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

Add at the end title XVII, the following:

Subtitle F—ARTICLE ONE

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the “Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act” or the “ARTICLE ONE Act”.

SEC. 1772. CONGRESSIONAL REVIEW 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 authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.
“(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—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 30-day 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 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 in a proclamation under subsection (a) or an Executive order under subsection (b)(2) 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 this Act 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.

“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

“(a) Temporary Effective Periods.—

“(1) In General.—A declaration of a national emergency shall remain in effect for 30 days 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 30-day 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 Authorities.—Any emergency power or authority made
available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for 30 days 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 30-day 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.

“(3) Exception if Congress is unable to convene.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

“(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 (c),
shall terminate on the date that is one year after the
President transmitted to Congress the proclamation de-
claring the emergency or Congress approved a previous re-
newal 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 Con-
gress terminating the emergency; or

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

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

“(i) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

“(ii) any amounts reprogrammed 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

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

“(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect—

“(i) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under paragraph (1);
“(ii) any legal action or legal proceeding based on any act committed prior to that date; or

“(iii) any rights or duties that matured or penalties that were incurred prior to that date.

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

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

“(1) A provision approving—

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

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

“(C) an Executive order 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 proclamation or

Executive order that is the subject of the joint resolution.
“(b) Procedures for Consideration of Joint Resolutions of Approval.—

“(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 may be introduced in either House of Congress by any member of that House.

“(2) Requests to Convene Congress During Recesses.—If, when 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), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the majority leader of the Senate and the Speaker of the House of Representatives, or their respective designees, acting jointly after consultation with and with the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place
and time as they may designate if, in their opinion, 
the public interest shall warrant it.

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

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

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

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

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

“(D) AMENDMENTS.—

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

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

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

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

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

“(F) Appeals.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

“(5) Consideration in House of Representatives.—In the House of Representatives, if any committee to which a joint resolution of approval has been referred has not reported it to the House at the end of 10 calendar days after its introduction, such committee shall be discharged from
further consideration of the joint resolution, and it
shall be placed on the appropriate calendar. On
Thursdays it shall be in order at any time for the
Speaker to recognize a Member who favors passage
of a joint resolution that has appeared on the cal-
endar for at least 3 calendar days to call up that
joint resolution for immediate consideration in the
House without intervention of any point of order.
When so called up a joint resolution shall be consid-
ered as read and shall be debatable for 1 hour equal-
ly divided and controlled by the proponent and an
opponent, and the previous question shall be consid-
ered as ordered to its passage without intervening
motion. It shall not be in order to reconsider the
vote on passage. If a vote on final passage of the
joint resolution has not been taken on or before the
close of the tenth calendar day after the resolution
is reported by the committee or committees to which
it was referred, or after such committee or commit-
tees have been discharged from further consideration
of the resolution, such vote shall be taken on that
day.

“(6) Receipt of resolution from other
house.—If, before passing a joint resolution of ap-
proval, one House receives from the other a joint resolution of approval from the other House, then—

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

“(B) the procedures set forth in paragraphs (3), (4), and (5), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

“(c) Rule of Construction.—The enactment of a joint resolution of approval under this section shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

“(d) Rules of the House and Senate.—This section 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 sec-
tion, 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. EXCLUSION OF CERTAIN NATIONAL EMER-
gencies invoking International Emergency Econ-

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

“(b) National Emergency Described.—
“(1) In General.—A national emergency de-
scribed 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 Pow-
ers 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.”.

SEC. 1773. 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 declaring 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 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 6 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.”.

SEC. 1774. EXCLUSION OF IMPPOSITION OF DUTIES AND IMPORT QUOTAS FROM PRESIDENTIAL AUTHORITY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.


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

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

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

SEC. 1775. 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—

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

(2) by adding at the end the following:

“(e) 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 Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act.”.

SEC. 1776. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall—
(1) take effect on the date of the enactment of 
this Act; and 

(2) except as provided in subsection (b), 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 this Act 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 section 
1772.