

.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. MCGOVERN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

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

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I— WAR POWERS REFORM

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

TITLE II—ARMS EXPORT REFORM

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

TITLE III—NATIONAL EMERGENCIES REFORM ACT

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

**1 TITLE I— WAR POWERS REFORM**

**2 SEC. 101. SHORT TITLE.**

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

**5 SEC. 102. PURPOSE AND POLICY.**

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

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

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

4           (3) in subsection (c)—

5           (A) in the matter preceding paragraph  
6           (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22       **SEC. 104. SPECIFIC STATUTORY AUTHORIZATION RE-**  
23       **QUIRED.**

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

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

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

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

5 “SPECIFIC STATUTORY AUTHORIZATION REQUIRED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

4 and

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

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

12 “(i) The circumstances necessitating the use of  
13 such forces.

14 “(ii) An identification of enemy and opposing  
15 forces.

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

23 “(iv) The total cost of the use of such forces  
24 since the introduction of such forces into hostilities

1 or into situations where there is a serious risk of  
2 hostilities.

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

6 “(vi) The country or countries in which such  
7 forces are deployed.

8 “(vii) A description of—

9 “(I) the mission of such forces;

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

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

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

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

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

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

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

1           “(ii) may include a classified annex only to the  
2           extent required to protect the national security of  
3           the United States.

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

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

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

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

22          “(1) such extension shall be deemed to con-  
23          stitute a separate introduction of United States  
24          forces into hostilities within the meaning of section  
25          3 and this section, including with respect to the limi-

1 tations and consultation, notification, and reporting  
2 requirements described in such sections; and

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

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

18 “(2) The expedited procedures described in section 5  
19 shall apply with respect to a joint resolution described in  
20 this subsection.”.

21 **SEC. 105. CONGRESSIONAL PRIORITY PROCEDURES FOR**  
22 **JOINT RESOLUTION.**

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

1 “CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT  
2 RESOLUTION

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

16 “(b) In the House of Representatives:

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

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

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

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

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

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

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

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

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

17           “(c) In the Senate—

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “INTERPRETATION OF JOINT RESOLUTION

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

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

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

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

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

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

5 “JUDICIAL REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14       **SEC. 108. TERMINATION OF FUNDING; TERMINATION OF**  
15                               **USE OF MILITARY FORCE.**

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

19                               “TERMINATION OF FUNDING

20          “SEC. 8. (a) Notwithstanding any other provision of  
21          law, no funds authorized to be appropriated or otherwise  
22          made available under any provision of law may be obli-  
23          gated or expended for any activity by United States forces  
24          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) COMMERCIALY 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          “(c) 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          “(d) 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          “(e) 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.