

116TH CONGRESS  
1ST SESSION

# H. R. 1843

To amend the National Emergencies Act to provide that a national emergency declared by the President terminates 60 days after the President reprograms or transfers an amount in excess of \$250,000,000 for use in response to such emergency, unless a joint resolution affirming such declaration is enacted into law.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2019

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the National Emergencies Act to provide that a national emergency declared by the President terminates 60 days after the President reprograms or transfers an amount in excess of \$250,000,000 for use in response to such emergency, unless a joint resolution affirming such declaration is enacted into law.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Emergencies  
3 Modernization Act of 2019”.

4 **SEC. 2. TERMINATION OF NATIONAL EMERGENCY IF**  
5 **AMOUNTS OVER \$250,000,000 REPRO-**  
6 **GRAMMED OR TRANSFERRED.**

7 Section 202 of the National Emergencies Act (50  
8 U.S.C. 1622) is amended—

9 (1) by striking subsection (a) and inserting the  
10 following:

11 “(a) Any national emergency declared by the Presi-  
12 dent in accordance with this title shall terminate on the  
13 earliest of—

14 “(1) the date provided for in subsection (b)(3);

15 “(2) the date on which there is enacted into law  
16 a joint resolution terminating the emergency; or

17 “(3) the date on which the President issues a  
18 proclamation terminating the emergency.”;

19 (2) in subsection (b)—

20 (A) by striking “Not later than six” and  
21 inserting “(1) Not later than six”; and

22 (B) by adding at the end the following:

23 “(2) In any case in which national emergency is ter-  
24 minated under this section, any powers or authorities exer-  
25 cised by reason of said emergency shall cease to be exer-

1 cised after the date of termination of such emergency, ex-  
2 cept that a termination shall not affect—

3 “(A) any action taken or proceeding pending  
4 not finally concluded or determined on such date;

5 “(B) any action or proceeding based on any act  
6 committed prior to such date; or

7 “(C) any rights or duties that matured or pen-  
8 alties that were incurred prior to such date.

9 “(3)(A) In the case of a national emergency declared  
10 by the President under section 201 in which the President  
11 reprograms or transfers an amount in excess of  
12 \$250,000,000 for use in response to such emergency, the  
13 national emergency shall terminate on the date that is 60  
14 days after the first legislative day that occurs after such  
15 amount is exceeded unless there is enacted into law a joint  
16 resolution approving the emergency pursuant to sub-  
17 section (c).

18 “(B) If there is enacted into law a joint resolution  
19 approving the emergency under subparagraph (A), such  
20 emergency shall not be eligible for termination under this  
21 paragraph, regardless of any action relating to reprogram-  
22 ming or transferring of funds.

23 “(C) Nothing in this paragraph shall be construed to  
24 limit or prohibit the President from reprogramming or  
25 transferring funds for use in response to a national emer-

1 gency declared under section 201 that has not been termi-  
2 nated under this section.

3 “(4) Effective on the date of the termination of a na-  
4 tional emergency under this section, any amounts repro-  
5 grammed or transferred under any provision of law with  
6 respect to the emergency that remain unobligated on that  
7 date shall be returned and made available for the purpose  
8 for which such amounts were appropriated.”; and

9 (3) in subsection (c)—

10 (A) in paragraph (1) by inserting “or ap-  
11 prove” after “terminate”; and

12 (B) in paragraph (5) by striking “sub-  
13 section (b)” and inserting “subsection (b)(1)”.

14 **SEC. 3. EXERCISE OF EMERGENCY POWERS AND AUTHORI-**  
15 **TIES.**

16 Section 301 of the National Emergencies Act (50  
17 U.S.C. 1631) is amended by striking “Such specification”  
18 and inserting “For any instance of reprogramming or  
19 transfer of funds for use in response to a national emer-  
20 gency, the President shall specify the derivation, amount,  
21 and intended use of such funds. Such specifications”.

1 **SEC. 4. APPLICABILITY.**

2       The amendments made by this Act shall only apply  
3 with respect to a national emergency declared by the  
4 President on or after the date of enactment of this Act.

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