

117TH CONGRESS
1ST SESSION

H. R. 5410

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2021

Mr. MCGOVERN (for himself, Mr. MELJER, Mr. DEFAZIO, Ms. MACE, Ms. LEE of California, Mr. CASTRO of Texas, and Mr. LIEU) 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 volve-ment in hostilities is clearly indicated by the

1 circumstances” and inserting “there is a serious risk
2 of hostilities”;

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

6 (3) in subsection (c)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by striking “powers” and inserting
10 “authority”; and

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

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

22 **SEC. 103. CONSULTATION AND NOTIFICATION.**

23 Section 3 of the War Powers Resolution (50 U.S.C.
24 1542) is amended—

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

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

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

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

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

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

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

22 “(1) before United States forces are introduced
23 into the territory, airspace, or waters of a foreign
24 country while equipped for combat, except with re-

1 spect to deployments that relate solely to supply, re-
2 placement, repair, or training of such forces; and

3 “(2) before United States forces are introduced
4 into the territory, airspace, or waters of a foreign
5 country in which there are already United States
6 forces equipped for combat if the introduction of
7 such forces would substantially enlarge the overall
8 number of United States forces equipped for combat
9 located in that country or otherwise substantially in-
10 crease the military capabilities of United States
11 forces.

12 “(c) In the event that circumstances prohibit the no-
13 tification required by subsection (b) prior to the introduc-
14 tion of United States forces, the President shall provide
15 such notification not later than 48 hours after such intro-
16 duction, including an explanation of why it could not be
17 offered prior to such introduction.

18 “(d) The notification required by subsection (b) or
19 (c) shall include, at a minimum, the circumstances necessi-
20 tating the introduction of United States forces, the statu-
21 tory or constitutional authority for such introduction, and
22 the expected scope and duration of the use of such
23 forces.”.

1 **SEC. 104. SPECIFIC STATUTORY AUTHORIZATION RE-**
2 **QUIRED.**

3 The War Powers Resolution (50 U.S.C. 1541 et seq.)
4 is amended—

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

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

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

9 “SPECIFIC STATUTORY AUTHORIZATION REQUIRED

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

15 “(1) the President submits to the appropriate
16 congressional committees and leadership an initial
17 report in accordance with the requirements of sub-
18 section (d)(1) for the use of such forces; and

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

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

25 “(A) when necessary to repel a sudden attack,
26 or respond to a concrete, specific, and immediate

1 threat of such a sudden attack, upon the territory,
2 airspace, or waters of the United States, United
3 States forces, or United States citizens; and

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

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

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

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

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

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

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

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

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

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

1 “(d)(1)(A) If the Congress does enact a specific stat-
2 utory authorization for the use of United States forces
3 under subsection (a) or (b), the President shall submit to
4 the appropriate congressional committees and leadership
5 a report in writing on the use of such forces—

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

7 and

8 “(ii) as new information becomes available
9 or whenever there is a material change in the
10 information previously reported under this
11 paragraph.

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

15 “(i) The circumstances necessitating the use of
16 such forces.

17 “(ii) An identification of enemy and opposing
18 forces.

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

1 “(iv) The total cost of the use of such forces
2 since the introduction of such forces into hostilities
3 or into situations where there is a serious risk of
4 hostilities.

5 “(v) The estimated scope and duration of the
6 use of such forces, including the personnel and
7 weapons to be deployed.

8 “(vi) The country or countries in which such
9 forces are deployed.

10 “(vii) A description of—

11 “(I) the mission of such forces;

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

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

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

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

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

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

1 “(i) shall be submitted in unclassified form
2 without any designation relating to dissemination
3 control; and

4 “(ii) may include a classified annex only to the
5 extent required to protect the national security of
6 the United States.

7 “(2) If the Congress does enact a specific statutory
8 authorization for the use of United States forces under
9 subsection (a) or (b), the Director of the Congressional
10 Budget Office shall submit to the appropriate congres-
11 sional committees and leadership—

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

16 “(B) a report in writing that contains a final
17 analysis of the costs of such use of forces not later
18 than 30 days after the date of termination of the
19 specific statutory authorization.

20 “(e) In the event hostilities in which United States
21 forces are engaged extend to a country, organization, or
22 enemy or opposing force that is not identified in a specific
23 statutory authorization pursuant to which United States
24 forces are operating—

1 “(1) such extension shall be deemed to con-
2 stitute a separate introduction of United States
3 forces into hostilities within the meaning of section
4 3 and this section, including with respect to the limi-
5 tations and consultation, notification, and reporting
6 requirements described in such sections; and

7 “(2) such forces may continue to engage in
8 such hostilities only if a new specific statutory au-
9 thorization is enacted into law in accordance with
10 subsection (a) or (b), as applicable, with respect to
11 such country, organization, or enemy or opposing
12 force.

13 “(f)(1) Notwithstanding subsections (a) and (b), at
14 any time during which United States forces are engaged
15 in hostilities without a declaration of war or pursuant to
16 a specific statutory authorization under subsection (a) or
17 (b) before the expiration of the time period specified in
18 paragraph (1) or (2) of subsection (c), as applicable, such
19 forces shall be removed by the President if the Congress
20 enacts a joint resolution directing the President to so re-
21 move such forces.

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

1 **SEC. 105. CONGRESSIONAL PRIORITY PROCEDURES FOR**
2 **JOINT RESOLUTION.**

3 The War Powers Resolution, as amended by this Act,
4 is further amended by inserting after section 4 the fol-
5 lowing:

6 “CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT
7 RESOLUTION

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

21 “(b) In the House of Representatives:

22 “(1) Between the third legislative day and the
23 13th legislative day after the committee of jurisdic-
24 tion reports the joint resolution to the House or has
25 been discharged from further consideration thereof,
26 it shall be in order for the chair of the committee

1 of jurisdiction (or a designee) or the sponsor of such
2 joint resolution (or a designee) to announce his or
3 her intent to offer a motion to proceed and to move
4 to proceed to consider the joint resolution, except
5 that the chair of the committee (or a designee) shall
6 have priority in recognition to offer the motion fol-
7 lowed by the sponsor.

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

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

22 “(4) The previous question shall be considered
23 as ordered on the motion to its adoption without in-
24 tervening motion except 20 minutes of debate equal-
25 ly divided and controlled by a proponent and an op-

1 ponent. A motion to reconsider the vote by which the
2 motion is disposed of shall not be in order. The mo-
3 tion to proceed shall be subject to a motion to table.

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

12 “(A) the chair of the committee of jurisdic-
13 tion (or a designee) and the ranking member of
14 that committee (or a designee); or

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

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

20 “(c) In the Senate—

21 “(1) Notwithstanding Rule XXII of the Stand-
22 ing Rules of the Senate, it is in order at any time
23 after the Committee on Foreign Relations reports
24 such joint resolution to the Senate or has been dis-
25 charged from its consideration (even though a pre-

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

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

23 “(3) The vote on passage shall occur imme-
24 diately following the conclusion of the debate on
25 such joint resolution and a single quorum call at the

1 conclusion of the debate, if requested in accordance
2 with the rules of the Senate.

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

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

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

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

19 “(B) With respect to the joint resolution of the
20 House receiving the legislation—

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

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

1 “(2) If one House fails to introduce a joint resolution
2 to provide specific statutory authorization under section
3 4(a) or under section 4(b), the joint resolution of the other
4 House shall be entitled to expedited floor procedures under
5 this section.

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

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

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

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

23 “(2) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 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. 106. INTERPRETATION OF JOINT RESOLUTION.**

4 Section 6 of the War Powers Resolution, as redesi-
5 gnated by section 104(2), is amended to read as follows:

6 “INTERPRETATION OF JOINT RESOLUTION

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

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

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

23 “(b) Nothing in this joint resolution may be con-
24 strued to affect the authority granted by the Constitution
25 to the Congress or of the President, or the provisions of
26 any treaty or other international agreement that is in

1 force with respect to the United States before, on, or after
2 the date of the enactment of this section.”.

3 **SEC. 107. JUDICIAL REVIEW.**

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

7 “JUDICIAL REVIEW

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

18 “(2) An action brought under this section shall be
19 brought—

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

25 “(B) in the case of an action brought by the
26 Senate, by the Office of the Senate Legal Counsel or

1 such successor office to such Office as the Senate
2 may designate.

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

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

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

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

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

1 “(c) For purposes of this section, the failure of an
2 officer or employee of the executive branch, including the
3 President and an officer or employee of the Executive Offi-
4 cer of the President, to provide any information to Con-
5 gress as required by this joint resolution shall be treated
6 as the failure of such officer or employee to comply with
7 this joint resolution.

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

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

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

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

1 days, and the filing of a jurisdictional statement
2 within 30 days, of the entry of the final decision.

3 “(4) It shall be the duty of the United States
4 District Court for the District of Columbia and the
5 Supreme Court of the United States to advance on
6 the docket and to expedite to the greatest possible
7 extent the disposition of the action and appeal.

8 “(e) Nothing in this section may be construed to af-
9 fect the treatment of the failure of an officer or employee
10 of the executive branch, including the President and an
11 officer or employee of the Executive Officer of the Presi-
12 dent, to comply with a provision of this joint resolution
13 as a legal wrong because of agency action for purposes
14 of obtaining judicial review under section 702 of title 5,
15 United States Code.”.

16 **SEC. 108. TERMINATION OF FUNDING; TERMINATION OF**
17 **USE OF MILITARY FORCE.**

18 The War Powers Resolution (50 U.S.C. 1541 et seq.),
19 as amended by this Act, is further amended by inserting
20 after section 7 the following:

21 “TERMINATION OF FUNDING

22 “SEC. 8. (a) Notwithstanding any other provision of
23 law, no funds authorized to be appropriated or otherwise
24 made available under any provision of law may be obli-
25 gated or expended for any activity by United States forces
26 for which—

1 “(1) prior congressional authorization is re-
2 quired under section 4(a) but has not been obtained;
3 or

4 “(2) congressional authorization is required
5 under section 4(b) but has not been obtained before
6 the expiration of the time period specified in para-
7 graph (1) or (2) of section 4(c), as the case may be.

8 “(b) For such time as may be necessary, not to ex-
9 ceed six months after the expiration of a specific statutory
10 authorization for the use of United States forces, military
11 force may be used for defensive purposes only as necessary
12 to end the deployment or engagement of United States
13 forces pursuant to this joint resolution.”.

14 **SEC. 109. LAW OF ARMED CONFLICT, INTERNATIONAL HU-**
15 **MANITARIAN LAW, AND THE TREATY OBLIGA-**
16 **TIONS OF THE UNITED STATES.**

17 The War Powers Resolution (50 U.S.C. 1541 et seq.),
18 as amended by this Act, is further amended by inserting
19 after section 8 the following:

20 “LAW OF ARMED CONFLICT, INTERNATIONAL HUMANI-
21 TARIAN LAW, AND THE TREATY OBLIGATIONS OF
22 THE UNITED STATES

23 “SEC. 9. United States forces may not be introduced
24 into hostilities or into situations where there is a serious
25 risk of hostilities in a manner inconsistent with the Law

1 of Armed Conflict, international humanitarian law, or the
2 treaty obligations of the United States.”.

3 **SEC. 110. DEFINITIONS.**

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

7 “DEFINITIONS

8 “SEC. 10. In this joint resolution:

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

11 “(A) in the House of Representatives—

12 “(i) the Committee on Foreign Af-
13 fairs, the Committee on Armed Services,
14 the Permanent Select Committee on Intel-
15 ligence, and the Committee on Appropria-
16 tions; and

17 “(ii) the Speaker, the majority leader,
18 and the minority leader; and

19 “(B) in the Senate—

20 “(i) the Committee on Foreign Rela-
21 tions, the Committee on Armed Services,
22 the Select Committee on Intelligence, and
23 the Committee on Appropriations; and

24 “(ii) the majority leader and the mi-
25 nority leader.

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

9 “(3) The term ‘introduce’ means—

10 “(A) with respect to hostilities or a situa-
11 tion in which there is a serious risk of hos-
12 tilities, any commitment, engagement, or other
13 involvement of United States forces (or, for
14 purposes of paragraph (3)(B), of foreign reg-
15 ular or irregular forces), whether or not consti-
16 tuting self-defense measures by United States
17 forces, in response to an attack or imminent
18 threat of attack outside the United States, and
19 whether or not United States forces are present
20 or operating remotely launched, piloted, or di-
21 rected attacks; or

22 “(B) the use, including assigning or tem-
23 porary detailing, of members of United States
24 forces to—

1 “(i) command, advise, assist, accom-
2 pany, coordinate, or train any foreign reg-
3 ular or irregular forces engaged in hos-
4 tilities or in a situation in which there is
5 a serious risk that those foreign forces be-
6 come engaged in hostilities; or

7 “(ii) provide any other type of support
8 that would render the United States a
9 party to a conflict in which it is not al-
10 ready engaged or be more likely than not
11 to do so.

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

19 “(5) The term ‘specific statutory authorization’
20 means any joint resolution introduced after the date
21 of the enactment of the War Powers Resolution
22 Modernization and Accountability Act and enacted
23 into law to authorize the introduction of United
24 States forces into hostilities or into situations where

1 there is a serious risk of hostilities that sets forth,
2 at a minimum, the following:

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

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

18 “(C) A termination of the authorization for
19 the use of such forces within two years absent
20 the enactment of a subsequent specific statu-
21 tory authorization for such use of the United
22 States forces.

23 “(6) The term ‘substantially enlarge’ means, for
24 any 30-day period, an increase in the overall number

1 of United States forces, including temporary duty or
2 rotational forces, that is the lesser of—

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

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

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

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

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

17 “(B) engaged in the use of lethal or poten-
18 tially lethal force carried out through land, sea,
19 air, space, or cyber operations, or through any
20 other domain”.

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

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

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

3 **TITLE II—ARMS EXPORT**
4 **REFORM**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Arms Export Control
7 Reform Act”.

8 **SEC. 202. CONGRESSIONAL REVIEW AND APPROVAL OF**
9 **CERTAIN SALES, EXPORTS, LEASES, AND**
10 **LOANS OF DEFENSE ARTICLES AND SERV-**
11 **ICES.**

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

14 (1) by redesignating subsections (e), (f), (g),
15 (h), and (i) as subsections (f), (g), (h), (i), and (j),
16 respectively; and

17 (2) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) CONGRESSIONAL REVIEW AND APPROVAL OF
20 CERTAIN SALES, EXPORTS, LEASES, AND LOANS OF DE-
21 FENSE ARTICLES AND SERVICES.—

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

24 “(A) no letter of offer to sell any defense
25 articles or services described in paragraph (2)

1 may be issued under this Act with respect to a
2 proposed sale to a foreign country or inter-
3 national organization unless—

4 “(i) the President transmits to Con-
5 gress a numbered certification with respect
6 to the letter of offer containing the infor-
7 mation described in paragraphs (1) and
8 (4) of subsection (b); and

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

12 “(B) no license may be issued under this
13 Act (other than with regard to a sale under sec-
14 tion 21 or 22 of this Act), including under sec-
15 tion 38 of this Act, for the export of any de-
16 fense articles or services described in paragraph
17 (2) with respect to a proposed export to a for-
18 eign country or international organization un-
19 less—

20 “(i) the President transmits to Con-
21 gress an unclassified numbered certifi-
22 cation with respect to the license con-
23 taining the information described in sub-
24 section (c)(1); and

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

4 “(C) no agreement to lease defense articles
5 described in paragraph (2) may be entered into
6 under chapter 6 of this Act with respect to a
7 proposed lease to a foreign country, or to loan
8 defense articles under chapter 2 of part II of
9 the Foreign Assistance Act of 1961 (22 U.S.C.
10 2311 et seq.) with respect to a proposed loan
11 to a foreign country, unless—

12 “(i) the President transmits to Con-
13 gress a written certification with respect to
14 the agreement containing the information
15 described in section 62(a); and

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

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

22 “(A) Firearms and ammunition of
23 \$1,000,000 or more.

24 “(B) Air to ground munitions of
25 \$14,000,000 or more.

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

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

5 “(E) Services or training of \$14,000,000
6 or more.

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

24 “(4) EMERGENCY PROCEDURES.—

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

8 “(i) subject to subparagraph (B) and
9 except as provided in subparagraph (C),
10 determines that an emergency exists that
11 requires the sale, export, lease, or loan to
12 be in the national security interest of the
13 United States; and

14 “(ii) submits to the Committee on
15 Foreign Affairs of the House of Represent-
16 atives and the Committee on Foreign Rela-
17 tions of the Senate such determination and
18 justification for the determination, and
19 which also includes a specific and detailed
20 description of how the waiver of the con-
21 gressional review requirements directly re-
22 sponds to or addresses the circumstances
23 of the emergency cited in the determina-
24 tion.

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

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

16 “(5) REVIEW BY CONGRESS.—

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

22 “(i) In the case of a letter of offer de-
23 scribed in paragraph (1)(A), a provision
24 approving the issuance of the letter of
25 offer.

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

4 “(iii) In the case of a lease or loan
5 agreement described in paragraph (1)(C),
6 a provision approving the agreement.

7 “(B) PROCEDURES FOR CONSIDERATION
8 OF JOINT RESOLUTIONS OF APPROVAL.—

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

20 “(ii) COMMITTEE REFERRAL.—A joint
21 resolution of approval shall be referred in
22 each House of Congress to the Committee
23 on Foreign Relations of the Senate and the
24 Committee on Foreign Affairs of the
25 House of Representatives.

1 “(iii) CONSIDERATION IN SENATE.—

2 In the Senate, the following shall apply:

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

12 “(II) PROCEEDING TO CONSIDER-
13 ATION.—Notwithstanding Rule XXII
14 of the Standing Rules of the Senate,
15 when the committee to which a joint
16 resolution of approval is referred has
17 reported the resolution, or when that
18 committee is discharged under sub-
19 clause (I) from further consideration
20 of the resolution, it is at any time
21 thereafter in order (even though a
22 previous motion to the same effect has
23 been disagreed to) for a motion to
24 proceed to the consideration of the
25 joint resolution, and all points of

1 order against the joint resolution (and
2 against consideration of the joint reso-
3 lution) are waived. The motion to pro-
4 ceed is subject to 4 hours of debate
5 divided equally between those favoring
6 and those opposing the joint resolu-
7 tion of approval. The motion is not
8 subject to amendment, or to a motion
9 to postpone, or to a motion to proceed
10 to the consideration of other business.

11 “(III) FLOOR CONSIDERATION.—
12 A joint resolution of approval shall be
13 subject to 10 hours of consideration,
14 to be divided evenly between the pro-
15 ponents and opponents of the resolu-
16 tion.

17 “(IV) AMENDMENTS.—No
18 amendments shall be in order with re-
19 spect to a joint resolution of approval.

20 “(V) MOTION TO RECONSIDER
21 FINAL VOTE.—A motion to reconsider
22 a vote on passage of a joint resolution
23 of approval shall not be in order.

24 “(VI) APPEALS.—Points of
25 order, including questions of rel-

1 evancy, and appeals from the decision
2 of the Presiding Officer, shall be de-
3 cided without debate.

4 “(VII) RECEIPT OF RESOLUTION
5 FROM HOUSE.—If, before passing a
6 joint resolution of approval, the Sen-
7 ate receives from the House a joint
8 resolution of approval from the
9 House, then—

10 “(aa) the joint resolution of
11 the House shall not be referred
12 to a committee and shall be
13 deemed to have been discharged
14 from committee on the day it is
15 received; and

16 “(bb) the procedures set
17 forth in this clause shall apply in
18 the Senate to the joint resolution
19 received from the House to the
20 same extent as such procedures
21 apply to a joint resolution of the
22 Senate.

23 “(C) RULES OF THE HOUSE AND SEN-
24 ATE.—This paragraph is enacted by Con-
25 gress—

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

11 “(ii) with full recognition of the con-
12 stitutional right of either House to change
13 the rules (so far as relating to the proce-
14 dure of that House) at any time, in the
15 same manner, and to the same extent as in
16 the case of any other rule of that House.”.

17 (b) CONFORMING AMENDMENTS.—

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

19 (A) IN GENERAL.—Section 36(b) of the
20 Arms Export Control Act (22 U.S.C. 2776(b))
21 is amended—

22 (i) in paragraph (1)—

23 (I) in the matter preceding sub-
24 paragraph (A), in the first sentence,
25 by striking “Subject to paragraph

1 (6)” and inserting “Subject to para-
2 graph (4) and subsection (e)”;

3 (II) in the flush text following
4 subparagraph (P), by striking the last
5 two sentences;

6 (ii) by striking paragraphs (2) and
7 (3);

8 (iii) by redesignating paragraphs (4),
9 (5), and (6) as paragraphs (2), (3), and
10 (4), respectively;

11 (iv) in subparagraph (C) of paragraph
12 (3) (as redesignated), in the first sentence,
13 by striking “Subject to paragraph (4) and
14 subsection (e)”;

15 (v) in paragraph (4) (as redesign-
16 ated), in the matter preceding subpara-
17 graph (A), by striking “in paragraph
18 (5)(C)” and inserting “in paragraph
19 (3)(C)”.

20 (B) CONFORMING AMENDMENT.—Section
21 38(f)(5)(B)(ii) of such Act (22 U.S.C.
22 2778(f)(5)(B)(ii)) is amended by striking “sec-
23 tion 36(b)(5)(A)” and inserting “section
24 36(b)(3)(A)”.

1 (2) COMMERCIALLY LICENSED SALES.—Section
2 36(e) of such Act (22 U.S.C. 2776(e)) is amended—

3 (A) in paragraph (1), in the first sentence,
4 by striking “Subject to paragraph (5)” and in-
5 serting “Subject to subsection (e)”;

6 (B) by striking paragraphs (2) through
7 (5); and

8 (C) by redesignating paragraph (6) as
9 paragraph (2).

10 (3) PUBLICATION.—Subsection (g) of section
11 36 of such Act (22 U.S.C. 2776) (as redesignated)
12 is amended—

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

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

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

18 “(4) each numbered certification transmitted
19 under subsection (e)(1)(A)(i), each unclassified num-
20 ber notification transmitted under subsection
21 (e)(1)(B)(i) and each written certification trans-
22 mitted under subsection (e)(1)(C)(i).”.

23 (4) LEGISLATIVE REVIEW OF LEASES AND
24 LOANS.—

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

3 (B) CONFORMING AMENDMENT.—Section
4 62(b) of such Act (22 U.S. 2976a(b)) is amend-
5 ed, in the first sentence, by striking “(and in
6 the case” and all that follows through “of that
7 section)”.

8 **SEC. 203. PROHIBITION ON TRANSFER OF DEFENSE ARTI-**
9 **CLES AND DEFENSE SERVICES TO COUN-**
10 **TRIES THAT COMMIT GENOCIDE OR VIOLA-**
11 **TIONS OF INTERNATIONAL HUMANITARIAN**
12 **LAW.**

13 (a) IN GENERAL.—No defense articles or defense
14 services may be sold, exported, or transferred to any coun-
15 try, and no letter of offer to sell defense articles or defense
16 services to any country and no application for a license
17 to export or transfer defense articles or defense services
18 controlled for export to any country shall be subject to
19 congressional review and approval requirements, regard-
20 less of monetary value or emergency, of section 36 of the
21 Arms Export Control Act (22 U.S.C. 2776), if the Sec-
22 retary of State has credible information that the govern-
23 ment, military, security forces, or police of such country
24 has committed or is committing genocide, crimes against

1 humanity, or violations of international humanitarian law
2 after the date of enactment of this Act.

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

17 **TITLE III—NATIONAL**
18 **EMERGENCIES REFORM ACT**

19 **SEC. 301. SHORT TITLE.**

20 This title may be cited as the “National Emergencies
21 Reform Act”.

1 **SEC. 302. CONGRESSIONAL REVIEW OF NATIONAL EMER-**
2 **GENCIES.**

3 Title II of the National Emergencies Act (50 U.S.C.
4 1621 et seq.) is amended by striking sections 201 and 202
5 and inserting the following:

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

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

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

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

22 “(2) one or more Executive orders relating to
23 the emergency transmitted to Congress and pub-
24 lished in the Federal Register.

25 “(c) **PROHIBITION ON SUBSEQUENT ACTIONS IF**
26 **EMERGENCIES NOT APPROVED.**—

1 “(1) SUBSEQUENT DECLARATIONS.—If a joint
2 resolution of approval is not enacted under section
3 203 with respect to a national emergency before the
4 expiration of the period described in section 202(a),
5 or with respect to a national emergency proposed to
6 be renewed under section 202(b), the President may
7 not, during the remainder of the term of office of
8 that President, declare a subsequent national emer-
9 gency under subsection (a) with respect to substan-
10 tially the same facts and circumstances.

11 “(2) EXERCISE OF AUTHORITIES.—If a joint
12 resolution of approval is not enacted under section
13 203 with respect to a power or authority specified by
14 the President in a proclamation under subsection (a)
15 or an Executive order under subsection (b)(2) with
16 respect to a national emergency, the President may
17 not, during the remainder of the term of office of
18 that President, exercise that power or authority with
19 respect to that emergency.

20 “(d) EFFECT OF FUTURE LAWS.—No law enacted
21 after the date of the enactment of this Act may supersede
22 the provisions of this title unless it does so in specific
23 terms, referring to this title, and declaring that such law
24 supersedes the provisions of this title.

25 “(e) LIMITATIONS.—

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

6 “(2) AUTHORIZATION OR FUNDING WITH-
7 HELD.—No authority available to the President dur-
8 ing a national emergency declared under this section
9 may be used to provide authorization or funding for
10 any program, project, or activity for which Congress,
11 on or after the date of the events giving rise to the
12 emergency declaration, has withheld authorization or
13 funding.

14 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
15 **GENCIES.**

16 “(a) TEMPORARY EFFECTIVE PERIODS.—

17 “(1) IN GENERAL.—A declaration of a national
18 emergency under subsection (a) shall be effective for
19 30 days beginning on the day after the date of the
20 issuance of the proclamation and shall terminate
21 when that 30-day period expires unless there is en-
22 acted into law a joint resolution of approval under
23 section 203 with respect to the proclamation.

24 “(2) EXERCISE OF POWERS AND AUTHORI-
25 TIES.—

1 “(A) EXERCISE PURSUANT TO PROCLAMA-
2 TION.—Subject to section 201(e), any emer-
3 gency power or authority made available under
4 a provision of law specified pursuant to section
5 201(b)(1) may be exercised pursuant to a dec-
6 laration of a national emergency upon the
7 issuance of the proclamation. That power or au-
8 thority may not be exercised on or after the 30-
9 day period described in paragraph (1) unless
10 there is enacted into law a joint resolution of
11 approval under section 203 approving—

12 “(i) the proclamation of the national
13 emergency; and

14 “(ii) the exercise of the power or au-
15 thority specified by the President in such
16 proclamation.

17 “(B) EXERCISE PURSUANT TO EXECUTIVE
18 ORDER.—Subject to section 201(e), any emer-
19 gency power or authority made available under
20 an Executive order pursuant to section
21 201(b)(2) may be exercised pursuant to a dec-
22 laration of a national emergency upon the
23 issuance of the Executive order specifying the
24 power or authority. That power or authority

1 may not be exercised on or after the earlier
2 of—

3 “(i) the date of the termination of the
4 proclamation declaring the emergency to
5 which the Executive order relates; or

6 “(ii) the date that is 30 days after the
7 date of the issuance of such Executive
8 order, unless there is enacted into law a
9 joint resolution of approval under section
10 203 approving the exercise of the power or
11 authority specified by the President in
12 such Executive order.

13 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
14 tional emergency declared by the President under section
15 201(a) or previously renewed under this subsection that
16 is not otherwise terminated pursuant to subsection (a) or
17 (c) or section 204 shall terminate on the date that is one
18 year after the date on which the President transmitted to
19 Congress the proclamation declaring the emergency or the
20 date on which Congress enacted into law a previous re-
21 newal pursuant to this subsection, unless—

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

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

5 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

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

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

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

21 “(A) any powers or authorities exercised
22 by reason of the emergency shall cease to be ex-
23 ercised;

24 “(B) any amounts reprogrammed or trans-
25 ferred under any provision of law with respect

1 to the emergency that remain unobligated on
2 that date shall be returned and made available
3 for the purpose for which such amounts were
4 appropriated; and

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

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

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

14 “(1) A provision approving—

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

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

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

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

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

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

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

9 “(c) PROCEDURES FOR CONSIDERATION OF JOINT
10 RESOLUTIONS OF APPROVAL.—

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

19 “(2) COMMITTEE REFERRAL IN THE SENATE.—
20 In the Senate, a joint resolution of approval shall be
21 referred to the appropriate committee.

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

24 “(A) REPORTING AND DISCHARGE.—If the
25 committee to which a joint resolution of ap-

1 proval has been referred has not reported it at
2 the end of 10 calendar days after its introduc-
3 tion, that committee shall be discharged from
4 further consideration of the resolution and it
5 shall be placed on the Calendar of Business.

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

1 to shall not be in order. If a motion to proceed
2 to the consideration of a joint resolution of ap-
3 proval is agreed to, the joint resolution shall re-
4 main the unfinished business of the Senate
5 until disposed of.

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

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

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

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

1 “(4) CONSIDERATION IN HOUSE OF REP-
2 REPRESENTATIVES.—In the House of Representatives,
3 the following shall apply:

4 “(A) REPORTING AND DISCHARGE.—If any
5 committee to which a joint resolution of ap-
6 proval has been referred has not reported it to
7 the House within seven legislative days after
8 the date of referral, such committee shall be
9 discharged from further consideration of the
10 joint resolution.

11 “(B)(i) PROCEEDING TO CONSIDER-
12 ATION.—Beginning on the third legislative day
13 after each committee to which a joint resolution
14 of approval has been referred reports it to the
15 House or has been discharged from further con-
16 sideration, it shall be in order to move to pro-
17 ceed to consider the joint resolution of approval
18 in the House. All points of order against the
19 motion are waived, except as provided in clause
20 (ii) and clause (iii). The previous question shall
21 be considered as ordered on the motion to its
22 adoption without intervening motion. The mo-
23 tion shall not be debatable. A motion to recon-
24 sider the vote by which the motion is disposed
25 of shall not be in order.

1 “(ii) A motion to proceed to consider
2 a joint resolution of approval shall not be
3 in order after the House has disposed of
4 another motion to proceed on that joint
5 resolution of approval.

6 “(iii) A motion to proceed to the con-
7 sideration of a joint resolution of approval
8 of an Executive order described in sub-
9 section (a)(1) or a list described in sub-
10 section (a)(2) shall not be in order prior to
11 the enactment of a joint resolution of ap-
12 proval of the proclamation described in
13 subsection (a)(1) that is the subject of
14 such Executive order or list.

15 “(C) CONSIDERATION.—Upon adoption of
16 the motion to proceed in accordance with sub-
17 paragraph (B)(i), the joint resolution of ap-
18 proval shall be considered as read. All points of
19 order against the joint resolution of approval
20 and against its consideration are waived. The
21 previous question shall be considered as ordered
22 on the joint resolution of approval to final pas-
23 sage without intervening motion except two
24 hours of debate equally divided and controlled
25 by the sponsor of the joint resolution of ap-

1 proval (or a designee) and an opponent. A mo-
2 tion to reconsider the vote on passage of the
3 joint resolution of approval shall not be in
4 order.

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

7 “(A) IN GENERAL.—If, before the passage
8 by one House of a joint resolution of approval
9 of that House, that House receives from the
10 other House a joint resolution of approval with
11 regard to the same proclamation or Executive
12 order, then the following procedures shall apply:

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

16 “(ii) With respect to a joint resolution
17 of approval of the House receiving the
18 joint resolution—

19 “(I) the procedure in that House
20 shall be the same as if no joint resolu-
21 tion of approval had been received
22 from the other House; but

23 “(II) the vote on passage shall be
24 on the joint resolution of approval of
25 the other House.

1 “(iii) Upon the failure of passage of
2 the joint resolution of approval of the other
3 House, the question shall immediately
4 occur on passage of the joint resolution of
5 approval of the receiving House.

6 “(B) TREATMENT OF LEGISLATION OF
7 OTHER HOUSE.—If one House fails to introduce
8 a joint resolution of approval under this section,
9 the joint resolution of approval of the other
10 House shall be entitled to expedited floor proce-
11 dures under this section.

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

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

21 “(d) PROCEDURES FOR CONSIDERATION OF JOINT
22 RESOLUTIONS TO TERMINATE.—

23 “(1) INTRODUCTION.—After the President
24 transmits to Congress a proclamation declaring a
25 national emergency under section 201(a), or an Ex-

1 executive order specifying emergency powers or au-
2 thorities under section 201(b)(2) or renewing a na-
3 tional emergency under section 202(b), a joint reso-
4 lution to terminate may be introduced in either
5 House of Congress by any member of that House.

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

9 “(3) 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 to termi-
13 nate has been referred has not reported it at
14 the end of 10 calendar days after its introduc-
15 tion, that committee shall be discharged from
16 further consideration of the resolution and it
17 shall be placed on the Calendar of Business.

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 to terminate 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 to move to

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

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

1 between the proponents and opponents of the
2 joint resolution.

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

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

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

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

16 “(A) REPORTING AND DISCHARGE.—If any
17 committee to which a joint resolution to termi-
18 nate has been referred has not reported it to
19 the House within seven legislative days after
20 the date of referral such committee shall be dis-
21 charged from further consideration of the joint
22 resolution.

23 “(B) PROCEEDING TO CONSIDERATION.—
24 Beginning on the third legislative day after
25 each committee to which a joint resolution to

1 terminate has been referred reports it to the
2 House or has been discharged from further con-
3 sideration thereof, it shall be in order to move
4 to proceed to consider the joint resolution to
5 terminate in the House. All points of order
6 against the motion are waived, except that such
7 a motion shall not be in order after the House
8 has disposed of a motion to proceed on the joint
9 resolution to terminate. The previous question
10 shall be considered as ordered on the motion to
11 its adoption without intervening motion. The
12 motion shall not be debatable. A motion to re-
13 consider the vote by which the motion is dis-
14 posed of shall not be in order.

15 “(C) CONSIDERATION.—The joint resolu-
16 tion to terminate shall be considered as read.
17 All points of order against the joint resolution
18 to terminate and against its consideration are
19 waived. The previous question shall be consid-
20 ered as ordered on the joint resolution to termi-
21 nate to final passage without intervening mo-
22 tion except one hour of debate equally divided
23 and controlled by the sponsor of the joint reso-
24 lution to terminate (or a designee) and an oppo-
25 nent. A motion to reconsider the vote on pas-

1 sage of the joint resolution to terminate shall
2 not be in order.

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

5 “(A) IN GENERAL.—If, before the passage
6 by one House of a joint resolution to terminate
7 of that House, that House receives from the
8 other House a joint resolution to terminate with
9 regard to the same proclamation or Executive
10 order, then the following procedures shall apply:

11 “(i) The joint resolution to terminate
12 of the other House shall not be referred to
13 a committee.

14 “(ii) With respect to a joint resolution
15 to terminate of the House receiving the
16 joint resolution—

17 “(I) the procedure in that House
18 shall be the same as if no joint resolu-
19 tion to terminate had been received
20 from the other House; but

21 “(II) the vote on passage shall be
22 on the joint resolution to terminate of
23 the other House.

24 “(iii) Upon the failure of passage of
25 the joint resolution to terminate of the

1 other House, the question shall imme-
2 diately occur on passage of the joint reso-
3 lution to terminate of the receiving House.

4 “(B) TREATMENT OF LEGISLATION OF
5 OTHER HOUSE.—If one House fails to introduce
6 a joint resolution to terminate under this sec-
7 tion, the joint resolution to terminate of the
8 other House shall be entitled to expedited floor
9 procedures under this section.

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

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

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

24 “(f) RULES OF THE HOUSE AND SENATE.—This sec-
25 tion is enacted by Congress—

1 “(1) as an exercise of the rulemaking power of
2 the Senate and the House of Representatives, re-
3 spectively, and as such is deemed a part of the rules
4 of each House, respectively, but applicable only with
5 respect to the procedure to be followed in the House
6 in the case of joint resolutions described in this sec-
7 tion, and supersedes other rules only to the extent
8 that it is inconsistent with such other rules; and

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

14 **“SEC. 204. BAR ON PERMANENT EMERGENCIES.**

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

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

22 “(1) has been in effect for 3 years or fewer as
23 of such date, shall automatically terminate on the
24 date that is 5 years after the date of the enactment
25 of this section; or

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

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

9 **SEC. 303. REPORTING REQUIREMENTS.**

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

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

14 “(c) REPORT UPON DECLARATION OR RENEWAL OF
15 NATIONAL EMERGENCY.—The President shall transmit to
16 Congress, concurrently with any proclamation declaring a
17 national emergency under section 201(a), any Executive
18 order specifying emergency powers or authorities under
19 section 201(b)(2), or any Executive order renewing a na-
20 tional emergency under section 202(b), a written report
21 that includes each of the following:

22 “(1) A description of the circumstances necessi-
23 tating the declaration of a national emergency, the
24 renewal of such an emergency, or the use of a new

1 emergency authority specified in the Executive
2 order, as the case may be.

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

7 “(3) A summary of the actions the President or
8 other officers intend to take, including any re-
9 programming or transfer of funds, and the statutory
10 authorities the President and such officers expect to
11 rely on in addressing the national emergency.

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

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

18 “(d) REPORT ON EXPENDITURES AND ACTIVITIES
19 DURING NATIONAL EMERGENCY OR WAR.—Not later
20 than 90 days after the end of each 180-day period fol-
21 lowing a proclamation declaring a national emergency
22 under section 201(a) or a declaration of war by the Con-
23 gress, the President shall transmit to Congress a report
24 on—

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

5 “(2) with respect to a declaration of a national
6 emergency—

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

8 “(B) the actions the President or other of-
9 ficers have taken pursuant to such emergency
10 and authorities the President and such officers
11 have relied on in addressing the emergency.

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

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

24 “(g) PUBLIC DISCLOSURE.—The reports described in
25 subsections (c), (d), and (e) shall be in unclassified form

1 and shall be made public at the same time as their trans-
2 mission to Congress, although a classified annex may be
3 provided to Congress as necessary.”.

4 **SEC. 304. DISCLOSURES TO CONGRESS OF PRESIDENTIAL**
5 **DOCUMENTS RELATING TO EMERGENCY AC-**
6 **TIONS.**

7 (a) IN GENERAL.—

8 (1) Not later than 30 days after the conclusion
9 of the process for approval, adoption, or revision of
10 any presidential emergency action document, the
11 President shall submit that document to the appro-
12 priate congressional committees.

13 (2) Not later than 180 days after the conclu-
14 sion of the process for approval, adoption, or revi-
15 sion of any presidential emergency action document,
16 the head of each relevant Federal department and
17 agency shall complete a declassification review of the
18 document and shall make public any declassified
19 portions of the document. If significant portions of
20 the document remain classified, the respective head
21 shall release an unclassified summary of the docu-
22 ment.

23 (b) DOCUMENTS IN EXISTENCE BEFORE DATE OF
24 ENACTMENT.—

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

6 (2) Not later than 1 year after the date of en-
7 actment of this Act, the head of each relevant Fed-
8 eral department and agency shall complete a declas-
9 sification review of all presidential emergency action
10 documents in existence before such date of enact-
11 ment, and shall make public any declassified por-
12 tions of the documents. If significant portions of the
13 document remain classified, the respective head shall
14 release an unclassified summary of the document.

15 (c) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees”, with respect to a presidential emergency
19 action document, means—

20 (A) the Committee on Oversight and Re-
21 form, the Committee on the Judiciary, and the
22 Permanent Select Committee on Intelligence of
23 the House of Representatives;

24 (B) the Committee on Homeland Security
25 and Governmental Affairs, the Committee on

1 the Judiciary, and the Select Committee on In-
2 telligence of the Senate; and

3 (C) any other committee of the Senate or
4 the House of Representatives with jurisdiction
5 over the subject matter addressed in the presi-
6 dential emergency action document.

7 (2) PRESIDENTIAL EMERGENCY ACTION DOCU-
8 MENT.—The term “presidential emergency action
9 document” means—

10 (A) each of the approximately 56 docu-
11 ments described as “presidential emergency ac-
12 tion documents” in the budget justification ma-
13 terials for the Office of Legal Counsel of the
14 Department of Justice submitted to Congress in
15 support of the budget of the President for fiscal
16 year 2018; and

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

21 (i) is designated as a “presidential
22 emergency action document”; or

23 (ii) is designed to implement a presi-
24 dential decision or transmit a presidential

1 request when an emergency disrupts nor-
2 mal governmental or legislative processes.

3 **SEC. 305. CONFORMING AMENDMENTS.**

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

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

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

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

12 “(e) In this section, the term ‘National Emergencies
13 Act’ means the National Emergencies Act, as in effect on
14 the day before the date of the enactment of the National
15 Emergencies Reforms Act.”.

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

17 (a) IN GENERAL.—Except as provided in subsection
18 (c), this title and the amendments made by this title
19 shall—

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

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

1 (b) APPLICABILITY TO RECENTLY DECLARED EMER-
2 GENCY.—A national emergency declared under section
3 201 of the National Emergencies Act not later than 90
4 days before the date of the enactment of this Act shall
5 be treated for purposes of subsection (a)(2) as being de-
6 clared on such date of enactment.

7 (c) APPLICABILITY TO RENEWALS OF EXISTING
8 EMERGENCIES PREVIOUSLY DECLARED.—The amend-
9 ments made by this title, other than the amendments
10 made with respect to the renewal of a national emergency
11 under section 202(b) of the National Emergencies Act,
12 shall not apply with respect to any national emergency de-
13 clared under section 201 of the National Emergencies Act
14 before the date of the enactment of this Act. Each such
15 emergency shall terminate on the date that is one year
16 after the date of enactment of this Act, unless the emer-
17 gency is renewed in accordance with such section 202(b)
18 as so amended.

○