AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. DEFAZIO OF OREGON

Page 1348, insert after line 23 the following:

SEC. 5806. STRENGTHENING CONGRESSIONAL ROLE IN AND
OVERSIGHT OF EMERGENCY DECLARATIONS
AND DESIGNATIONS.

(a) IMPROVING CHECKS AND BALANCES ON THE USE
OF THE NATIONAL EMERGENCIES ACT.—

(1) REQUIREMENTS RELATING TO DECLARATION AND RENEWAL OF NATIONAL EMERGENCIES.—
Title II of the National Emergencies Act (50 U.S.C.
1621 et seq.) is amended by striking sections 201
and 202 and inserting the following:

“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

“(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing
the exercise, during the period of a national emergency,
of any special or extraordinary power, the President is au-
thorized to declare such a national emergency by procla-
mation. Such proclamation shall immediately be trans-
mitted to Congress and published in the Federal Register.
“(b) Specification of Provisions of Law to Be Exercised and Reporting.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

“(1) a proclamation declaring a national emergency under subsection (a); or

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

“(c) Prohibition on Subsequent Actions If Emergencies Not Approved.—

“(1) Subsequent Declarations.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to substantially the same circumstances.
“(2) Exercise of Authorities.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President under subsection (b) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

“(d) Effect of Future Laws.—No law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

“(e) Limitations.—

“(1) In General.—Any emergency powers invoked by the President pursuant to a national emergency declared under this section shall relate to the nature of, and may be used only to address, that emergency.

“(2) Authorization or Funding Withheld.—No authority available to the President during a national emergency declared under this section may be used to provide authorization or funding for any program, project, or activity for which Congress,
on or after the date of the events giving rise to the
emergency declaration, has withheld authorization or
funding.

“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-
GENCIES.

“(a) TEMPORARY EFFECTIVE PERIODS.—

“(1) IN GENERAL.—Unless previously termi-
nated pursuant to Presidential order or Act of Con-
gress, a declaration of a national emergency shall re-
main in effect for 20 session days, in the case of the
Senate, and 20 legislative days, in the case of the
House, from the issuance of the proclamation under
section 201(a) (not counting the day on which the
proclamation was issued) and shall terminate when
that period expires unless there is enacted into law
a joint resolution of approval under section 203 with
respect to the proclamation.

“(2) EXERCISE OF POWERS AND AUTHO-
RITIES.—Unless the declaration of national emergency
has been terminated pursuant to Presidential order
or Act of Congress, any emergency power or author-
ity made available under a provision of law specified
pursuant to section 201(b) may be exercised pursu-
ant to a declaration of a national emergency for 20
session days, in the case of the Senate, and 20 legis-
lative days, in the case of the House, from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

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

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

“(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (e), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or the enactment of a previous renewal pursuant to this subsection, unless—

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

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

“(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

“(C) the date specified in an Act of Congress, including a joint resolution of termination defined in section 203, terminating the emergency;

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

“(E) the date provided for in section 204.

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

“(A) any powers or authorities exercised by reason of the emergency shall cease to be exercised;

“(B) any amounts reprogrammed, repurposed, or transferred under any provision
of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

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

“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

“(a) JOINT RESOLUTION OF APPROVAL AND JOINT RESOLUTIONS OF TERMINATION DEFINED.—In this section, the term ‘joint resolution of approval or joint resolution of termination’ means a joint resolution that does not have a preamble and that contains only the following provisions after its resolving clause:

“(1) A provision approving one or more—

“(A) proclamations of national emergency made under section 201(a);

“(B) Executive orders issued under section 201(b)(2); or

“(C) Executive orders issued under section 202(b).

“(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamations or
Executive orders that are the subject of the joint resolution.

“(b) JOINT RESOLUTION OF TERMINATION DEFINED.—In this section, the term ‘joint resolution of termination’ means a resolution introduced in the House or Senate to terminate—

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

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

“(c) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL AND JOINT RESOLUTIONS OF TERMINATION.—

“(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval or joint resolution of termination may be introduced in either House of Congress by any member of that House.

“(2) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:
“(A) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of termination shall be referred to the appropriate committee or committees.

“(B) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or joint resolution of termination has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be discharged from further consideration of the resolution and it shall be placed on the calendar.

“(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when a committee to which a joint resolution of approval or joint resolution of termination is referred has reported the resolution, or when that committee is discharged under subparagraph (B) from further consideration of the resolution, it is at any time thereafter in order to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against the motion to proceed to the consideration of the joint resolution) are waived. The motion to
proceed shall be debatable for 4 hours evenly divided between proponents and opponents of the joint resolution of approval or joint resolution of termination. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of a joint resolution of approval or joint resolution of termination is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(D) FLOOR CONSIDERATION.—There shall be 10 hours of consideration on a joint resolution of approval or joint resolution of termination, to be divided evenly between the proponents and opponents of the joint resolution. Of that 10 hours, there shall be a total of 2 hours of debate on any debatable motions in connection with the joint resolution, to be divided evenly between the proponents and opponents of the joint resolution.
“(E) Amendments.—No amendments shall be in order with respect to a joint resolution of approval or joint resolution of termination in the Senate.

“(F) Motion to Reconsider Vote on Passage.—A motion to reconsider a vote on passage of a joint resolution of approval or joint resolution of termination shall not be in order.

“(G) Appeals.—Points of order and appeals from the decision of the Presiding Officer shall be decided without debate.

“(3) Consideration in House of Representatives.—In the House of Representatives, the following shall apply:

“(A) Reporting and Discharge.—If any committee to which a joint resolution of approval or joint resolution of termination has been referred has not reported it to the House within seven legislative days after the date of referral such committee shall be discharged from further consideration of the joint resolution.

“(B)(i) Proceeding to Consideration.—Beginning on the third legislative day after each committee to which a joint resolution
of approval or joint resolution of termination
has been referred reports it to the House or has
been discharged from further consideration
thereof, it shall be in order to move to proceed
to consider the joint resolution of approval or
joint resolution of termination in the House. All
points of order against the motion are waived.
Such a motion shall not be in order after the
House has disposed of another motion to pro-
ceed on the joint resolution of approval or joint
resolution of termination. The previous question
shall be considered as ordered on the motion to
its adoption without intervening motion. The
motion shall not be debatable. A motion to re-
consider the vote by which the motion is dis-
posed of shall not be in order.

“(ii) MOTION.—A motion to proceed to the
consideration of a joint resolution of approval of
an Executive order described in subsection
(a)(1) or a list described in subsection (a)(2)
shall not be in order prior to the enactment of
a joint resolution of approval of the proclama-
tion described in subsection (a)(1) that is the
subject of such Executive order or list.
“(C) CONSIDERATION.—The joint resolution of approval or joint resolution of termination shall be considered as read. All points of order against the joint resolution of approval or joint resolution of termination and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution of approval or joint resolution of termination to final passage without intervening motion except two hours of debate equally divided and controlled by the sponsor of the joint resolution of approval or joint resolution of termination (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution of approval or joint resolution of termination shall not be in order.

“(4) COORDINATION WITH ACTION BY OTHER HOUSE.—

“(A) IN GENERAL.—If, before the passage by one House of a joint resolution of approval or joint resolution of termination of that House, that House receives from the other House a joint resolution of approval or joint resolution of termination with regard to the same procla-
mation or Executive order, then the following procedures shall apply:

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

“(ii) With respect to a joint resolution of approval or joint resolution of termination of the House receiving the joint resolution—

“(I) the procedure in that House shall be the same as if no joint resolution of approval or joint resolution of termination had been received from the other House; but

“(II) the vote on passage shall be on the joint resolution of approval or joint resolution of termination of the other House.

“(iii) Upon the failure of passage of the joint resolution of approval or joint resolution of termination of the other House, the question shall immediately occur on passage of the joint resolution of
approval or joint resolution of termination
of the receiving House.

“(B) TREATMENT OF LEGISLATION OF
OTHER HOUSE.—If one House fails to introduce
a joint resolution of approval or joint resolution
of termination under this section, the joint resolu-
tion of approval or joint resolution of termi-
ation of the other House shall be entitled to
expedited floor procedures under this section.

“(C) APPLICATION TO REVENUE MEAS-
URES.—The provisions of this paragraph shall
not apply in the House of Representatives to a
joint resolution of approval or joint resolution
of termination which is a revenue measure.

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

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

“(e) RULES OF THE HOUSE AND SENATE.—This sec-
tion is enacted by Congress—
“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is 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 joint resolutions described in this section, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

“(2) 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.

“SEC. 204. BAR ON PERMANENT EMERGENCIES.

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

“(b) EMERGENCIES ALREADY IN EFFECT.—Any national emergency declaration that remains in force as of the date of the enactment of this section and—

“(1) has been in effect for 3 years or fewer as of such date, shall automatically terminate on the date that is 5 years after the date of the enactment of this section; or
“(2) has been in effect for more than 3 years as of such date, shall automatically terminate on the date that is 2 years after the date of the enactment of this section.

“(c) Effect of Termination.—If a national emergency declaration terminates pursuant to this section, no emergency may subsequently be declared based on substantially the same circumstances.

“SEC. 205. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES INVOKING INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

“(a) In General.—In the case of a national emergency described in subsection (b), the provisions of the National Emergencies Act, as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, shall continue to apply on and after such date of enactment.

“(b) National Emergency Described.—

“(1) In General.—A national emergency described in this subsection is a national emergency pursuant to which the President proposes to exercise emergency powers or authorities made available under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), supplemented as
necessary by a provision of law specified in paragraph (2).

“(2) Provisions of Law Specified.—The provisions of law specified in this paragraph are—

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

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

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

“(e) Effect of Additional Powers and Authorities.—Subsection (a) shall not apply to a national emergency or the exercise of emergency powers and authorities pursuant to the national emergency if, in addition to the exercise of emergency powers and authorities described in subsection (b), the President proposes to exercise, pursuant to the national emergency, any emergency powers and authorities under any other provision of law.”.

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

“(d) Report on Emergencies.—The President shall transmit to Congress, with any proclamation declar-
ing a national emergency under section 201(a) or any Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a report, in writing, that includes the following:

“(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

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

“(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds and any contracts anticipated to be entered into, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

“(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.
“(e) Provision of Information to Congress.—
The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

“(f) Periodic Reports on Status of Emergencies.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 3 months for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.”.

(3) Conforming Amendments.—

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

(B) International Emergency Economic Powers Act.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended by adding at the end the following:

“(c) In this section, the term ‘National Emergencies Act’ means the National Emergencies Act, as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.”.
(4) EFFECTIVE DATE; APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection and the amendments made by this subsection shall take effect upon enactment and apply with respect to national emergencies declared under section 201 of the National Emergencies Act on or after that date.

(B) APPLICABILITY TO RENEWALS OF EXISTING EMERGENCIES.—When a national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 would expire or be renewed under section 202(d) of that Act (as in effect on the day before such date of enactment), that national emergency shall be subject to the requirements for renewal under section 202(b) of that Act, as amended by paragraph (1).

(b) NATIONAL EMERGENCIES ACT DECLARATION SPENDING REPORTING IN THE PRESIDENT'S BUDGET.—

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:
“(40)(A) a report on the proposed, planned, and actual obligations and expenditures of funds (for the prior fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted) attributable to the exercise of powers and authorities made available by statute for each national emergency declared by the President, currently active or in effect during the applicable fiscal years.

“(B) Obligations and expenditures contained in the report under subparagraph (A) shall be organized by Treasury Appropriation Fund Symbol or fund account and by program, project, and activity, and include—

“(i) a description of each such program, project, and activity;

“(ii) the authorities under which such funding actions are taken; and

“(iii) the purpose and progress of such obligations and expenditures toward addressing the applicable national emergency.

“(C) Such report shall include, with respect to any transfer, reprogramming, or repurposing of funds to address the applicable national emergency—
“(i) the amount of such transfer, reprogramming, or repurposing;

“(ii) the authority authorizing each such transfer, reprogramming, or repurposing; and

“(iii) a description of programs, projects, and activities affected by such transfer, reprogramming, or repurposing, including by a reduction in funding.”.

(e) Disclosure to Congress of Presidential Emergency Action Documents.—

(1) In general.—Not later than 30 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(2) Documents in existence before date of enactment.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(3) Definitions.—In this subsection:

(A) Appropriate congressional committees.—The term “appropriate congressional committees”, with respect to a presi-
dential emergency action document submitted
under paragraph (1) or (2), means—

(i) the Committee on Homeland Secu-

rity and Governmental Affairs, the Com-

mittee on the Judiciary, and the Select

Committee on Intelligence of the Senate;

(ii) the Committee on Oversight and

Reform, the Committee on the Judiciary,

and the Permanent Select Committee on

Intelligence of the House of Representa-

tives; and

(iii) any other committee of the Sen-

ate or the House of Representatives with

jurisdiction over the subject matter ad-

ressed in the presidential emergency ac-

tion document.

(B) PRESIDENTIAL EMERGENCY ACTION

DOCUMENT.—The term “presidential emergency

action document” refers to—

(i) each of the approximately 56 docu-

ments described as presidential emergency

action documents in the budget justifica-

tion materials for the Office of Legal

Counsel of the Department of Justice sub-

mitted to Congress in support of the budg-
et of the President for fiscal year 2018; 
and
(ii) any other pre-coordinated legal document in existence before, on, or after the date of the enactment of this Act, that—

(I) is designated as a presidential emergency action document; or

(II) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.