

118TH CONGRESS
1ST SESSION

H. R. 121

To amend the National Emergencies Act to provide that a national emergency declared by the President terminates 30 days after the declaration unless a joint resolution affirming such declaration is enacted into law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BIGGS 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 that a national emergency declared by the President terminates 30 days after the declaration unless a joint resolution affirming such declaration is enacted into law, 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.**

4 This Act may be cited as the “Limiting Emergency
5 Powers Act of 2023”.

1 **SEC. 2. LIMITATION ON DURATION OF NATIONAL EMER-**
2 **GENCY WITHOUT CONGRESSIONAL AP-**
3 **PROVAL.**

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

6 (1) by striking subsection (a) and inserting the
7 following:

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

10 “(1) there has not been enacted into law a joint
11 resolution affirming the declaration of such national
12 emergency before the date that is 30 days after the
13 date on which such national emergency is declared;

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

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

18 (2) by striking subsection (b) and inserting the
19 following:

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

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

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

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

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

6 “(A) any amounts reprogrammed or transferred
7 under any provision of law with respect to the emer-
8 gency that remain unobligated on that date shall be
9 returned and made available for the purpose for
10 which such amounts were appropriated;

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

15 “(C) any powers or authorities exercised by rea-
16 son of said emergency shall cease to be exercised
17 after that date, except that a termination shall not
18 affect—

19 “(i) any action taken or proceeding pend-
20 ing not finally concluded or determined on such
21 date;

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

1 “(iii) any rights or duties that matured or
2 penalties that were incurred prior to such
3 date.”;

4 (3) in subsection (c)—

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

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

9 (4) by striking subsection (d) and inserting the
10 following:

11 “(d) A national emergency declared by the President
12 under section 201, affirmed by a joint resolution under
13 subsection (a)(1), and not otherwise previously termi-
14 nated, shall terminate on the date that is 2 years after
15 the President transmitted to Congress the proclamation
16 declaring the emergency under section 201(a) or Congress
17 affirms a previous renewal pursuant to this subsection,
18 unless—

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

22 “(2) there is enacted into law a joint resolution
23 affirming the renewal of the declaration, according
24 to the requirements of subsection (c), before the ter-

1 mination of the emergency or previous renewal of
2 the emergency.”.

3 (b) APPLICATION TO NATIONAL EMERGENCIES PRE-
4 VIOUSLY DECLARED.—A national emergency declared
5 under section 201 of the National Emergencies Act (50
6 U.S.C. 1621 et seq.) before the date of the enactment of
7 this Act shall be unaffected by the amendments made by
8 this Act except that such emergencies shall terminate on
9 the date that is 2 years after such date of enactment un-
10 less the emergency is renewed under section 201(d) of the
11 National Emergencies Act, as amended by this Act.

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