

AMENDMENT
TO RULES COMMITTEE PRINT 116-57
OFFERED BY MR. ROY OF TEXAS

Add at the end title XVII, the following:

1 **Subtitle F—ARTICLE ONE**

2 **SEC. 1771. SHORT TITLE.**

3 This subtitle may be cited as the “Assuring that Ro-
4 bust, Thorough, and Informed Congressional Leadership
5 is Exercised Over National Emergencies Act” or the “AR-
6 TICLE ONE Act”.

7 **SEC. 1772. CONGRESSIONAL REVIEW OF NATIONAL EMER-**
8 **GENCIES.**

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

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

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

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

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

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

12 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
13 EMERGENCIES NOT APPROVED.—

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

24 “(2) EXERCISE OF AUTHORITIES.—If a joint
25 resolution of approval is not enacted under section

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

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

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

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

23 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
24 tional emergency declared by the President under section
25 201(a) or previously renewed under this subsection, and

1 not already terminated pursuant to subsection (a) or (c),
2 shall terminate on the date that is one year after the
3 President transmitted to Congress the proclamation de-
4 claring the emergency or Congress approved a previous re-
5 newal pursuant to this subsection, unless—

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

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

13 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

23 “(D) the date specified in a proclamation
24 of the President terminating the emergency.

25 “(2) EFFECT OF TERMINATION.—

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

4 “(i) except as provided by subpara-
5 graph (B), any powers or authorities exer-
6 cised by reason of the emergency shall
7 cease to be exercised;

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

15 “(iii) any contracts entered into under
16 any provision of law for construction relat-
17 ing to the emergency shall be terminated.

18 “(B) SAVINGS PROVISION.—The termi-
19 nation of a national emergency shall not af-
20 fect—

21 “(i) any legal action taken or pending
22 legal proceeding not finally concluded or
23 determined on the date of the termination
24 under paragraph (1);

1 “(ii) any legal action or legal pro-
2 ceeding based on any act committed prior
3 to that date; or

4 “(iii) any rights or duties that ma-
5 tured or penalties that were incurred prior
6 to that date.

7 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-
8 GENCIES.**

9 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—
10 In this section, the term ‘joint resolution of approval’
11 means a joint resolution that contains only the following
12 provisions after its resolving clause:

13 “(1) A provision approving—

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

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

18 “(C) an Executive order issued under sec-
19 tion 202(b).

20 “(2) A provision approving a list of all or a por-
21 tion of the provisions of law specified by the Presi-
22 dent under section 201(b) in the proclamation or
23 Executive order that is the subject of the joint reso-
24 lution.

1 “(b) PROCEDURES FOR CONSIDERATION OF JOINT
2 RESOLUTIONS OF APPROVAL.—

3 “(1) INTRODUCTION.—After the President
4 transmits to Congress a proclamation declaring a
5 national emergency under section 201(a), or an Ex-
6 ecutive order specifying emergency powers or au-
7 thorities under section 201(b)(2) or renewing a na-
8 tional emergency under section 202(b), a joint reso-
9 lution of approval may be introduced in either House
10 of Congress by any member of that House.

11 “(2) REQUESTS TO CONVENE CONGRESS DUR-
12 ING RECESSES.—If, when the President transmits to
13 Congress a proclamation declaring a national emer-
14 gency under section 201(a), or an Executive order
15 specifying emergency powers or authorities under
16 section 201(b)(2) or renewing a national emergency
17 under section 202(b), Congress has adjourned sine
18 die or has adjourned for any period in excess of 3
19 calendar days, the majority leader of the Senate and
20 the Speaker of the House of Representatives, or
21 their respective designees, acting jointly after con-
22 sultation with and with the concurrence of the mi-
23 nority leader of the Senate and the minority leader
24 of the House, shall notify the Members of the Senate
25 and House, respectively, to reassemble at such place

1 and time as they may designate if, in their opinion,
2 the public interest shall warrant it.

3 “(3) COMMITTEE REFERRAL.—A joint resolu-
4 tion of approval shall be referred in each House of
5 Congress to the committee or committees having ju-
6 risdiction over the emergency authorities invoked by
7 the proclamation or Executive order that is the sub-
8 ject of the joint resolution.

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

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

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

1 a previous motion to the same effect has been
2 disagreed to) for a motion to proceed to the
3 consideration of the joint resolution, and all
4 points of order against the joint resolution (and
5 against consideration of the joint resolution)
6 are waived. The motion to proceed is subject to
7 4 hours of debate divided equally between those
8 favoring and those opposing the joint resolution
9 of approval. The motion is not subject to
10 amendment, or to a motion to postpone, or to
11 a motion to proceed to the consideration of
12 other business.

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

18 “(D) AMENDMENTS.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), no amendments shall
21 be in order with respect to a joint resolu-
22 tion of approval.

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

1 Clause (i) shall not apply with respect to
2 any amendment—

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

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

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

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

20 “(5) CONSIDERATION IN HOUSE OF REP-
21 RESENTATIVES.—In the House of Representatives, if
22 any committee to which a joint resolution of ap-
23 proval has been referred has not reported it to the
24 House at the end of 10 calendar days after its intro-
25 duction, such committee shall be discharged from

1 further consideration of the joint resolution, and it
2 shall be placed on the appropriate calendar. On
3 Thursdays it shall be in order at any time for the
4 Speaker to recognize a Member who favors passage
5 of a joint resolution that has appeared on the cal-
6 endar for at least 3 calendar days to call up that
7 joint resolution for immediate consideration in the
8 House without intervention of any point of order.
9 When so called up a joint resolution shall be consid-
10 ered as read and shall be debatable for 1 hour equal-
11 ly divided and controlled by the proponent and an
12 opponent, and the previous question shall be consid-
13 ered as ordered to its passage without intervening
14 motion. It shall not be in order to reconsider the
15 vote on passage. If a vote on final passage of the
16 joint resolution has not been taken on or before the
17 close of the tenth calendar day after the resolution
18 is reported by the committee or committees to which
19 it was referred, or after such committee or commit-
20 tees have been discharged from further consideration
21 of the resolution, such vote shall be taken on that
22 day.

23 “(6) RECEIPT OF RESOLUTION FROM OTHER
24 HOUSE.—If, before passing a joint resolution of ap-

1 proval, one House receives from the other a joint
2 resolution of approval from the other House, then—

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

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

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

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

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

1 tion, and supersedes other rules only to the extent
2 that it is inconsistent with such other rules; and

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

8 **“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMER-**
9 **GENCIES INVOKING INTERNATIONAL EMER-**
10 **GENCY ECONOMIC POWERS ACT.**

11 “(a) IN GENERAL.—In the case of a national emer-
12 gency described in subsection (b), the provisions of this
13 Act, as in effect on the day before the date of the enact-
14 ment of the Assuring that Robust, Thorough, and In-
15 formed Congressional Leadership is Exercised Over Na-
16 tional Emergencies Act, shall continue to apply on and
17 after such date of enactment.

18 “(b) NATIONAL EMERGENCY DESCRIBED.—

19 “(1) IN GENERAL.—A national emergency de-
20 scribed in this subsection is a national emergency
21 pursuant to which the President proposes to exercise
22 emergency powers or authorities made available
23 under the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1701 et seq.), supplemented as

1 necessary by a provision of law specified in para-
2 graph (2).

3 “(2) PROVISIONS OF LAW SPECIFIED.—The
4 provisions of law specified in this paragraph are—

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

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

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

13 “(c) EFFECT OF ADDITIONAL POWERS AND AU-
14 THORITIES.—Subsection (a) shall not apply to a national
15 emergency or the exercise of emergency powers and au-
16 thorities pursuant to the national emergency if, in addition
17 to the exercise of emergency powers and authorities de-
18 scribed in subsection (b), the President proposes to exer-
19 cise, pursuant to the national emergency, any emergency
20 powers and authorities under any other provision of law.”.

21 **SEC. 1773. REPORTING REQUIREMENTS.**

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

1 “(d) REPORT ON EMERGENCIES.—The President
2 shall transmit to Congress, with any proclamation declar-
3 ing a national emergency under section 201(a) or any Ex-
4 ecutive order specifying emergency powers or authorities
5 under section 201(b)(2) or renewing a national emergency
6 under section 202(b), a report, in writing, that includes
7 the following:

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

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

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

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

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

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

7 “(f) PERIODIC REPORTS ON STATUS OF EMER-
8 GENCIES.—If the President declares a national emergency
9 under section 201(a), the President shall, not less fre-
10 quently than every 6 months for the duration of the emer-
11 gency, report to Congress on the status of the emergency
12 and the actions the President or other officers have taken
13 and authorities the President and such officers have relied
14 on in addressing the emergency.”.

15 **SEC. 1774. EXCLUSION OF IMPOSITION OF DUTIES AND IM-**
16 **PORT QUOTAS FROM PRESIDENTIAL AU-**
17 **THORITIES UNDER INTERNATIONAL EMER-**
18 **GENCY ECONOMIC POWERS ACT.**

19 Section 203 of the International Emergency Eco-
20 nomic Powers Act (50 U.S.C. 1702) is amended—

21 (1) by redesignating subsection (c) as sub-
22 section (d); and

23 (2) by inserting after subsection (b) the fol-
24 lowing:

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

5 “(2) The limitation under paragraph (1) does not
6 prohibit the President from excluding all articles imported
7 from a country from entering the United States.”.

8 **SEC. 1775. CONFORMING AMENDMENTS.**

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

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

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

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

17 “(e) In this section, the term ‘National Emergencies
18 Act’ means the National Emergencies Act, as in effect on
19 the day before the date of the enactment of the Assuring
20 that Robust, Thorough, and Informed Congressional
21 Leadership is Exercised Over National Emergencies Act.”.

22 **SEC. 1776. EFFECTIVE DATE; APPLICABILITY.**

23 (a) IN GENERAL.—This subtitle and the amendments
24 made by this subtitle shall—

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

3 (2) except as provided in subsection (b), apply
4 with respect to national emergencies declared under
5 section 201 of the National Emergencies Act on or
6 after that date.

7 (b) **APPLICABILITY TO RENEWALS OF EXISTING**
8 **EMERGENCIES.**—When a national emergency declared
9 under section 201 of the National Emergencies Act before
10 the date of the enactment of this Act would expire or be
11 renewed under section 202(d) of that Act (as in effect on
12 the day before such date of enactment), that national
13 emergency shall be subject to the requirements for renewal
14 under section 202(b) of that Act, as amended by section
15 1772.

