A BILL

To impose certain limits relating to the national emergency authorities of the President, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congressional Oversight of Sanctions Act”

SEC. 2. FINDINGS.

Congress finds the following:

(1) Article I, section 8 of the United States Constitution gives Congress the power “to regulate...
Commerce with foreign Nations” as well as to “de-
fine and punish Piracies and Felonies committed on
the high Seas, and Offenses against the Law of Na-
tions”.

(2) The House Committee on International Re-
lations report (No. 95–459) on the International
et seq.) states “that given the breadth of the au-
thorities and their availability at the President’s dis-
cretion upon a declaration of national emergency,
their exercise should be subject to various sub-
stantive restrictions. The main one stems from a
recognition that emergencies are by their nature
rare and brief, and are not to be equated with nor-
mal, ongoing problems”.

(3) It further states, “A national emergency
should be declared and emergency authorities em-
ployed only with respect to a specific set of cir-
cumstances which constitute a real emergency, and
for no other purpose” and that “[t]he emergency
should be terminated in a timely manner when the
factual state of emergency is over and not continued
in effect for use in other circumstances. A state of
emergency should not be a normal state of affairs”.
(4) Since 1977, Presidents have invoked authorities under the International Emergency Economic Powers Act with respect to 56 declarations of national emergency. On average, these emergencies last nearly a decade.

(5) As of August 2019, there are 31 ongoing national emergencies involving the International Emergency Economic Powers Act, the oldest of which was put in place forty years ago.

(6) The average length of an emergency declared in the 1980s and invoking International Emergency Economic Powers Act authorities was four years. That average extended to 10 years for emergencies declared in the 1990s and 12 years for emergencies declared in the 2000s.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) successive Presidents from both parties have used the authority granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the National Emergencies Act (50 U.S.C. 1601 et seq.) to declare national emergencies that do not meet the threshold of “unusual and extraordinary threat[s] to the national security and foreign policy of the United States”; and
(2) in order to restore Congress’ original intent
in enacting such laws, it is necessary to reclaim Con-
gress’ constitutional power over the use of sanctions.

SEC. 4. CONGRESSIONAL APPROVAL REQUIRED TO EXTEND
NATIONAL EMERGENCIES.

(a) AUTOMATIC TERMINATION.—Subsection (a) of
section 202 of the National Emergencies Act (50 U.S.C.
1622) is amended—

(1) in the matter preceding paragraph (1), by
striking “if”;

(2) in paragraph (1), by inserting “if” before
“there is enacted”;

(3) in paragraph (2), by inserting “if” before
“the President issues”;

(4) in the matter following paragraph (2)—

(A) by striking “clause (1)” and inserting
“paragraph (2)”;

(B) by striking “clause (2)” and inserting
“paragraph (3)”;

(5) by redesignating paragraphs (1) and (2), as
so amended, as paragraphs (2) and (3), respectively;
and

(6) by inserting before paragraph (2), as so re-
designated, the following new paragraph:
“(1) on the date that is 60 days after the first
day on which either House of Congress is in session
following the date of the declaration, unless a joint
resolution to extend the emergency is enacted in ac-
cordance with subsection (c);”.

(b) JOINT RESOLUTION OF EXTENSION.—

(1) IN GENERAL.—Subsection (b) of such sec-
tion 202 is amended by striking “terminated” and
inserting “extended for a six-month period”.

(2) CONFORMING AMENDMENT.—Subsection
(c)(1) of such section 202 is amended by striking
“terminate” and inserting “extend”.

(c) PROHIBITION ON SUCCESSOR DECLARATIONS.—
Such section 202 is further amended by adding at the end
the following new subsection:

“(d) If a joint resolution to extend the emergency is
not enacted in accordance with subsection (c) within 60
days after the first day on which either House of Congress
is in session following the date of the declaration, the
President may not declare a new national emergency
based on substantially similar facts during the 1-year pe-
riod following such 60-day period.”.

(d) ADDITIONAL CONFORMING AMENDMENTS.—Sec-
tion 207(b) of the International Emergency Economic
Powers Act (50 U.S.C. 1706(b)) is amended—
(1) by striking “concurrent resolution” each place it appears and inserting “joint resolution”;

and

(2) by inserting “or if the national emergency terminates in accordance with subsection (a)(1) of such section 202” before the period at the end.

SEC. 5. ADDITIONAL EXCEPTIONS TO GRANTS OF AUTHORITIES.

(a) SAFE HARBOR FOR MAINTENANCE OF INFRASTRUCTURE.—Subsection (a) of section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended by adding at the end the following new paragraph:

“(4) In implementing the authority under paragraph (1), the President shall allow for the exportation of equipment and material to a territory that is subject to the control of a person otherwise subject to sanctions under the laws of the United States if the exporter certifies that such equipment or material is intended for use in the maintenance, in such territory, of—

“(A) civilian healthcare facilities;

“(B) water infrastructure;

“(C) civilian energy infrastructure; or
“(D) primary or secondary educational fac-
cilities.”.

(b) Exception for Support Incidental to Com-
munication Intended to Reduce Conflict or Al-
leviate Suffering.—Subsection (b) of such section 203
is amended—

(1) in paragraph (3), by striking “; or” and in-
serting a semicolon;

(2) in paragraph (4), by striking the period at
the end and inserting “; or”; and

(3) by adding at the end the following new
paragraph:

“(5) any support provided to a foreign person
subject to sanctions under the laws of the United
States, including organizations designated as foreign
terrorist organizations under section 219(a)(1) of
the Immigration and Nationality Act, that is inci-
dental to speech or communication with such person
for the purpose of—

“(A) reducing or eliminating the frequency
and severity of violent conflict, including by fos-
tering diplomatic solutions to violent conflict; or

“(B) preventing or alleviating the suffering
of a civilian populations.”.
SEC. 6. ADDITIONAL REPORTS TO CONGRESS.

(a) IN GENERAL.—Subsection (b) of section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) is amended—

(1) in the matter preceding paragraph (1), by striking “to the Congress” and inserting “to the appropriate congressional committees’’;

(2) by redesignating paragraphs (4) and (5) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (3) the following new paragraphs:

“(4) the goals and outcomes expected to be achieved through such actions;

“(5) other tools considered to address the emergency, and the reason for choosing to respond to such emergency through the imposition of sanctions;

“(6) a list of other countries imposing sanctions in accordance with the sanctions imposed by the President or, if such sanctions are unilateral, an explanation for why no other country has imposed such sanctions;

“(7) the strategy of the President to provide compliance guidance to entities in the private sector (including financial institutions), humanitarian organizations, and peacebuilding organizations;
“(8) the criteria, if any, that a sanctioned person must meet before any sanctions imposed in the exercise of such authority with respect to such person may be lifted;”.

(b) CONFORMING AMENDMENT.—Such section 204 is further amended by adding at the end the following new subsection:

“(e) For purposes of this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

“(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

(e) REPORT ON TREATY OBLIGATIONS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of the Treasury shall jointly submit to Congress a report, which shall be submitted in unclassified form but may include a classified annex, on the manner and extent to which each action taken during the preceding 1-year period using the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) is
in compliance with the treaty obligations of the United
States.

SEC. 7. REPORTS REQUIRED.

(a) Projection Report.—Not later than 30 days
after the publication of any executive order, proclamation,
or other notice to declare a national emergency, the Comptroller
General of the United States shall submit to Congress a report that includes the following:

(1) The expected impact of such declaration on
the economic interests of the United States and of
allied countries.

(2) The expected humanitarian impact of such
declaration, including the extent to which organiza-
tions or entities attempting to provide humanitarian
assistance face restricted access as a result of such
declaration.

(3) The expected impact of such declaration on
the economy of any country targeted by such decla-
ration.

(4) The expected financial impact of such decla-
ration on United States citizens and entities, in-
cluding the impact on any such citizens or entities
who maintain accounts or assets in financial institu-
tions subject to sanctions pursuant to such declara-

(b) IMPACT REPORT.—Not later than 1 year after the publication of an executive order, proclamation, or other notice described in subsection (a), the Comptroller General shall submit to Congress an updated report that includes the assessment of the Comptroller General with respect to the actual impact of the declaration of such national emergency on each of the interests described in paragraphs (1) through (3) of subsection (a).

(c) CONSULTATIONS REQUIRED.—In preparing the report required by subsection (b), the Comptroller General shall consult with relevant nongovernmental organizations working in areas affected by the applicable declaration, including organizations engaged in the provision of humanitarian assistance.

(d) GOALS AND OUTCOMES REPORT.—Not later than 1 year after the publication of an executive order, proclamation, or other notice described in subsection (a), the President shall submit to Congress a report that sets forth, with respect to each goal and outcome described pursuant to section 204(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)(4))(as added by section 6 of this Act), the manner and extent to which such goal or outcome has been achieved through the sanctions imposed pursuant to the declaration of such national emergency.