

116TH CONGRESS
2D SESSION

H. R. 9041

To amend the National Emergencies Act to provide for a sunset of a national emergency declared by the President 2 days after the declaration unless Congress enacts a joint resolution affirming such declaration and the emergency powers approved for use by the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2020

Mr. AMASH 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

A BILL

To amend the National Emergencies Act to provide for a sunset of a national emergency declared by the President 2 days after the declaration unless Congress enacts a joint resolution affirming such declaration and the emergency powers approved for use by the President, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Emergencies
3 Reform Act”.

4 **SEC. 2. SUNSET FOR NATIONAL EMERGENCIES WITHOUT**
5 **CONGRESSIONAL APPROVAL.**

6 (a) IN GENERAL.—Section 202 of the National
7 Emergencies Act (50 U.S.C. 1622) is amended—

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

10 “(a) Any national emergency declared by the Presi-
11 dent in accordance with this title shall terminate if—

12 “(1) there has not been enacted into law a joint
13 resolution affirming the declaration of such emer-
14 gency, including the specific emergency powers ap-
15 proved with respect to such emergency, before the
16 expiration of the 48-hour period which begins on the
17 first day which occurs after such national emergency
18 is declared and on which both houses of Congress
19 are in session (including in a pro forma session);

20 “(2) there is enacted into law a joint resolution
21 terminating the emergency; or

22 “(3) the President issues a proclamation termi-
23 nating the emergency.”;

24 (2) by striking subsection (b) and inserting the
25 following:

1 “(b)(1) The date on which a national emergency is
2 terminated pursuant to subsection (a) shall be the first
3 occurrence of any of the following dates:

4 “(A) The last date of the period described in
5 subsection (a)(1).

6 “(B) The date specified in any joint resolution
7 referred to in subsection (a)(2).

8 “(C) The date specified in a proclamation by
9 the President terminating the emergency as provided
10 in subsection (a)(3).

11 “(2) Effective on the date of the termination of a na-
12 tional emergency under paragraph (1)—

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

18 “(B) any contracts entered into under any pro-
19 vision of law for construction relating to the emer-
20 gency shall be terminated unless construction com-
21 menced under the contract before that date; and

22 “(C) any powers or authorities exercised by rea-
23 son of said emergency shall cease to be exercised
24 after that date, except that a termination shall not
25 affect—

1 “(i) any action taken or proceeding pend-
2 ing not finally concluded or determined on such
3 date;

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

6 “(iii) any rights or duties that matured or
7 penalties that were incurred prior to such
8 date.”;

9 (3) in subsection (c)—

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

12 (B) in paragraph (5) by striking “, sub-
13 section (b) of this section,”; and

14 (4) by striking subsection (d) and inserting the
15 following:

16 “(d) A national emergency declared by the President
17 under section 201, affirmed by a joint resolution under
18 subsection (a)(1), and not otherwise previously termi-
19 nated, shall terminate on the date that is 60 days after
20 the President transmitted to Congress the proclamation
21 declaring the emergency under section 201(a) or Congress
22 affirms a previous renewal pursuant to this subsection,
23 unless—

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

4 “(2) there is enacted into law a joint resolution
5 affirming the renewal of the declaration, according
6 to the requirements of subsection (c), before the ter-
7 mination of the emergency or previous renewal of
8 the emergency.”.

9 (b) APPLICATION TO NATIONAL EMERGENCIES PRE-
10 VIOUSLY DECLARED.—A national emergency declared
11 under section 201 of the National Emergencies Act (50
12 U.S.C. 1601 et seq.) before the date of the enactment of
13 this Act shall be unaffected by the amendments made by
14 this Act except that such emergencies shall terminate on
15 the date that is 60 days after such date of enactment un-
16 less the emergency is renewed under section 201(d) of the
17 National Emergencies Act, as amended by this Act.

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