201(a), or an Ex-
12 ecutive order specifying emergency powers or au-
13 thorities under section 201(b)(2) or renewing a na-
14 tional emergency under section 202(b), a joint reso-
15 lution to terminate may be introduced in either
16 House of Congress by any member of that House.

17 “(2) COMMITTEE REFERRAL IN THE SENATE.—
18 In the Senate, a joint resolution to terminate shall
19 be referred to the appropriate committee.

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

22 “(A) REPORTING AND DISCHARGE.—If the
23 committee to which a joint resolution to termi-
24 nate has been referred has not reported it at
25 the end of 10 calendar days after its introduc-

1 tion, that committee shall be discharged from
2 further consideration of the resolution and it
3 shall be placed on the Calendar of Business.

4 “(B) PROCEEDING TO CONSIDERATION.—

5 Notwithstanding Rule XXII of the Standing
6 Rules of the Senate, when the committee to
7 which a joint resolution to terminate is referred
8 has reported the resolution, or when that com-
9 mittee is discharged under subparagraph (A)
10 from further consideration of the resolution, it
11 is at any time thereafter in order to move to
12 proceed to the consideration of the joint resolu-
13 tion, and all points of order against the joint
14 resolution (and against the motion to proceed to
15 the consideration of the joint resolution) are
16 waived. The motion to proceed shall be debat-
17 able for 4 hours evenly divided between a pro-
18 ponent and an opponent of 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. A motion to reconsider the vote
23 by which the motion is agreed to or disagreed
24 to shall not be in order. If a motion to proceed
25 to the consideration of a joint resolution of ap-

1 proval is agreed to, the joint resolution shall re-
2 main the unfinished business of the Senate
3 until disposed of.

4 “(C) FLOOR CONSIDERATION.—There shall
5 be 10 hours of consideration on a joint resolu-
6 tion to terminate, to be divided evenly between
7 the proponents and opponents of the joint reso-
8 lution. There shall be a total of 2 hours of de-
9 bate on any debatable motions in connection
10 with the joint resolution, to be divided evenly
11 between the proponents and opponents of the
12 joint resolution.

13 “(D) AMENDMENTS.—No amendments
14 shall be in order with respect to a joint resolu-
15 tion to terminate in the Senate.

16 “(E) MOTION TO RECONSIDER VOTE ON
17 PASSAGE.—A motion to reconsider a vote on
18 passage of a joint resolution to terminate shall
19 not be in order.

20 “(F) APPEALS.—Points of order and ap-
21 peals from the decision of the Presiding Officer,
22 shall be decided without debate.

23 “(4) CONSIDERATION IN HOUSE OF REP-
24 RESENTATIVES.—In the House of Representatives,
25 the following shall apply:

1 “(A) REPORTING AND DISCHARGE.—If any
2 committee to which a joint resolution to termi-
3 nate has been referred has not reported it to
4 the House within seven legislative days after
5 the date of referral such committee shall be dis-
6 charged from further consideration of the joint
7 resolution.

8 “(B) PROCEEDING TO CONSIDERATION.—
9 Beginning on the third legislative day after
10 each committee to which a joint resolution to
11 terminate has been referred reports it to the
12 House or has been discharged from further con-
13 sideration thereof, it shall be in order to move
14 to proceed to consider the joint resolution to
15 terminate in the House. All points of order
16 against the motion are waived, except that such
17 a motion shall not be in order after the House
18 has disposed of a motion to proceed on the joint
19 resolution to terminate. The previous question
20 shall be considered as ordered on the motion to
21 its adoption without intervening motion. The
22 motion shall not be debatable. A motion to re-
23 consider the vote by which the motion is dis-
24 posed of shall not be in order.

1 “(C) CONSIDERATION.—The joint resolu-
2 tion to terminate shall be considered as read.
3 All points of order against the joint resolution
4 to terminate and against its consideration are
5 waived. The previous question shall be consid-
6 ered as ordered on the joint resolution to termi-
7 nate to final passage without intervening mo-
8 tion except one hour of debate equally divided
9 and controlled by the sponsor of the joint reso-
10 lution to terminate (or a designee) and an oppo-
11 nent. A motion to reconsider the vote on pas-
12 sage of the joint resolution to terminate shall
13 not be in order.

14 “(5) COORDINATION WITH ACTION BY OTHER
15 HOUSE.—

16 “(A) IN GENERAL.—If, before the passage
17 by one House of a joint resolution to terminate
18 of that House, that House receives from the
19 other House a joint resolution to terminate with
20 regard to the same proclamation or Executive
21 order, then the following procedures shall apply:

22 “(i) The joint resolution to terminate
23 of the other House shall not be referred to
24 a committee.

1 “(ii) With respect to a joint resolution
2 to terminate of the House receiving the
3 joint resolution—

4 “(I) the procedure in that House
5 shall be the same as if no joint resolu-
6 tion to terminate had been received
7 from the other House; but

8 “(II) the vote on passage shall be
9 on the joint resolution to terminate of
10 the other House.

11 “(iii) Upon the failure of passage of
12 the joint resolution to terminate of the
13 other House, the question shall imme-
14 diately occur on passage of the joint reso-
15 lution to terminate of the receiving House.

16 “(B) TREATMENT OF LEGISLATION OF
17 OTHER HOUSE.—If one House fails to introduce
18 a joint resolution to terminate under this sec-
19 tion, the joint resolution to terminate of the
20 other House shall be entitled to expedited floor
21 procedures under this section.

22 “(C) APPLICATION TO REVENUE MEAS-
23 URES.—The provisions of this paragraph shall
24 not apply in the House of Representatives to a

1 joint resolution of approval which is a revenue
2 measure.

3 “(6) TREATMENT OF VETO MESSAGE.—Debate
4 on a veto message in the Senate under this section
5 shall be 1 hour evenly divided between the majority
6 and minority leaders or their designees.

7 “(e) RULE OF CONSTRUCTION.—The enactment of a
8 joint resolution of approval or a joint resolution of termi-
9 nation under this section may not be interpreted to serve
10 as a grant or modification by Congress of statutory au-
11 thority for the emergency powers of the President.

12 “(f) 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. BAR ON PERMANENT EMERGENCIES.**

4 “(a) IN GENERAL.—Any national emergency declared
5 by the President under section 201(a), and not otherwise
6 terminated, shall automatically terminate on the date that
7 is 5 years after the date of its declaration.

8 “(b) EMERGENCIES ALREADY IN EFFECT.—Any na-
9 tional emergency declaration that remains in force as of
10 the date of the enactment of this section and—

11 “(1) has been in effect for 3 years or fewer as
12 of such date, shall automatically terminate on the
13 date that is 5 years after the date of the enactment
14 of this section; or

15 “(2) has been in effect for more than 3 years
16 as of such date, shall automatically terminate on the
17 date that is 2 years after the date of the enactment
18 of this section.

19 “(c) EFFECT OF TERMINATION.—If a national emer-
20 gency declaration terminates pursuant to this section, no
21 emergency may subsequently be declared based on sub-
22 stantially the same facts and circumstances.”.

23 **SEC. 303. REPORTING REQUIREMENTS.**

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

1 (1) by amending subsection (c) to read as fol-
2 lows:

3 “(c) REPORT UPON DECLARATION OR RENEWAL OF
4 NATIONAL EMERGENCY.—The President shall transmit to
5 Congress, concurrently with any proclamation declaring a
6 national emergency under section 201(a), any Executive
7 order specifying emergency powers or authorities under
8 section 201(b)(2), or any Executive order renewing a na-
9 tional emergency under section 202(b), a written report
10 that includes each of the following:

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

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

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

1 “(4) In the case of a renewal of a national
2 emergency, a summary of the actions the President
3 or other officers have taken in the preceding one-
4 year period, including any reprogramming or trans-
5 fer of funds, to address the emergency.”; and

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

7 “(d) REPORT ON EXPENDITURES AND ACTIVITIES
8 DURING NATIONAL EMERGENCY OR WAR.—Not later
9 than 90 days after the end of each 180-day period fol-
10 lowing a proclamation declaring a national emergency
11 under section 201(a) or a declaration of war by the Con-
12 gress, the President shall transmit to Congress a report
13 on—

14 “(1) the total expenditures of the United States
15 Government during such 180-day period which are
16 directly attributable to the exercise of powers and
17 authorities conferred by such declaration; and

18 “(2) with respect to a declaration of a national
19 emergency—

20 “(A) the status of the emergency; and

21 “(B) the actions the President or other of-
22 ficers have taken pursuant to such emergency
23 and authorities the President and such officers
24 have relied on in addressing the emergency.

1 “(e) FINAL REPORT ON EXPENDITURES OR ACTIVI-
2 TIES DURING NATIONAL EMERGENCY OR WAR.—Not
3 later than 90 days after the termination of a national
4 emergency under section 201(a) or a declaration of war
5 by the Congress, the President shall transmit to Congress
6 a final report on each matter described in paragraphs (1)
7 and (2) of subsection (d) with respect to such emergency
8 or war.

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

13 “(g) PUBLIC DISCLOSURE.—The reports described in
14 subsections (c), (d), and (e) shall be in unclassified form
15 and shall be made public at the same time as their trans-
16 mission to Congress, although a classified annex may be
17 provided to Congress as necessary.”.

18 **SEC. 304. DISCLOSURES TO CONGRESS OF PRESIDENTIAL**
19 **DOCUMENTS RELATING TO EMERGENCY AC-**
20 **TIONS.**

21 (a) IN GENERAL.—

22 (1) Not later than 30 days after the conclusion
23 of the process for approval, adoption, or revision of
24 any presidential emergency action document, the

1 President shall submit that document to the appro-
2 priate congressional committees.

3 (2) Not later than 180 days after the conclu-
4 sion of the process for approval, adoption, or revi-
5 sion of any presidential emergency action document,
6 the head of each relevant Federal department and
7 agency shall complete a declassification review of the
8 document and shall make public any declassified
9 portions of the document. If significant portions of
10 the document remain classified, the respective head
11 shall release an unclassified summary of the docu-
12 ment.

13 (b) DOCUMENTS IN EXISTENCE BEFORE DATE OF
14 ENACTMENT.—

15 (1) Not later than 15 days after the date of the
16 enactment of this Act, the President shall submit to
17 the appropriate congressional committees all presi-
18 dential emergency action documents in existence be-
19 fore such date of enactment.

20 (2) Not later than 1 year after the date of en-
21 actment of this Act, the head of each relevant Fed-
22 eral department and agency shall complete a declas-
23 sification review of all presidential emergency action
24 documents in existence before such date of enact-
25 ment, and shall make public any declassified por-

1 tions of the documents. If significant portions of the
2 document remain classified, the respective head shall
3 release an unclassified summary of the document.

4 (c) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees”, with respect to a presidential emergency
8 action document, means—

9 (A) the Committee on Oversight and Re-
10 form, the Committee on the Judiciary, and the
11 Permanent Select Committee on Intelligence of
12 the House of Representatives;

13 (B) the Committee on Homeland Security
14 and Governmental Affairs, the Committee on
15 the Judiciary, and the Select Committee on In-
16 telligence of the Senate; and

17 (C) any other committee of the Senate or
18 the House of Representatives with jurisdiction
19 over the subject matter addressed in the presi-
20 dential emergency action document.

21 (2) PRESIDENTIAL EMERGENCY ACTION DOCU-
22 MENT.—The term “presidential emergency action
23 document” means—

24 (A) each of the approximately 56 docu-
25 ments described as “presidential emergency ac-

1 tion documents” in the budget justification ma-
2 terials for the Office of Legal Counsel of the
3 Department of Justice submitted to Congress in
4 support of the budget of the President for fiscal
5 year 2018; and

6 (B) any other pre-coordinated legal docu-
7 ment, without regard to whether such document
8 was promulgated before, on, or after the date of
9 the enactment of this Act, that—

10 (i) is designated as a “presidential
11 emergency action document”; or

12 (ii) is designed to implement a presi-
13 dential decision or transmit a presidential
14 request when an emergency disrupts nor-
15 mal governmental or legislative processes.

16 **SEC. 305. CONFORMING AMENDMENTS.**

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

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

22 (1) in subsection (b), by striking “concurrent
23 resolution” and inserting “joint resolution”; and

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

1 “(e) In this section, the term ‘National Emergencies
2 Act’ means the National Emergencies Act, as in effect on
3 the day before the date of the enactment of the National
4 Emergencies Reforms Act.”.

5 **SEC. 306. EFFECTIVE DATE; APPLICABILITY.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (c), this title and the amendments made by this title
8 shall—

9 (1) take effect on the date of the enactment of
10 this Act; and

11 (2) apply with respect to national emergencies
12 declared under section 201 of the National Emer-
13 gencies Act, as amended by section 302 of this title,
14 on or after that date.

15 (b) APPLICABILITY TO RECENTLY DECLARED EMER-
16 GENCY.—A national emergency declared under section
17 201 of the National Emergencies Act not later than 90
18 days before the date of the enactment of this Act shall
19 be treated for purposes of subsection (a)(2) as being de-
20 clared on such date of enactment.

21 (c) APPLICABILITY TO RENEWALS OF EXISTING
22 EMERGENCIES PREVIOUSLY DECLARED.—The amend-
23 ments made by this title, other than the amendments
24 made with respect to the renewal of a national emergency
25 under section 202(b) of the National Emergencies Act,

1 shall not apply with respect to any national emergency de-
2 clared under section 201 of the National Emergencies Act
3 before the date of the enactment of this Act. Each such
4 emergency shall terminate on the date that is one year
5 after the date of enactment of this Act, unless the emer-
6 gency is renewed in accordance with such section 202(b)
7 as so amended.

○