

117TH CONGRESS
1ST SESSION

S. _____

To provide for clarification and limitations with respect to the exercise of national security powers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY (for himself, Mr. LEE, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for clarification and limitations with respect to the exercise of national security powers, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Security Powers Act of 2021”.

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

Sec. 1. Short title; table of contents.

TITLE I—WAR POWERS REFORM

Sec. 101. Definitions.

- Sec. 102. Policy.
- Sec. 103. Sunset of existing authorizations for the use of military force.
- Sec. 104. Repeal of the War Powers Resolution.
- Sec. 105. Notification.
- Sec. 106. Requirement for authorization.
- Sec. 107. Expedited procedures for congressional action.
- Sec. 108. Termination of funding.
- Sec. 109. Interpretation of statutory authority requirement.
- Sec. 110. Separability clause.

TITLE II—ARMS EXPORT CONTROL

- Sec. 201. Short title.
- Sec. 202. Purpose.
- Sec. 203. Congressional authorization of arms sales.
- Sec. 204. Procedures for consideration of joint resolution authorizing or prohibiting arms sales.
- Sec. 205. Emergency procedures under Arms Export Control Act.
- Sec. 206. Conforming amendments.
- Sec. 207. Applicability.

TITLE III—NATIONAL EMERGENCIES ACT REFORM

- Sec. 301. Requirements relating to declaration and renewal of national emergencies.
- Sec. 302. Termination of national emergencies.
- Sec. 303. Review by congress of national emergencies.
- Sec. 304. Reporting requirements.
- Sec. 305. Conforming amendments.
- Sec. 306. Applicability.

1 **TITLE I—WAR POWERS REFORM**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) COUNTRY.—The term “country”, when
 5 used in a geographic sense, includes territories
 6 (whether or not disputed) and possessions, territorial
 7 waters, and airspace.

8 (2) HOSTILITIES.—The term “hostilities”
 9 means any situation involving any use of lethal or
 10 potentially lethal force by or against United States
 11 forces (or, for purposes of paragraph 4(B), by or
 12 against foreign regular or irregular forces), irrespec-

1 tive of the domain, whether such force is deployed
2 remotely, or the intermittency thereof. The term
3 does not include activities undertaken pursuant to
4 section 503 of the National Security Act of 1947
5 (50 U.S.C. 5093) if such action is intended to have
6 exclusively non-lethal effects.

7 (3) HOSTILITIES REPORT.—The term “hos-
8 tilities report” means a written report that sets forth
9 the following information:

10 (A) The circumstances necessitating the
11 introduction of United States forces into hos-
12 tilities or a situation where there is a serious
13 risk thereof, or retaining them in a location
14 where hostilities or the serious risk thereof has
15 developed.

16 (B) The estimated cost of such operations.

17 (C) The specific legislative and constitu-
18 tional authority for such action.

19 (D) Any international law implications re-
20 lated to such action if applicable.

21 (E) The estimated scope and duration of
22 the United States forces’ participation in hos-
23 tilities, including an accounting of the personnel
24 and weapons to be deployed.

1 (F) The country or countries in which the
2 operations or deployment of United States
3 forces are to occur or are ongoing.

4 (G) A description of their mission and the
5 mission objectives that would indicate the mis-
6 sion is complete.

7 (H) Any foreign partner forces or multilat-
8 eral organizations that may be involved in the
9 operations.

10 (I) The name of the specific country (or
11 countries) or organized armed group (or
12 groups) against which the use of force is au-
13 thorized.

14 (J) The risk to United States forces or
15 other United States persons or property in-
16 volved in the operations.

17 (K) Any other information as may be re-
18 quired to fully inform Congress.

19 (4) INTRODUCE.—The term “introduce”
20 means—

21 (A) with respect to hostilities or a situation
22 where there is a serious risk of hostilities, any
23 commitment, engagement, or other involvement
24 of United States forces, whether or not consti-
25 tuting self-defense measures by United States

1 forces in response to an attack or serious risk
2 thereof in any foreign country (including its air-
3 space, cyberspace, or territorial waters) or oth-
4 erwise outside the United States and whether
5 or not United States forces are present or oper-
6 ating remotely launched, piloted, or directed at-
7 tacks; or

8 (B) the assigning or detailing of members
9 of United States forces to command, advise, as-
10 sist, accompany, coordinate, or provide logistical
11 or material support or training for any foreign
12 regular or irregular military forces if—

13 (i) those foreign forces are involved in
14 hostilities; and

15 (ii) such activities by United States
16 forces make the United States a party to
17 a conflict or are more likely than not to do
18 so.

19 (5) SERIOUS RISK OF HOSTILITIES.—The term
20 “serious risk of hostilities” means any situation
21 where it is more likely than not that the United
22 States forces will become engaged in hostilities, irre-
23 spective of whether the primary purpose of the mis-
24 sion is training or assistance.

1 (6) SPECIFIC STATUTORY AUTHORIZATION.—

2 The term “specific statutory authorization” means
3 any joint resolution or bill introduced after the date
4 of the enactment of this Act and enacted into law
5 to authorize the use of military force that includes,
6 at a minimum, the following elements:

7 (A) A clearly defined mission and oper-
8 ational objectives and the identities of all indi-
9 vidual countries or organized armed groups
10 against which hostilities by the United States
11 forces are authorized.

12 (B) A requirement the President seek from
13 the Congress a subsequent specific statutory
14 authorization for any expansion of the mission
15 to include new operational objectives, additional
16 countries, or organized armed groups.

17 (C) A termination of the authorization for
18 such use of United States forces within two
19 years absent the enactment of a subsequent
20 specific statutory authorization for such use of
21 United States forces.

22 (D) In cases where the use of military
23 force in a particular situation is being reauthor-
24 ized, an estimate and analysis prepared by the
25 Congressional Budget Office of costs to United

1 States taxpayers to date of operations con-
2 ducted pursuant to the prior authorization or
3 authorizations for that situation, and of pro-
4 spective costs to United States taxpayers for
5 operations to be conducted pursuant to the pro-
6 posed authorization.

7 (7) SUBSTANTIALLY ENLARGE.—The term
8 “substantially enlarge” means, for any two-year pe-
9 riod, an increase in the number of United States
10 forces that causes the total number of forces in a
11 foreign country to exceed the lowest number of
12 forces in that country during that period by 25 per-
13 cent or more, or any increase of 1,000 or more
14 forces. Temporary duty and rotational forces shall
15 be included in the number of United States forces
16 for the purposes of this title.

17 (8) TRAINING.—When used with respect to any
18 foreign regular or irregular forces, the term “train-
19 ing” has the meaning given the term “military edu-
20 cation and training” in section 644 of the Foreign
21 Assistance Act of 1961 (22 U.S.C. 2403), but does
22 not include training that is focused entirely on ob-
23 servance of and respect for the law of armed con-
24 flict, human rights and fundamental freedoms, the
25 rule of law, and civilian control of the military.

1 (9) UNITED STATES FORCES.—The term
2 “United States forces” means any individuals em-
3 ployed by, or under contract to, or under the direc-
4 tion of, any department or agency of the United
5 States Government who are—

6 (A) deployed military or paramilitary per-
7 sonnel; or

8 (B) military or paramilitary personnel who
9 use lethal or potentially lethal force in the
10 cyberspace domain.

11 **SEC. 102. POLICY.**

12 The constitutional authority of the President as Com-
13 mander-in-Chief to introduce United States Armed forces
14 into hostilities or into situations where there is a serious
15 risk of hostilities shall be exercised only pursuant to—

16 (1) a declaration of war;

17 (2) specific statutory authorization; or

18 (3) when necessary to repel a sudden attack, or
19 the concrete, specific, and immediate threat of such
20 a sudden attack upon the United States, its terri-
21 tories, or possessions, its armed forces, or other
22 United States citizens overseas.

1 **SEC. 103. SUNSET OF EXISTING AUTHORIZATIONS FOR THE**
2 **USE OF MILITARY FORCE.**

3 Effective 180 days after the date of the enactment
4 of this Act, the following laws are hereby repealed:

5 (1) The Authorization for Use of Military Force
6 Against Iraq Resolution of 2002 (Public Law 107–
7 243; 116 Stat. 1498; 50 U.S.C. 1541 note).

8 (2) The Authorization for Use of Military Force
9 (Public Law 107–40; 50 U.S.C. 1541 note).

10 (3) The Authorization for Use of Military Force
11 Against Iraq (Public Law 102–1; 105 Stat. 3; 50
12 U.S.C. 1541 note).

13 (4) The 1957 Authorization for Use of Military
14 Force in the Middle East (Public Law 87–5).

15 **SEC. 104. REPEAL OF THE WAR POWERS RESOLUTION.**

16 The War Powers Resolution (Public Law 93–148; 50
17 U.S.C. 1541 et seq.) is hereby repealed.

18 **SEC. 105. NOTIFICATION.**

19 The President shall notify Congress, in writing, with-
20 in 48 hours after United States forces enter the territory,
21 airspace, or waters of a foreign country—

22 (1) while equipped for combat, except for de-
23 ployments which relate solely to transportation, sup-
24 ply, replacement, or training of such United States
25 forces; or

1 (2) in numbers that substantially enlarge the
2 number of United States forces already located in a
3 foreign nation.

4 **SEC. 106. REQUIREMENT FOR AUTHORIZATION.**

5 (a) **PRIOR AUTHORIZATION FOR CERTAIN ACTIVI-**
6 **TIES RELATING TO HOSTILITIES.**—Except as provided in
7 subsection (b), before introducing United States forces
8 into hostilities or a situation where there is a serious risk
9 of hostilities, the President shall provide a hostilities re-
10 port to Congress and obtain a specific statutory authoriza-
11 tion for such introduction. The President shall provide
12 continuing hostilities reports to Congress 30 days after the
13 initial report and every 30 days thereafter, in accordance
14 with subsection (d).

15 (b) **AUTHORIZATION FOR CERTAIN ACTIVITIES RE-**
16 **LATING TO HOSTILITIES.**—In cases where the President
17 introduces United States forces into hostilities or a situa-
18 tion where there is a serious risk of hostilities either be-
19 cause of the need to repel a sudden attack upon the United
20 States, its territories or possessions, its armed forces, or
21 other United States citizens overseas or because the con-
22 crete, specific, and immediate threat of such a sudden at-
23 tack, and the time required to provide Congress with a
24 briefing necessary to inform a vote to obtain prior author-
25 ization from Congress within 72 hours would prevent an

1 effective defense against the attack or threat of immediate
2 attack, the President shall—

3 (1) within 48 hours of ordering the introduction
4 of United States forces into hostilities or a situation
5 where there is a serious risk of hostilities, inform
6 Congress of the President’s decision, describe the ac-
7 tion taken, the justification for proceeding without
8 prior authorization, and certifying either that hos-
9 tilities have concluded or that they are continuing;
10 and

11 (2) not later than 7 calendar days after order-
12 ing the introduction of United States forces into
13 hostilities or a situation where there is a serious risk
14 of hostilities, submit to Congress a hostilities report
15 and request for specific statutory authorization ex-
16 cept in cases where a certification is submitted to
17 Congress that the President—

18 (A) has withdrawn, removed, and otherwise
19 ceased the use of United States forces from the
20 situation that triggered this requirement; and

21 (B) does not intend to reintroduce them.

22 (c) **TERMINATION OF ACTIVITIES RELATED TO HOS-**
23 **TILITIES.**—If Congress does not enact a specific statutory
24 authorization for United States forces to engage in hos-
25 tilities in response to a request in accordance with sub-

1 section (b) within 20 days after the introduction of United
2 States forces into hostilities or a situation where there is
3 a serious risk of hostilities, the President shall withdraw,
4 remove, and otherwise cease the use of United States
5 forces. This 20-day period shall be extended for not more
6 than an additional 10 days if the President determines,
7 certifies, and justifies to Congress in writing that unavail-
8 able military necessity involving the safety of the forces
9 requires the continued use of the forces for the sole pur-
10 pose of bringing about their safe removal from hostilities.

11 (d) CONTINUING HOSTILITIES REPORTS.—If the
12 President obtains specific statutory authorization, the
13 President shall continue to provide hostilities reports to
14 Congress on the United States’ forces’ engagement or pos-
15 sible engagement in hostilities whenever there is a material
16 change in the information previously reported under this
17 section and in no event less frequently than every 30 days
18 from the delivery of the first hostilities report.

19 (e) FORM.—Any report submitted pursuant to sub-
20 section (a), (b), or (d) shall be submitted to Congress in
21 unclassified form without any designation relating to dis-
22 semination control and may include a classified annex only
23 to the extent required to protect the national security of
24 the United States.

1 (f) TRANSMITTAL.—Each report submitted pursuant
2 to subsection (a), (b), or (d) shall be transmitted to each
3 house of Congress on the same calendar day. The report
4 shall be—

5 (1) referred to—

6 (A) the Committee on Foreign Relations,
7 the Committee on Armed Services, and the Se-
8 lect Committee on Intelligence of the Senate;
9 and

10 (B) the Committee on Foreign Affairs, the
11 Committee on Armed Services, and the Perma-
12 nent Select Committee on Intelligence of the
13 House of Representatives; and

14 (2) made available to any member of Congress
15 upon request.

16 **SEC. 107. EXPEDITED PROCEDURES FOR CONGRESSIONAL**
17 **ACTION.**

18 (a) CONSIDERATION BY CONGRESS.—Any resolution
19 of disapproval described in subsection (b) may be consid-
20 ered by Congress using the expedited procedures set forth
21 in this section.

22 (b) RESOLUTION OF DISAPPROVAL.—For purposes of
23 this section, the term “resolution” means only a joint reso-
24 lution of the two Houses of Congress—

1 (1) the title of which is as follows: “A joint res-
2 olution disapproving of the use of the United States
3 Armed Forces in the prosecution of certain con-
4 flict.”;

5 (2) which does not have a preamble; and

6 (3) the sole matter after the resolving clause of
7 which is as follows: “That Congress does not ap-
8 prove the use of military force in the prosecution of
9 _____”, with the blank space being filled
10 with a description of the conflict concerned.

11 (c) REFERRAL.—A resolution described in subsection
12 (b) introduced in the Senate shall be referred to the Com-
13 mittee on Foreign Relations of the Senate. A resolution
14 described in subsection (b) that is introduced in the House
15 of Representatives shall be referred to the Committee on
16 Foreign Affairs of the House of Representatives.

17 (d) DISCHARGE.—If the committee to which a resolu-
18 tion described in subsection (b) is referred has not re-
19 ported such resolution (or an identical resolution) by the
20 end of 10 calendar days beginning on the date of introduc-
21 tion, such committee shall be, at the end of such period,
22 discharged from further consideration of such resolution,
23 and such resolution shall be placed on the appropriate cal-
24 endar of the House involved.

25 (e) CONSIDERATION.—

1 (1) IN GENERAL.—On or after the third cal-
2 endar day after the date on which the committee to
3 which such a resolution is referred has reported, or
4 has been discharged (under subsection (d)) from fur-
5 ther consideration of, such a resolution, it is in order
6 (even though a previous motion to the same effect
7 has been disagreed to) for any Member of the re-
8 spective House to move to proceed to the consider-
9 ation of the resolution. All points of order against
10 the resolution (and against consideration of the reso-
11 lution) are waived. The motion is highly privileged in
12 the House of Representatives and is privileged in the
13 Senate and is not debatable. The motion is not sub-
14 ject to amendment, or to a motion to postpone, or
15 to a motion to proceed to the consideration of other
16 business. A motion to reconsider the vote by which
17 the motion is agreed to or disagreed to shall not be
18 in order. If a motion to proceed to the consideration
19 of the resolution is agreed to, the respective House
20 shall immediately proceed to consideration of the
21 joint resolution without intervening motion, order, or
22 other business, and the resolution shall remain the
23 unfinished business of the respective House until
24 disposed of.

1 (2) DEBATE.—Debate on the resolution, and on
2 all debatable motions and appeals in connection
3 therewith, shall be limited to not more than 10
4 hours, which shall be divided equally between those
5 favoring and those opposing the resolution. An
6 amendment to the resolution is not in order. A mo-
7 tion further to limit debate is in order and not de-
8 batable. A motion to postpone, or a motion to pro-
9 ceed to the consideration of other business, or a mo-
10 tion to recommit the resolution is not in order. A
11 motion to reconsider the vote by which the resolution
12 is agreed to or disagreed to is not in order.

13 (3) VOTE ON FINAL PASSAGE.—Immediately
14 following the conclusion of the debate on the resolu-
15 tion and a single quorum call at the conclusion of
16 the debate if requested in accordance with the rules
17 of the appropriate House, the vote on final passage
18 of the resolution shall occur.

19 (4) APPEALS FROM DECISIONS OF CHAIR.—Ap-
20 peals from the decisions of the Chair relating to the
21 application of the rules of the Senate or the House
22 of Representatives, as the case may be, to the proce-
23 dure relating to a resolution shall be decided without
24 debate.

25 (f) CONSIDERATION BY OTHER HOUSE.—

1 (1) IN GENERAL.—If, before the passage by one
2 House of a resolution of that House described in
3 subsection (b), that House receives from the other
4 House a resolution described in subsection (b), then
5 the following procedures shall apply:

6 (A) The resolution of the other House shall
7 not be referred to a committee.

8 (B)(i) The consideration as described in
9 (e) in that House shall be the same as if no res-
10 olution had been received from the other House;
11 but

12 (ii) The vote on final passage shall be on
13 the resolution of the other House.

14 (2) FOLLOWING DISPOSITION.—Upon disposi-
15 tion of the resolution received from the other House,
16 it shall no longer be in order to consider the resolu-
17 tion that originated in the receiving House.

18 (g) VETOES.—If the President vetoes a resolution,
19 debate in the Senate of any veto message with respect to
20 the resolution, including all debatable motions and appeals
21 in connection with the resolution, shall be limited to 10
22 hours, which shall be divided equally between those favor-
23 ing and those opposing the resolution.

24 (h) RULES OF THE SENATE AND HOUSE OF REP-
25 RESENTATIVES.—This section is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the Senate and the House of Representatives, re-
3 spectively, and as such it is deemed a part of the
4 rules of each House, respectively, but applicable only
5 with respect to the procedure to be followed in that
6 House in the case of a resolution described in sub-
7 section (b), and it supersedes other rules only to the
8 extent that it is inconsistent with such rules; and

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

14 **SEC. 108. TERMINATION OF FUNDING.**

15 Notwithstanding any other provision of law, no funds
16 appropriated or otherwise made available under any law
17 may be obligated or expended for any activity by United
18 States forces for which prior congressional authorization
19 is required under this title but has not been obtained, or
20 for which authorization is required under this title but has
21 not been obtained by the deadline specified in section
22 106(c) or for which a resolution of disapproval in accord-
23 ance with section 107(b) has been enacted into law.

1 **SEC. 109. INTERPRETATION OF STATUTORY AUTHORITY**
2 **REQUIREMENT.**

3 Statutory authority to introduce United States forces
4 into hostilities or into situations where there is a serious
5 risk of hostilities, or to retain them in a situation where
6 hostilities or the serious risk thereof has developed, shall
7 not be inferred—

8 (1) from any provision of law, including any
9 provision contained in any appropriation Act, unless
10 such provision expressly authorizes such introduction
11 or retention and states that it is intended to con-
12 stitute specific statutory authorization within the
13 meaning of this title; or

14 (2) from any source of international legal obli-
15 gation binding on the United States, including any
16 resolution of the United Nations Security Council
17 and any treaty ratified before, on, or after the date
18 of the enactment of this Act, unless such treaty is
19 implemented by legislation specifically authorizing
20 such introduction or retention and stating that it is
21 intended to constitute specific statutory authoriza-
22 tion within the meaning of this title.

23 **SEC. 110. SEPARABILITY CLAUSE.**

24 If any provision of this title or the application thereof
25 to any person or circumstance is held invalid, the remain-
26 der of the resolution and the application of such provision

1 to any other person or circumstance shall not be affected
2 thereby.

3 **TITLE II—ARMS EXPORT**
4 **CONTROL**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Arms Export Reform
7 Act of 2021”.

8 **SEC. 202. PURPOSE.**

9 It is the purpose of this title to ensure the proper
10 role of Congress in national security decisions pertaining
11 to sales, exports, leases, and loans of defense articles, es-
12 pecially with respect to armed conflict and human rights.

13 **SEC. 203. CONGRESSIONAL AUTHORIZATION OF ARMS**
14 **SALES.**

15 (a) **CERTIFICATION REQUIRED.—**

16 (1) **IN GENERAL.—**Notwithstanding any other
17 provision of law, in the case of a covered letter of
18 offer, a covered application for a license, or a cov-
19 ered agreement, before such a letter of offer or li-
20 cense is issued or before such an agreement is en-
21 tered into or renewed, the President shall submit to
22 Congress a certification described in paragraph (3).

23 (2) **COVERED LETTERS OF OFFERS, APPLICA-**
24 **TIONS FOR LICENSES, AND AGREEMENTS.—**For pur-
25 poses of this subsection:

21

1 (A) A covered letter of offer is any letter
2 of offer to sell under the Arms Export Control
3 Act (22 U.S.C. 2751 et seq.) any item de-
4 scribed in subsection (c).

5 (B) A covered application for a license is
6 any application by a person (other than with re-
7 gard to a sale under section 21 or 22 of the
8 Arms Export Control Act (22 U.S.C. 2761,
9 2762)) for a license for the export of any item
10 described in subsection (c).

11 (C) A covered agreement is any agreement
12 involving the lease under chapter 6 of the Arms
13 Export Control Act (22 U.S.C. 2796 et seq.), or
14 the loan under chapter 2 of part II of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2311 et
16 seq.), of any item described in subsection (c) to
17 any foreign country or international organiza-
18 tion for a period of one year or longer.

19 (3) CERTIFICATION DESCRIBED.—A certifi-
20 cation described in this paragraph is a numbered
21 certification containing the following:

22 (A) In the case of a letter of offer to sell,
23 the information described in section 36(b)(1) of
24 the Arms Export Control Act (22 U.S.C.
25 2776(b)(1)) and section 36(b)(2) of such Act,

1 as redesignated by section 206(a) of this Act,
2 without regard to the dollar amount of such
3 sale, except as specified in subsection (c).

4 (B) In the case of a license for export
5 (other than with regard to a sale under section
6 21 or 22 of the Arms Export Control Act (22
7 U.S.C. 2761, 2762)), the information described
8 in section 36(c) of such Act (22 U.S.C.
9 2776(c)), as amended by section 206(b) of this
10 Act, without regard to the dollar amount of
11 such export, except as specified in subsection
12 (c).

13 (C) In the case of a lease or loan agree-
14 ment, the information described in section
15 62(a) of the Arms Export Control Act (22
16 U.S.C. 2796a(a)), unless section 62(b) of such
17 Act (22 U.S.C. 2796a(b)) applies, without re-
18 gard to the dollar amount of such lease or loan,
19 except as specified in subsection (c).

20 (b) CONGRESSIONAL AUTHORIZATION REQUIRED.—

21 (1) PRIOR CONGRESSIONAL AUTHORIZATION.—

22 No letter of offer may be issued under the Arms Ex-
23 port Control Act (22 U.S.C. 2751 et seq.) with re-
24 spect to a proposed sale of any item described in
25 subsection (c) to any country or international orga-

1 nization (other than a country or international orga-
2 nization described in paragraph (2)), no license may
3 be issued under such Act with respect to a proposed
4 export of any such item to any such country or orga-
5 nization, and no lease may be made under chapter
6 6 of such Act (22 U.S.C. 2796 et seq.) and no loan
7 may be made under chapter 2 of part II of the For-
8 eign Assistance Act of 1961 (22 U.S.C. 2311 et
9 seq.) of any such item to any such country or orga-
10 nization, unless there is enacted a joint resolution or
11 other provision of law authorizing such sale, export,
12 lease, or loan, as the case may be.

13 (2) NATO AND CERTAIN COUNTRIES.—No let-
14 ter of offer or license described in paragraph (1)
15 may be issued and no lease or loan described in such
16 paragraph may be made with respect to a proposed
17 sale, export, lease, or loan, as the case may be, of
18 any item described in subsection (c) to the North
19 Atlantic Treaty Organization (NATO), any member
20 country of such organization, Australia, Japan, the
21 Republic of Korea, Israel, New Zealand, or Taiwan,
22 if, not later than 20 calendar days after receiving
23 the appropriate certification, a joint resolution is en-
24 acted prohibiting the proposed sale, export, lease, or
25 loan, as the case may be.

1 (c) ITEMS DESCRIBED.—The items described in this
2 subsection are those items of types and classes as follows
3 (including parts, components, and technical data):

4 (1) Firearms and ammunition of \$1,000,000 or
5 more.

6 (2) Air to ground munitions of \$14,000,000 or
7 more.

8 (3) Tanks, armored vehicles, and related muni-
9 tions of \$14,000,000 or more.

10 (4) Fixed and rotary, manned or unmanned
11 armed aircraft of \$14,000,000 or more.

12 (5) Services or training to security services of
13 \$14,000,000 or more.

14 **SEC. 204. PROCEDURES FOR CONSIDERATION OF JOINT**
15 **RESOLUTION AUTHORIZING OR PROHIBITING**
16 **ARMS SALES.**

17 (a) CONSIDERATION BY CONGRESS.—Any joint reso-
18 lution under section 203(b) shall be considered by Con-
19 gress using the expedited procedures set forth in section
20 107(e)-(h).

21 (b) FORM OF JOINT RESOLUTIONS.—

22 (1) PRIOR CONGRESSIONAL AUTHORIZATION.—
23 The joint resolution required by section 203(b)(1) is
24 a joint resolution the text of which consists only of
25 one or more sections, each of which reads as follows:

1 “The proposed _____ to _____ described in the
2 certification submitted pursuant to section 203(a) of
3 the Arms Export Reform Act of 2021, which was re-
4 ceived by Congress on _____ (Transmittal number)
5 is authorized.”, with the appropriate activity, wheth-
6 er sale, export, lease, or loan, and the appropriate
7 country or international organization, date, and
8 transmittal number inserted.

9 (2) NATO AND CERTAIN COUNTRIES.—The
10 joint resolution required by section 203(b)(2) is a
11 joint resolution the text of which consists of only one
12 section, which reads as follows: “That the proposed
13 _____ to _____ described in the certification sub-
14 mitted pursuant to section 203(a) of the Arms Ex-
15 port Reform Act of 2021, which was received by
16 Congress on _____ (Transmittal number) is not
17 authorized.”, with the appropriate activity, whether
18 sale, export, lease, or loan, and the appropriate
19 country or international organization, date, and the
20 transmittal number inserted.

21 **SEC. 205. EMERGENCY PROCEDURES UNDER ARMS EXPORT**

22 **CONTROL ACT.**

23 Section 36 of the Arms Export Control Act is amend-
24 ed by adding at the end the following:

1 “(j) RESTRICTION ON EMERGENCY AUTHORITY RE-
2 LATING TO ARMS SALES UNDER THIS ACT.—A deter-
3 mination of the President that an emergency exists requir-
4 ing a proposed transfer of defense articles or defense serv-
5 ices in the national security interests of the United States,
6 thus waiving the congressional review requirements pursu-
7 ant to section 3 —

8 “(1) shall apply only if—

9 “(A) the President submits a determina-
10 tion and justification for each individual ap-
11 proval, letter of offer, or license for the defense
12 articles or defense services that includes a spe-
13 cific and detailed description of how such waiv-
14 er of the congressional review requirements di-
15 rectly responds to or addresses the cir-
16 cumstances of the emergency cited in the deter-
17 mination; and

18 “(B) the delivery of the defense articles or
19 defense services will take place not later than
20 60 days after the date on which such deter-
21 mination is made, unless otherwise authorized
22 by Congress; and

23 “(2) shall not apply in the case of defense arti-
24 cles or defense services that include manufacturing

1 or co-production of the articles or services outside
2 the United States.”.

3 **SEC. 206. CONFORMING AMENDMENTS.**

4 (a) GOVERNMENT-TO-GOVERNMENT SALES.—

5 (1) IN GENERAL.—Section 36(b) of the Arms
6 Export Control Act (22 U.S.C. 2776(b)) is amend-
7 ed—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A), in the first sentence, by striking
11 “Subject to paragraph (6)” and inserting
12 “Subject to paragraph (4)”; and

13 (ii) in the flush text following sub-
14 paragraph (P), by striking the last 2 sen-
15 tences;

16 (B) by striking paragraphs (2) and (3);

17 (C) by redesignating paragraphs (4), (5),
18 and (6) as paragraphs (2), (3), and (4), respec-
19 tively;

20 (D) in subparagraph (C) of paragraph (3),
21 as so redesignated, in the first sentence, by
22 striking “Subject to paragraph (6)” and insert-
23 ing “Subject to paragraph (4)”; and

24 (E) in paragraph (4), as redesignated by
25 subparagraph (C) of this paragraph, in the

1 matter preceding subparagraph (A), by striking
2 “in paragraph (5)(C)” and inserting “in para-
3 graph (3)(C)”.

4 (2) CONFORMING AMENDMENT.—Section
5 38(f)(5)(B)(ii) of such Act (22 U.S.C.
6 2778(f)(5)(B)(ii)) is amended by striking “section
7 36(b)(5)(A)” and inserting “section 36(b)(3)(A)”.

8 (b) COMMERCIALLY LICENSED SALES.—Section
9 36(c) of such Act (22 U.S.C. 2776(c)) is amended—

10 (1) in paragraph (1), in the first sentence, by
11 striking “Subject to paragraph (5), in” and insert-
12 ing “In”;

13 (2) by striking paragraphs (2) through (5); and

14 (3) by redesignating paragraph (6) as para-
15 graph (2).

16 (c) LEGISLATIVE REVIEW OF LEASES AND LOANS.—

17 (1) REPEAL.—Section 63 of such Act (22
18 U.S.C. 2796b) is repealed.

19 (2) CONFORMING AMENDMENT.—Section 62(b)
20 of such Act (22 U.S. 2976a(b)) is amended, in the
21 first sentence, by striking “(and in the case” and all
22 that follows through “of that section)”.

23 **SEC. 207. APPLICABILITY.**

24 This title and the amendments made by this title
25 shall apply with respect to any letter of offer or license

1 for export issued, or any lease or loan made, after the date
2 of the enactment of this Act.

3 **TITLE III—NATIONAL**
4 **EMERGENCIES ACT REFORM**

5 **SEC. 301. REQUIREMENTS RELATING TO DECLARATION**
6 **AND RENEWAL OF NATIONAL EMERGENCIES.**

7 Section 201 of the National Emergencies Act (50
8 U.S.C. 1621) is amended to read as follows:

9 **“SEC. 201. DECLARATIONS AND RENEWALS OF NATIONAL**
10 **EMERGENCIES.**

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

18 “(b) **SPECIFICATION OF PROVISIONS OF LAW TO BE**
19 **EXERCISED.**—

20 “(1) **IN GENERAL.**—No powers or authorities
21 made available by statute for use during the period
22 of a national emergency shall be exercised unless
23 and until the President specifies the provisions of
24 law under which the President proposes that the
25 President or other officers will act in—

1 “(A) a proclamation declaring a national
2 emergency under subsection (a); or

3 “(B) one or more Executive orders relating
4 to the emergency published in the Federal Reg-
5 ister and transmitted to Congress.

6 “(2) LIMITATIONS.—The President may—

7 “(A) specify under paragraph (1) only pro-
8 visions of law that make available powers and
9 authorities that relate to the nature of the na-
10 tional emergency; and

11 “(B) exercise such powers and authorities
12 only to address the national emergency.

13 “(c) TEMPORARY EFFECTIVE PERIODS.—

14 “(1) IN GENERAL.—A declaration of a national
15 emergency under subsection (a) may last for 30 days
16 from the issuance of the proclamation (not counting
17 the day on which the proclamation was issued) and
18 shall terminate when that 30-day period expires un-
19 less there is enacted into law a joint resolution of
20 approval under section 203 with respect to the pro-
21 clamation.

22 “(2) EXERCISE OF POWERS AND AUTHORI-
23 TIES.—Any power or authority made available under
24 a provision of law described in subsection (a) and
25 specified pursuant to subsection (b) may be exer-

1 cised for 30 days from the issuance of the proclama-
2 tion or Executive order (not counting the day on
3 which such proclamation or Executive order was
4 issued). That power or authority cannot be exercised
5 once that 30-day period expires, unless there is en-
6 acted into law a joint resolution of approval under
7 section 203 approving—

8 “(A) the proclamation of the national
9 emergency or the Executive order; and

10 “(B) the exercise of the power or authority
11 specified by the President in such proclamation
12 or Executive order.

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

20 “(d) PROHIBITION ON SUBSEQUENT ACTIONS IF
21 EMERGENCIES NOT APPROVED.—

22 “(1) SUBSEQUENT DECLARATIONS.—If a joint
23 resolution of approval is not enacted under section
24 203 with respect to a national emergency before the
25 expiration of the 30-day period described in sub-

1 section (c), or with respect to a national emergency
2 proposed to be renewed under subsection (e), the
3 President may not, during the remainder of the term
4 of office of that President, declare a subsequent na-
5 tional emergency under subsection (a) with respect
6 to the same circumstances.

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

16 “(e) RENEWAL OF NATIONAL EMERGENCIES.—A na-
17 tional emergency declared by the President under sub-
18 section (a) or previously renewed under this subsection,
19 and not already terminated pursuant to subsection (c) or
20 section 202(a), shall terminate on a date that is not later
21 than one year after the President transmitted to Congress
22 the proclamation declaring the emergency under sub-
23 section (a) or Congress approved a previous renewal pur-
24 suant to this subsection, 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 of approval renewing the emergency pursuant to sec-
6 tion 203 before the termination of the emergency or
7 previous renewal of the emergency.

8 “(f) 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. 302. TERMINATION OF NATIONAL EMERGENCIES.**

14 Section 202 of the National Emergencies Act (50
15 U.S.C. 1622) is amended to read as follows:

16 **“SEC. 202. TERMINATION OF NATIONAL EMERGENCIES.**

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

20 “(1) the date provided for in section 201(c);

21 “(2) the date on which Congress, by statute,
22 terminates the emergency;

23 “(3) the date on which the President issues a
24 proclamation terminating the emergency; or

25 “(4) the date provided for in section 201(e).

1 “(b) 5-YEAR LIMITATION.—Under no circumstances
2 may a national emergency declared by the President under
3 section 201(a) continue on or after the date that is 5 years
4 after the date on which the national emergency was first
5 declared.

6 “(c) EFFECT OF TERMINATION.—

7 “(1) IN GENERAL.—Effective on the date of the
8 termination of a national emergency under sub-
9 section (a) or (b)—

10 “(A) except as provided by paragraph (2),
11 any powers or authorities exercised by reason of
12 the emergency shall cease to be exercised;

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

19 “(C) any contracts entered into under any
20 provision of law relating to the emergency shall
21 be terminated.

22 “(2) SAVINGS PROVISION.—The termination of
23 a national emergency shall not moot—

24 “(A) any legal action taken or pending
25 legal proceeding not finally concluded or deter-

1 “(III) an Executive order issued
2 under section 201(e).

3 “(ii) A provision approving a list of all
4 or a portion of the provisions of law speci-
5 fied by the President under section 201(b)
6 in the proclamation or Executive order
7 that is the subject of the joint resolution.

8 “(B) JOINT RESOLUTION OF TERMI-
9 NATION.—The term ‘joint resolution of termi-
10 nation’ means a joint resolution terminating—

11 “(i) a national emergency declared
12 under section 201(a); or

13 “(ii) the exercise of any powers or au-
14 thorities pursuant to that emergency.

15 “(2) PROCEDURES FOR CONSIDERATION OF
16 JOINT RESOLUTIONS OF APPROVAL.—

17 “(A) INTRODUCTION.—After the President
18 transmits to Congress a proclamation declaring
19 a national emergency under section 201(a), or
20 an Executive order renewing an emergency
21 under section 201(e) or specifying emergency
22 powers or authorities under section
23 201(b)(1)(B), a joint resolution of approval or
24 a joint resolution of termination may be intro-

1 duced in either House of Congress by any mem-
2 ber of that House.

3 “(B) REQUESTS TO CONVENE CONGRESS
4 DURING RECESSES.—If, when the President
5 transmits to Congress a proclamation declaring
6 a national emergency under section 201(a), or
7 an Executive order renewing an emergency
8 under section 201(e) or specifying emergency
9 powers or authorities under section
10 201(b)(1)(B), Congress has adjourned sine die
11 or has adjourned for any period in excess of 3
12 calendar days, the Speaker of the House of
13 Representatives and the President pro tempore
14 of the Senate, if they deem it advisable (or if
15 petitioned by at least one-third of the member-
16 ship of their respective Houses) shall jointly re-
17 quest the President to convene Congress in
18 order that it may consider the proclamation or
19 Executive order and take appropriate action
20 pursuant to this section.

21 “(C) COMMITTEE REFERRAL.—A joint res-
22 olution of approval or a joint resolution of ter-
23 mination shall be referred in each House of
24 Congress to the committee or committees hav-
25 ing jurisdiction over the emergency authorities

1 invoked pursuant to the national emergency
2 that is the subject of the joint resolution.

3 “(D) CONSIDERATION IN SENATE.—In the
4 Senate, the following rules shall apply:

5 “(i) REPORTING AND DISCHARGE.—If
6 the committee to which a joint resolution
7 of approval or a joint resolution of termi-
8 nation has been referred has not reported
9 it at the end of 10 calendar days after its
10 introduction, that committee shall be auto-
11 matically discharged from further consider-
12 ation of the resolution and it shall be
13 placed on the calendar.

14 “(ii) PROCEEDING TO CONSIDER-
15 ATION.—Notwithstanding Rule XXII of
16 the Standing Rules of the Senate, when
17 the committee to which a joint resolution
18 of approval or a joint resolution of termi-
19 nation is referred has reported the resolu-
20 tion, or when that committee is discharged
21 under clause (i) from further consideration
22 of the resolution, it is at any time there-
23 after in order (even though a previous mo-
24 tion to the same effect has been disagreed
25 to) for a motion to proceed to the consider-

1 ation of the joint resolution to be made,
2 and all points of order against the joint
3 resolution (and against consideration of
4 the joint resolution) are waived. The mo-
5 tion to proceed is subject to 4 hours of de-
6 bate divided equally between those favoring
7 and those opposing the joint resolution of
8 approval or the joint resolution of termi-
9 nation. The motion is not subject to
10 amendment, or to a motion to postpone, or
11 to a motion to proceed to the consideration
12 of other business.

13 “(iii) FLOOR CONSIDERATION.—A
14 joint resolution of approval or a joint reso-
15 lution of termination shall be subject to 10
16 hours of debate, to be divided evenly be-
17 tween the proponents and opponents of the
18 resolution.

19 “(iv) AMENDMENTS.—

20 “(I) IN GENERAL.—Except as
21 provided in subclause (II), no amend-
22 ments shall be in order with respect to
23 a joint resolution of approval or a
24 joint resolution of termination.

1 “(II) AMENDMENTS TO STRIKE
2 OR ADD SPECIFIED PROVISIONS OF
3 LAW.—Subclause (I) shall not apply
4 with respect to any amendment to a
5 joint resolution of approval to strike
6 from or add to the list required by
7 paragraph (1)(A)(ii) a provision or
8 provisions of law specified by the
9 President under section 201(b) in the
10 proclamation or Executive order.

11 “(v) MOTION TO RECONSIDER FINAL
12 VOTE.—A motion to reconsider a vote on
13 final passage of a joint resolution of ap-
14 proval or of a joint resolution of termi-
15 nation shall not be in order.

16 “(vi) APPEALS.—Points of order, in-
17 cluding questions of relevancy, and appeals
18 from the decision of the Presiding Officer,
19 shall be decided without debate.

20 “(E) CONSIDERATION IN HOUSE OF REP-
21 RESENTATIVES.—In the House of Representa-
22 tives, if any committee to which a joint resolu-
23 tion of approval or a joint resolution of termi-
24 nation has been referred has not reported it to
25 the House at the end of 10 calendar days after

1 its introduction, such committee shall be dis-
2 charged from further consideration of the joint
3 resolution, and it shall be placed on the appro-
4 priate calendar. On Thursdays it shall be in
5 order at any time for the Speaker to recognize
6 a Member who favors passage of a joint resolu-
7 tion that has appeared on the calendar for at
8 least 3 calendar days to call up that joint reso-
9 lution for immediate consideration in the House
10 without intervention of any point of order.
11 When so called up a joint resolution shall be
12 considered as read and shall be debatable for 1
13 hour equally divided and controlled by the pro-
14 ponent and an opponent, and the previous ques-
15 tion shall be considered as ordered to its pas-
16 sage without intervening motion. It shall not be
17 in order to reconsider the vote on passage. If a
18 vote on final passage of the joint resolution has
19 not been taken on or before the close of the
20 tenth calendar day after the resolution is re-
21 ported by the committee or committees to which
22 it was referred, or after such committee or com-
23 mittees have been discharged from further con-
24 sideration of the resolution, such vote shall be
25 taken on that day.

1 “(F) RECEIPT OF RESOLUTION FROM
2 OTHER HOUSE.—If, before passing a joint reso-
3 lution of approval or a joint resolution of termi-
4 nation, one House receives from the other
5 House a joint resolution of approval or a joint
6 resolution of termination—

7 “(i) the joint resolution of the other
8 House shall not be referred to a committee
9 and shall be deemed to have been dis-
10 charged from committee on the day it is
11 received; and

12 “(ii) the procedures set forth in sub-
13 paragraph (D) or (E), as applicable, shall
14 apply in the receiving House to the joint
15 resolution received from the other House
16 to the same extent as such procedures
17 apply to a joint resolution of the receiving
18 House.

19 “(G) RULE OF CONSTRUCTION.—The en-
20 actment of a joint resolution of approval or of
21 a joint resolution of termination under this sub-
22 section shall not be interpreted to serve as a
23 grant or modification by Congress of statutory
24 authority for the emergency powers of the
25 President.

1 “(b) RULES OF THE HOUSE AND THE SENATE.—

2 Subsection (a) is enacted by Congress—

3 “(1) as an exercise of the rulemaking power of
4 the Senate and the House of Representatives, re-
5 spectively, and as such is deemed a part of the rules
6 of each House, respectively, but applicable only with
7 respect to the procedure to be followed in the House
8 in the case of joint resolutions of approval, and su-
9 persede other rules only to the extent that it is in-
10 consistent with such other rules; and

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

16 **SEC. 304. REPORTING REQUIREMENTS.**

17 Section 401 of the National Emergencies Act (50
18 U.S.C. 1641) is amended by adding at the end the fol-
19 lowing:

20 “(d) REPORT ON EMERGENCIES.—The President
21 shall transmit to Congress, with any proclamation declar-
22 ing a national emergency under section 201(a), or Execu-
23 tive order renewing an emergency under section 201(e) or
24 specifying emergency powers or authorities under section

1 201(b)(1)(B), a report, in writing, that includes the fol-
2 lowing:

3 “(1) A description of the circumstances necessi-
4 tating the declaration of a national emergency, the
5 renewal of such an emergency, or the use of a new
6 emergency authority specified in the Executive
7 order, as the case may be.

8 “(2) The estimated duration of the national
9 emergency.

10 “(3) A summary of the actions the President or
11 other officers intend to take, including any re-
12 programming or transfer of funds, and the statutory
13 authorities the President and such officers expect to
14 rely on in addressing the national emergency.

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

20 “(e) PROVISION OF INFORMATION TO CONGRESS.—
21 The President shall provide to Congress such other infor-
22 mation as Congress may request in connection with any
23 national emergency in effect under title II.

24 “(f) PERIODIC REPORTS ON STATUS OF EMER-
25 GENCIES.—If the President declares a national emergency

1 under section 201(a), the President shall, not less fre-
2 quently than every 180 days for the duration of the emer-
3 gency, report to Congress on the status of the emergency
4 and the actions the President or other officers have taken
5 and authorities the President and such officers have relied
6 on in addressing the emergency.

7 “(g) FINAL REPORT ON ACTIVITIES DURING NA-
8 TIONAL EMERGENCY.—Not later than 90 days after the
9 termination under section 202 of a national emergency de-
10 clared under section 201(a), the President shall transmit
11 to Congress a final report describing—

12 “(1) the actions that the President or other of-
13 ficers took to address the emergency; and

14 “(2) the powers and authorities the President
15 and such officers relied on to take such actions.

16 “(h) PUBLIC DISCLOSURE.—Each report required by
17 this section shall be transmitted in unclassified form and
18 be made public at the same time the report is transmitted
19 to Congress, although a classified annex may be provided
20 to Congress, if necessary.”.

21 **SEC. 305. CONFORMING AMENDMENTS.**

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

1 (b) INTERNATIONAL EMERGENCY ECONOMIC POW-
2 ERS ACT.—Section 207 of the International Emergency
3 Economic Powers Act (50 U.S.C. 1706) is amended—

4 (1) in subsection (b), by striking “if the na-
5 tional emergency” and all that follows through
6 “under this section.” and inserting the following:
7 “if—

8 “(1) the national emergency is terminated pur-
9 suant to section 202(a)(2) of the National Emer-
10 gencies Act; or

11 “(2) a joint resolution of approval is not en-
12 acted as required by section 203 of that Act to ap-
13 prove—

14 “(A) the national emergency; or

15 “(B) the exercise of such authorities.”; and

16 (2) in subsection (c)(1), by striking “para-
17 graphs (A), (B), and (C) of section 202(a)” and in-
18 serting “section 202(c)(2)”.

19 **SEC. 306. APPLICABILITY.**

20 (a) IN GENERAL.—Except as provided in subsection
21 (b), this title and the amendments made by this title shall
22 take effect on the date of the enactment of this Act.

23 (b) APPLICATION TO NATIONAL EMERGENCIES PRE-
24 VIOUSLY DECLARED.—A national emergency declared
25 under section 201 of the National Emergencies Act before

1 the date of the enactment of this Act shall be unaffected
2 by the amendments made by this Act, except that such
3 an emergency shall terminate on the date that is not later
4 than one year after such date of enactment unless the
5 emergency is renewed under subsection (e) of such section
6 201, as amended by section 301 of this Act.