

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3988
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Assuring that Robust,
3 Thorough, and Informed Congressional Leadership is Ex-
4 ercised Over National Emergencies Act” or the “ARTI-
5 CLE ONE Act”.

**6 SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL EMER-
7 GENCIES.**

8 The National Emergencies Act (50 U.S.C. 1621 et
9 seq.) is amended by inserting after title I the following:

**10 “TITLE II—DECLARATIONS OF
11 FUTURE NATIONAL EMER-
12 GENCIES**

13 “SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

14 “(a) AUTHORITY TO DECLARE NATIONAL EMER-
15 GENCIES.—With respect to Acts of Congress authorizing
16 the exercise, during the period of a national emergency,
17 of any special or extraordinary power, the President is au-
18 thorized to declare such a national emergency by procla-

1 mation. Such proclamation shall immediately be trans-
2 mitted to Congress and published in the Federal Register.

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

9 “(1) a proclamation declaring a national emer-
10 gency under subsection (a); or

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

14 **“(c) PROHIBITION ON SUBSEQUENT ACTIONS IF**
15 **EMERGENCIES NOT APPROVED.**—

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

1 “(2) EXERCISE OF AUTHORITIES.—If a joint
2 resolution of approval is not enacted under section
3 203 with respect to a power or authority specified by
4 the President in a proclamation under subsection (a)
5 or an Executive order under subsection (b)(2) with
6 respect to a national emergency, the President may
7 not, during the remainder of the term of office of
8 that President, exercise that power or authority with
9 respect to that emergency.

10 “(d) EFFECT OF FUTURE LAWS.—No law enacted
11 after the date of the enactment of this Act shall supersede
12 this title unless it does so in specific terms, referring to
13 this title, and declaring that the new law supersedes the
14 provisions of this title.

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

17 “(a) TEMPORARY EFFECTIVE PERIODS.—

18 “(1) IN GENERAL.—A declaration of a national
19 emergency shall remain in effect for a period of 30
20 calendar days from the issuance of the proclamation
21 under section 201(a) (not counting the day on which
22 the proclamation was issued) and shall terminate
23 when such period expires unless there is enacted into
24 law a joint resolution of approval under section 203
25 with respect to the proclamation.

1 “(2) EXERCISE OF POWERS AND AUTHORI-
2 TIES.—Any emergency power or authority made
3 available under a provision of law specified pursuant
4 to section 201(b) may be exercised pursuant to a
5 declaration of a national emergency for a period of
6 30 calendar days from the issuance of the proclama-
7 tion or Executive order (not counting the day on
8 which such proclamation or Executive order was
9 issued). That power or authority may not be exer-
10 cised after such period expires unless there is en-
11 acted into law a joint resolution of approval under
12 section 203 approving—

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

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

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

1 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
2 tional emergency declared by the President under section
3 201(a) or previously renewed under this subsection, and
4 not already terminated pursuant to subsection (a) or (c),
5 shall terminate on the date that is one year after the
6 President transmitted to Congress the proclamation de-
7 claring the emergency or Congress approved a previous re-
8 newal pursuant to this subsection, unless—

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

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

16 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

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

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

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

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

3 “(2) EFFECT OF TERMINATION.—

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

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

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

18 “(iii) any contracts entered into pur-
19 suant to authorities provided as a result of
20 the emergency shall be terminated.

21 “(B) SAVINGS PROVISION.—The termi-
22 nation of a national emergency shall not af-
23 fect—

24 “(i) any legal action taken or pending
25 legal proceeding not finally concluded or

1 determined on the date of the termination
2 under paragraph (1);
3 “(ii) any legal action or legal pro-
4 ceeding based on any act committed prior
5 to that date; or
6 “(iii) any rights or duties that ma-
7 tured or penalties that were incurred prior
8 to that date.

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

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

15 “(1) A provision approving—
16 “(A) a proclamation of a national emer-
17 gency made under section 201(a);
18 “(B) an Executive order issued under sec-
19 tion 201(b)(2); or
20 “(C) an Executive order issued under sec-
21 tion 202(b).

22 “(2) A provision approving a list of all or a por-
23 tion of the provisions of law specified by the Presi-
24 dent under section 201(b) in the proclamation or

1 Executive order that is the subject of the joint reso-
2 lution.

3 **“(b) PROCEDURES FOR CONSIDERATION OF JOINT**
4 **RESOLUTIONS OF APPROVAL.—**

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

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

1 House, shall notify the Members of the Senate and
2 House, respectively, to reassemble at such place and
3 time as they may designate if, in their opinion, the
4 public interest shall warrant it.

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

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

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

1 against consideration of the joint resolution)
2 are waived. The motion to proceed is subject to
3 4 hours of debate divided equally between those
4 favoring and those opposing the joint resolution
5 of approval. The motion is not subject to
6 amendment, or to a motion to postpone, or to
7 a motion to proceed to the consideration of
8 other business.

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

1 “(II) to add to that list a provi-
2 sion or provisions of law specified by
3 the President under section 201(b) in
4 the proclamation or Executive order
5 that is the subject of the joint resolu-
6 tion of approval.

7 “(E) MOTION TO RECONSIDER FINAL
8 VOTE.—A motion to reconsider a vote on pas-
9 sage of a joint resolution of approval shall not
10 be in order.

11 “(F) APPEALS.—Points of order, including
12 questions of relevancy, and appeals from the de-
13 cision of the Presiding Officer, shall be decided
14 without debate.

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

18 “(A) REPORTING AND DISCHARGE.—If the
19 committee to which a joint resolution of ap-
20 proval has been referred has not reported it to
21 the House within 10 calendar days after the
22 date of referral, such committee shall be dis-
23 charged from further consideration of the joint
24 resolution.

25 “(B) PROCEEDING TO CONSIDERATION.—

1 “(i) IN GENERAL.—Beginning on the
2 third legislative day after the committee to
3 which a joint resolution of approval has
4 been referred reports it to the House or
5 has been discharged from further consider-
6 ation, and except as provided in clause (ii),
7 it shall be in order to move to proceed to
8 consider the joint resolution in the House.
9 The previous question shall be considered
10 as ordered on the motion to its adoption
11 without intervening motion. The motion
12 shall not be debatable. A motion to recon-
13 sider the vote by which the motion is dis-
14 posed of shall not be in order.

15 “(ii) SUBSEQUENT MOTIONS TO PRO-
16 CEED TO JOINT RESOLUTION OF AP-
17 PROVAL.—A motion to proceed to consider
18 a joint resolution of approval shall not be
19 in order after the House has disposed of
20 another motion to proceed on that resolu-
21 tion.

22 “(C) FLOOR CONSIDERATION.—Upon
23 adoption of the motion to proceed in accordance
24 with subparagraph (B)(i), the joint resolution
25 of approval shall be considered as read. The

1 previous question shall be considered as ordered
2 on the joint resolution to final passage without
3 intervening motion except two hours of debate,
4 which shall include debate on any amendments,
5 equally divided and controlled by the sponsor of
6 the joint resolution (or a designee) and an op-
7 ponent. A motion to reconsider the vote on pas-
8 sage of the joint resolution shall not be in
9 order.

10 “(D) AMENDMENTS.—

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

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

19 “(I) to strike a provision or pro-
20 visions of law from the list required
21 by subsection (a)(2); or

22 “(II) to add to that list a provi-
23 sion or provisions of law specified by
24 the President under section 201(b) in
25 the proclamation or Executive order

1 that is the subject of the joint resolu-
2 tion.

3 “(5) RECEIPT OF RESOLUTION FROM OTHER
4 HOUSE.—If, before passing a joint resolution of ap-
5 proval, one House receives from the other a joint
6 resolution of approval from the other House, then—

11 “(B) the procedures set forth in para-
12 graphs (3) and (4), as applicable, shall apply in
13 the receiving House to the joint resolution re-
14 ceived from the other House to the same extent
15 as such procedures apply to a joint resolution of
16 the receiving House.

17 "(c) RULE OF CONSTRUCTION.—The enactment of a
18 joint resolution of approval under this section shall not
19 be interpreted to serve as a grant or modification by Con-
20 gress of statutory authority for the emergency powers of
21 the President.

22 "(d) RULES OF THE HOUSE AND SENATE.—This sec-
23 tion is enacted by Congress—

24 “(1) as an exercise of the rulemaking power of
25 the Senate and the House of Representatives, re-

1 spectively, and as such is deemed a part of the rules
2 of each House, respectively, but applicable only with
3 respect to the procedure to be followed in the House
4 in the case of joint resolutions described in this sec-
5 tion, and supersedes other rules only to the extent
6 that it is inconsistent with such other rules; and

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

12 **“SEC. 204. APPLICABILITY.**

13 “This title shall apply to a national emergency pursu-
14 ant to which the President proposes to exercise emergency
15 powers or authorities made available under any provision
16 of law that is not a provision of law described in section
17 604(a).”.

18 **SEC. 3. REPORTING REQUIREMENTS.**

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

21 (1) in subsection (c)—

22 (A) in the first sentence by inserting “,
23 and make publicly available” after “transmit to
24 Congress”; and

1 (B) in the second sentence by inserting “,
2 and make publicly available,” before “a final re-
3 port”; and

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

5 “(d) REPORT ON EMERGENCIES.—The President
6 shall transmit to the entities described in subsection (g),
7 with any proclamation declaring a national emergency
8 under section 201(a) or any Executive order specifying
9 emergency powers or authorities under section 201(b)(2)
10 or renewing a national emergency under section 202(b),
11 a report, in writing, that includes the following:

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

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

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

1 “(4) The total expenditures estimated to be in-
2 curred by the United States Government during
3 such six-month period which are directly attributable
4 to the exercise of powers and authorities conferred
5 by such declaration.

6 “(5) In the case of a renewal of a national
7 emergency, a summary of the actions the President
8 or other officers have taken in the preceding one-
9 year period, including any reprogramming or trans-
10 fer of funds, to address the emergency.

11 “(e) PROVISION OF INFORMATION TO CONGRESS.—
12 The President shall provide to the entities described in
13 subsection (g) such other information as such entities may
14 request in connection with any national emergency in ef-
15 fect under title II.

16 “(f) PERIODIC REPORTS ON STATUS OF EMER-
17 GENCIES.—If the President declares a national emergency
18 under section 201(a), the President shall, not less fre-
19 quently than every 6 months for the duration of the emer-
20 gency, report to the entities described in subsection (g)
21 on the status of the emergency, the total expenditures in-
22 curred by the United States Government, and the actions
23 the President or other officers have taken and authorities
24 the President and such officers have relied on in address-
25 ing the emergency.

1 “(g) ENTITIES DESCRIBED.—The entities described
2 in this subsection are—

3 “(1) the Speaker of the House of Representa-
4 tives;

5 “(2) minority leader of the House of Represent-
6 atives;

7 “(3) the Committee on Transportation and In-
8 frastructure of the House of Representatives; and

9 “(4) the Committee on Homeland Security and
10 Governmental Affairs of the Senate.”.

11 **SEC. 4. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES**

12 **INVOKING INTERNATIONAL EMERGENCY**
13 **ECONOMIC POWERS ACT.**

14 (a) IN GENERAL.—The National Emergencies Act
15 (50 U.S.C. 1601 et seq.) is further amended by adding
16 at the end the following:

17 **“TITLE VI—DECLARATIONS OF**
18 **CERTAIN EMERGENCIES IN-**
19 **VOKEING INTERNATIONAL**
20 **EMERGENCY ECONOMIC POW-**
21 **ERS ACT**

22 **“SEC. 604. APPLICABILITY.**

23 “(a) IN GENERAL.—This title shall apply to a na-
24 tional emergency pursuant to which the President pro-
25 poses to exercise emergency powers or authorities made

1 available under the International Emergency Economic
2 Powers Act (50 U.S.C. 1701 et seq.).

3 “(b) EFFECT OF ADDITIONAL POWERS AND AU-
4 THORITIES.—This title shall not apply to a national emer-
5 gency or the exercise of emergency powers and authorities
6 pursuant to the national emergency if, in addition to the
7 exercise of emergency powers and authorities described in
8 subsection (a), the President proposes to exercise, pursu-
9 ant to the national emergency, any emergency powers and
10 authorities under any other provision of law.”.

11 (b) TRANSFER.—Sections 201, 202, and 301 of the
12 National Emergencies Act (50 U.S.C. 1601 et seq.), as
13 such sections appeared on the day before the date of en-
14 actment of this Act, are—

15 (1) transferred to title VI of such Act (as added
16 by subsection (a));

17 (2) inserted before section 604 of such title (as
18 added by subsection (a)); and

19 (3) redesignated as sections 601, 602, and 603,
20 respectively.

21 (c) CONFORMING AMENDMENT.—Title II of the Na-
22 tional Emergencies Act (50 U.S.C. 1601 et seq.), as such
23 title appeared the day before the date of enactment of this
24 Act, is amended by striking the heading for such title.

1 SEC. 5. CONFORMING AMENDMENTS.

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

4 (b) INTERNATIONAL EMERGENCY ECONOMIC POW-
5 ERS ACT.—Section 207(b) of the International Emergency
6 Economic Powers Act (50 U.S.C. 1706) is amended by
7 striking “concurrent resolution” each place it appears and
8 inserting “joint resolution”.

9 SEC. 6. EFFECTIVE DATE; APPLICABILITY.

10 (a) IN GENERAL.—This Act and the amendments
11 made by this Act shall—

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

14 (2) except as provided in subsection (b), apply
15 with respect to national emergencies declared under
16 section 201 of the National Emergencies Act on or
17 after such date.

18 (b) APPLICABILITY TO RENEWALS OF EXISTING
19 EMERGENCIES.—With respect to a national emergency de-
20 clared under section 201 of the National Emergencies Act
21 before the date of the enactment of this Act that would
22 expire or be renewed under section 202(d) of that Act (as
23 in effect on the day before such date of enactment), that
24 national emergency shall be subject to the requirements
25 for renewal under section 202(b) of that Act, as amended
26 by section 2.

1 (c) SUPERSESSION.—This Act and the amendments
2 made by this Act shall supersede title II of the National
3 Emergencies Act (50 U.S.C. 1621 et seq.) as such title
4 was in effect on the day before the date of enactment of
5 this Act.

