

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 4373**

To provide for congressional approval of national emergency declarations.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Reforming Emergency Powers to Uphold the Balances  
6 and Limitations Inherent in the Constitution Act” or the  
7 “REPUBLIC Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES

Sec. 101. Congressional review of national emergencies.

Sec. 102. Reporting requirements.

Sec. 103. Exclusion of certain national emergencies invoking International Emergency Economic Powers Act.

Sec. 104. Conforming amendments.

Sec. 105. Effective date; applicability.

#### TITLE II—LIMITATIONS ON EMERGENCY AUTHORITIES

Sec. 201. Protections for United States persons with respect to use of authorities under International Emergency Economic Powers Act.

Sec. 202. Exclusion of authority to impose duties and import quotas from International Emergency Economic Powers Act.

Sec. 203. Presidential war powers under Communications Act of 1934.

Sec. 204. Disclosure to Congress of presidential emergency action documents.

## 1 **TITLE I—CONGRESSIONAL RE-** 2 **VIEW OF NATIONAL EMER-** 3 **GENCIES**

### 4 **SEC. 101. CONGRESSIONAL REVIEW OF NATIONAL EMER-** 5 **GENCIES.**

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

## 8 **“TITLE II—DECLARATIONS OF** 9 **FUTURE NATIONAL EMER-** 10 **GENCIES**

### 11 **“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.**

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

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

7           “(1) a proclamation declaring a national emer-  
8 gency under subsection (a); or

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

12           “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF  
13 EMERGENCIES NOT APPROVED.—

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

24           “(2) EXERCISE OF AUTHORITIES.—If a joint  
25 resolution of approval is not enacted under section

1 203 with respect to a power or authority specified by  
2 the President in a proclamation under subsection (a)  
3 or an Executive order under subsection (b)(2) with  
4 respect to a national emergency, the President may  
5 not, during the remainder of the term of office of  
6 that President, exercise that power or authority with  
7 respect to that emergency.

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

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

15 “(a) TEMPORARY EFFECTIVE PERIODS.—

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

24 “(2) EXERCISE OF POWERS AND AUTHORI-  
25 TIES.—Any emergency power or authority made

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

11 “(A) the proclamation of the national  
12 emergency or the Executive order; and

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

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

23 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-  
24 tional emergency declared by the President under section  
25 201(a) or previously renewed under this subsection, and

1 not already terminated pursuant to subsection (a) or (c),  
2 shall terminate on the date that is one year after the  
3 President transmitted to Congress the proclamation de-  
4 claring the emergency or Congress approved a previous re-  
5 newal pursuant to this subsection, unless—

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

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

13 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

17 “(A) the date provided for in subsection  
18 (a);

19 “(B) the date provided for in subsection  
20 (b);

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

23 “(D) the date specified in a proclamation  
24 of the President terminating the emergency.

25 “(2) EFFECT OF TERMINATION.—

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

4           “(i) except as provided by subpara-  
5 graph (B), any powers or authorities exer-  
6 cised by reason of the emergency shall  
7 cease to be exercised;

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

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

18           “(B) SAVINGS PROVISION.—The termi-  
19 nation of a national emergency shall not af-  
20 fect—

21           “(i) any legal action taken or pending  
22 legal proceeding not finally concluded or  
23 determined on the date of the termination  
24 under paragraph (1);

1                   “(ii) any legal action or legal pro-  
2                   ceeding based on any act committed prior  
3                   to that date; or

4                   “(iii) any rights or duties that ma-  
5                   tured or penalties that were incurred prior  
6                   to that date.

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

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

13                   “(1) A provision approving—

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

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

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

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



1       “(b) PROCEDURES FOR CONSIDERATION OF JOINT  
2 RESOLUTIONS OF APPROVAL.—

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

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

1 time as they may designate if, in their opinion, the  
2 public interest shall warrant it.

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

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

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

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

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

12 “(D) AMENDMENTS.—

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

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

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

24 “(II) to add to that list a provi-  
25 sion or provisions of law specified by

1 the President under section 201(b) in  
2 the proclamation or Executive order  
3 that is the subject of the joint resolu-  
4 tion of approval.

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

9 “(F) APPEALS.—Points of order, including  
10 questions of relevancy, and appeals from the de-  
11 cision of the Presiding Officer, shall be decided  
12 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 the  
17 committee to which a joint resolution of ap-  
18 proval has been referred has not reported it to  
19 the House within 10 calendar days after the  
20 date of referral, such committee shall be dis-  
21 charged from further consideration of the joint  
22 resolution.

23 “(B) PROCEEDING TO CONSIDERATION.—

24 “(i) IN GENERAL.—Beginning on the  
25 third legislative day after the committee to

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

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

20                   “(C) FLOOR CONSIDERATION.—Upon  
21                   adoption of the motion to proceed in accordance  
22                   with subparagraph (B)(i), the joint resolution  
23                   of approval shall be considered as read. The  
24                   previous question shall be considered as ordered  
25                   on the joint resolution to final passage without

1           intervening motion except two hours of debate,  
2           which shall include debate on any amendments,  
3           equally divided and controlled by the sponsor of  
4           the joint resolution (or a designee) and an op-  
5           ponent. A motion to reconsider the vote on pas-  
6           sage of the joint resolution shall not be in  
7           order.

8                   “(D) AMENDMENTS.—

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

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

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

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

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

5                   “(A) the joint resolution of the other  
6           House shall not be referred to a committee and  
7           shall be deemed to have been discharged from  
8           committee on the day it is received; and

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

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

20           “(d) RULES OF THE HOUSE AND SENATE.—This sec-  
21           tion is enacted by Congress—

22                   “(1) as an exercise of the rulemaking power of  
23           the Senate and the House of Representatives, re-  
24           spectively, and as such is deemed a part of the rules  
25           of each House, respectively, but applicable only with

1       respect to the procedure to be followed in the House  
2       in the case of joint resolutions described in this sec-  
3       tion, and supersedes other rules only to the extent  
4       that it is inconsistent with such other rules; and

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

10 **“SEC. 204. APPLICABILITY.**

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

16 **SEC. 102. REPORTING REQUIREMENTS.**

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

19               (1) in subsection (c)—

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

23                       (B) in the second sentence by inserting “,  
24                       and make publicly available,” before “a final re-  
25                       port”; and



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

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

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

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

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

23           “(4) The total expenditures estimated to be in-  
24 curred by the United States Government during  
25 such six-month period which are directly attributable

1 to the exercise of powers and authorities conferred  
2 by such declaration.

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

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

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

23 “(g) ENTITIES DESCRIBED.—The entities described  
24 in this subsection are—

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

3           “(2) minority leader of the House of Represent-  
4           atives;

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

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

9 **SEC. 103. EXCLUSION OF CERTAIN NATIONAL EMER-**  
10 **GENCIES INVOKING INTERNATIONAL EMER-**  
11 **GENCY ECONOMIC POWERS ACT.**

12       (a) IN GENERAL.—The National Emergencies Act  
13 (50 U.S.C. 1601 et seq.), as amended by this title, is fur-  
14 ther amended by adding at the end the following:

15 **“TITLE VI—DECLARATIONS OF**  
16 **CERTAIN EMERGENCIES IN-**  
17 **VOKING INTERNATIONAL**  
18 **EMERGENCY ECONOMIC POW-**  
19 **ERS ACT**

20 **“SEC. 604. APPLICABILITY.**

21       “(a) IN GENERAL.—This title shall apply to a na-  
22 tional emergency pursuant to which the President pro-  
23 poses to exercise emergency powers or authorities made  
24 available under the International Emergency Economic  
25 Powers Act (50 U.S.C. 1701 et seq.).

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

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

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

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

17           (3) redesignated as sections 601, 602, and 603,  
18 respectively.

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

1 **SEC. 104. 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. 105. EFFECTIVE DATE; APPLICABILITY.**

10 (a) IN GENERAL.—This title and the amendments  
11 made by this title 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 101.

1 (c) SUPERSESION.—This title and the amendments  
2 made by this title 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.

6 **TITLE II—LIMITATIONS ON**  
7 **EMERGENCY AUTHORITIES**

8 **SEC. 201. PROTECTIONS FOR UNITED STATES PERSONS**  
9 **WITH RESPECT TO USE OF AUTHORITIES**  
10 **UNDER INTERNATIONAL EMERGENCY ECO-**  
11 **NOMIC POWERS ACT.**

12 The International Emergency Economic Powers Act  
13 (50 U.S.C. 1701 et seq.) is amended by inserting after  
14 section 203 the following:

15 **“SEC. 203A. PROTECTIONS FOR UNITED STATES PERSONS.**

16 **“(a) LIMITATIONS FOR NECESSITIES.—**

17 **“(1) IN GENERAL.—**Except as provided by  
18 paragraph (2) and in accordance with this section,  
19 no authority provided under section 203 may be ex-  
20 exercised to target a United States person.

21 **“(2) EXCEPTION FOR ISSUANCE OF GENERAL**  
22 **LICENSES.—**An authority provided under section  
23 203 may be exercised to target a United States per-  
24 son if the President has, before using the authority,  
25 issued a general license that ensures that the United

1 States person has sufficient access to the necessities  
2 of life, including food, nutritional support, water,  
3 shelter, clothing, sanitation, medicine, health care  
4 and other vital services, and gainful employment  
5 where necessary to provide the United States person  
6 a means for subsistence.

7 “(3) DUE PROCESS FOR UNITED STATES PER-  
8 SONS.—

9 “(A) IN GENERAL.—When taking an ac-  
10 tion pursuant to authority provided by section  
11 203 to target a United States person, the Presi-  
12 dent shall—

13 “(i) provide contemporaneous notice  
14 of the action to the United States person;

15 “(ii) not later than one week after  
16 taking the action, provide the United  
17 States person with the record on which the  
18 decision to take the action was based, in-  
19 cluding an unclassified summary, or a re-  
20 dacted version, of any classified informa-  
21 tion that provides the United States person  
22 with substantially the same ability to re-  
23 spond to that information as the classified  
24 information;

1           “(iii) provide the United States person  
2           with the opportunity to request review of  
3           the decision and to submit information in  
4           support of that request;

5           “(iv) provide the United States person  
6           with the opportunity for an administrative  
7           hearing not later than 90 days after re-  
8           questing a review under clause (iii), unless  
9           the United States person agrees to a  
10          longer period; and

11          “(v) render a written decision on a re-  
12          quest for review under clause (iii) not later  
13          than 90 days after the hearing under  
14          clause (iv), or, if no such hearing is re-  
15          quested, not later than 90 days after the  
16          later of—

17                           “(I) the request for review; or

18                           “(II) the submission of informa-  
19                           tion in support of that request.

20           “(B) FAILURE TO RENDER TIMELY DECI-  
21          SION.—Failure to render a decision within the  
22          time frame specified in subparagraph (A)(v)  
23          shall be considered an agency action for pur-  
24          poses of section 702 of title 5, United States  
25          Code.



1       “(b) WARRANT FOR SEIZURE OF PROPERTY OF  
2 UNITED STATES PERSONS.—

3           “(1) IN GENERAL.—When taking an action  
4 pursuant to authority provided by section 203 to  
5 target a United States person, the President may  
6 not block or otherwise prevent the access of the  
7 United States person to property in which the  
8 United States person has an ownership interest ex-  
9 cept pursuant to a warrant issued using the proce-  
10 dures described in the Federal Rules of Criminal  
11 Procedure (or, in the case of a court-martial or  
12 other proceeding under the Uniform Code of Mili-  
13 tary Justice (chapter 47 of title 10, United States  
14 Code), issued under section 846 of title 10, United  
15 States Code (article 46 of the Uniform Code of Mili-  
16 tary Justice), in accordance with regulations pre-  
17 scribed by the President) by a court of competent  
18 jurisdiction.

19           “(2) DELAYED WARRANTS.—To the extent con-  
20 sistent with the Fourth Amendment to the Constitu-  
21 tion of the United States, a court shall permit the  
22 temporary blocking of property under section 203  
23 without a warrant on an emergency basis, or use  
24 other means lawfully available to the court, to enable  
25 the Federal Government to identify the property

1 that is subject to blocking while reducing the risk of  
2 property flight.

3 “(c) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—A United States person  
5 that is the target of an action taken by the Presi-  
6 dent pursuant to any authority provided under sec-  
7 tion 203 may bring an action in a United States  
8 court of competent jurisdiction, after exhaustion of  
9 any available administrative remedies, to obtain judi-  
10 cial review of the lawfulness of that action, including  
11 whether the action was authorized by the Executive  
12 order or orders specifying the measures to be taken  
13 under section 203 in response to a determination  
14 issued under section 202.

15 “(2) CONDUCT OF REVIEW.—In an action  
16 brought under paragraph (1)—

17 “(A) the review of the court shall be de  
18 novo;

19 “(B) any party may introduce evidence not  
20 included in the administrative record;

21 “(C) any administrative record or portions  
22 thereof may be entered into evidence, and ques-  
23 tions of authentication or hearsay shall bear on  
24 the weight to be accorded the evidence rather  
25 than its admissibility;

1           “(D) classified information shall be han-  
2           dled in accordance with the Classified Informa-  
3           tion Procedures Act (18 U.S.C. App.), except  
4           that references to the ‘defendant’ in such Act  
5           shall be deemed to apply to the plaintiff; and

6           “(E) the court shall have the authority to  
7           order injunctive relief, actual damages, and at-  
8           torneys’ fees.

9           “(3) OTHER MEANS OF REVIEW.—The avail-  
10          ability of judicial review under this subsection shall  
11          not preclude other available means of judicial review,  
12          including under section 702 of title 5, United States  
13          Code, except that a person may not exercise the  
14          right to judicial review under more than one provi-  
15          sion of law.

16          “(d) UNITED STATES PERSON DEFINED.—In this  
17          section, the term ‘United States person’ means—

18                 “(1) a United States national; or

19                 “(2) an entity—

20                         “(A) organized under the laws of the  
21                         United States or any jurisdiction within the  
22                         United States; and

23                         “(B) in which more than 50 percent of the  
24                         controlling interest is owned by a person de-  
25                         scribed in paragraph (1).”.

1 **SEC. 202. EXCLUSION OF AUTHORITY TO IMPOSE DUTIES**  
2 **AND IMPORT QUOTAS FROM INTERNATIONAL**  
3 **EMERGENCY ECONOMIC POWERS ACT.**

4 Section 203 of the International Emergency Eco-  
5 nomic Powers Act (50 U.S.C. 1702) is amended—

6 (1) by redesignating subsection (c) as sub-  
7 section (d); and

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c)(1) The authority granted to the President by  
11 this section does not include the authority to impose duties  
12 or tariff-rate quotas or (subject to paragraph (2)) other  
13 quotas on articles entering the United States.

14 “(2) The limitation under paragraph (1) does not  
15 prohibit the President from excluding all articles, or all  
16 of a certain type of article, imported from a country from  
17 entering the United States.”.

18 **SEC. 203. PRESIDENTIAL WAR POWERS UNDER COMMU-**  
19 **NICATIONS ACT OF 1934.**

20 (a) **IN GENERAL.**—Section 706 of the Communica-  
21 tions Act of 1934 (47 U.S.C. 606) is amended—

22 (1) by striking subsections (c) through (g); and

23 (2) by redesignating subsection (h) as sub-  
24 section (c).

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 Section 309(h) of the Communications Act of 1934 (47  
3 U.S.C. 309(h)) is amended—

4 (1) by inserting “and” before “(2)”; and

5 (2) by striking “Act;” and all that follows and  
6 inserting “Act.”.

7 **SEC. 204. DISCLOSURE TO CONGRESS OF PRESIDENTIAL**  
8 **EMERGENCY ACTION DOCUMENTS.**

9 (a) IN GENERAL.—Not later than 3 days after the  
10 conclusion of the process for approval, adoption, or revi-  
11 sion of any presidential emergency action document, the  
12 President shall submit that document to the appropriate  
13 congressional committees.

14 (b) DOCUMENTS IN EXISTENCE BEFORE DATE OF  
15 ENACTMENT.—Not later than 15 days after the date of  
16 the enactment of this Act, the President shall submit to  
17 the appropriate congressional committees all presidential  
18 emergency action documents in existence before such date  
19 of enactment.

20 (c) OVERSIGHT.—

21 (1) SENATE.—The Committee on Homeland  
22 Security and Governmental Affairs of the Senate  
23 shall have—

24 (A) continuing legislative oversight juris-  
25 diction in the Senate with respect to the pro-

1           positional, creation, implementation, and execution  
2           of presidential emergency action documents;  
3           and

4           (B) access to any and all presidential  
5           emergency action documents.

6           (2) HOUSE OF REPRESENTATIVES.—The Com-  
7           mittee on Oversight and Accountability of the House  
8           of Representatives shall have—

9           (A) continuing legislative oversight juris-  
10          diction in the House of Representatives with re-  
11          spect to the proposal, creation, implementation,  
12          and execution of presidential emergency action  
13          documents; and

14          (B) access to any and all presidential  
15          emergency action documents.

16          (3) DUTY TO COOPERATE.—All officers and em-  
17          ployees of any Federal agency shall have the duty to  
18          cooperate with the exercise of oversight jurisdiction  
19          described in this subsection.

20          (4) SECURITY CLEARANCES.—The chairpersons  
21          and ranking members of the appropriate congress-  
22          sional committees, and designated staff of those  
23          committees, shall be granted all security clearances  
24          required to access, and granted access to, presi-  
25          dential emergency action documents, including under

1 relevant Presidential or agency special access and  
2 compartmented access programs.

3 (d) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

7 (A) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and

9 (B) the Committee on Oversight and Ac-  
10 countability of the House of Representatives.

11 (2) FEDERAL AGENCY.—The term “Federal  
12 agency”—

13 (A) has the meaning given the term “agen-  
14 cy” in section 552(f) of title 5, United States  
15 Code; and

16 (B) includes the Executive Office of the  
17 President, the Executive Office of the Vice  
18 President, the Office of Management and Budg-  
19 et, and the National Security Council.

20 (3) PRESIDENTIAL EMERGENCY ACTION DOCU-  
21 MENT.—The term “presidential emergency action  
22 document” refers to any document created by any  
23 Federal agency before, on, or after the date of the  
24 enactment of this Act, that is—

1 (A) designated as a presidential emergency  
2 action document or presidential emergency ac-  
3 tion directive;

4 (B) designed to implement a presidential  
5 decision or transmit a presidential request when  
6 an emergency disrupts normal executive, legisla-  
7 tive, judicial, or other Federal governmental  
8 processes;

9 (C) a Presidential Policy Directive, regard-  
10 less of whether the directive is available to the  
11 public, that triggers any change in policies, pro-  
12 cedures, or operations of the Federal Govern-  
13 ment upon the declaration by the President of  
14 an emergency; or

15 (D) any other document, briefing, or plan,  
16 regardless of whether the document, briefing, or  
17 plan exists in any tangible or written form, that  
18 triggers any change in operations of the Fed-  
19 eral Government upon the declaration by the  
20 President of an emergency.