

Statistics, the Department of Commerce, the Tariff Commission, economic analysts, labor unions, and private industry;

(3) the publication of periodic reports and reference works using analysis prepared pursuant to this section and containing exemplary materials from the career education field, including research findings, results, and techniques from successful projects and programs, and highlights of ongoing analysis of career trends in America; and

(4) the conduct of seminars, workshops, and career information sessions for the purpose of disseminating to teachers, guidance counselors, other career educators, administrators, other education personnel, and the general public information compiled and analyzed under this section.

(b) In carrying out the provisions of this title, and to the extent practicable, the Commissioner shall (1) make use of existing offices, centers, clearinghouses, and research capabilities, (2) coordinate among the offices, centers, clearinghouses and research capabilities in carrying out his career information responsibilities, and (3) use the career information capabilities of the Education Division.

NATIONAL ADVISORY COUNCIL

SEC. 507. The National Advisory Council for Career Education established pursuant to section 406(g) of the Education Amendments of 1974 shall, in addition to its duties under that section, advise the Commissioner with respect to the implementation of this part.

TITLE VI—GUIDANCE AND COUNSELING FINDINGS

SEC. 601. The Congress finds that—

(1) guidance and counseling activities are an essential component to assure success in achieving the goals of many education programs,

(2) lack of coordination among guidance and counseling activities supported jointly or separately by Federal programs and by State and local programs has resulted in an underutilization of resources available for such activities, and

(3) increased and improved preparation of education professionals are needed in guidance and counseling, including administration of guidance and counseling programs at the State and local levels, with special emphasis on inservice training.

APPROPRIATIONS AUTHORIZED

SEC. 602. There is authorized to be appropriated \$20,000,000 for fiscal year 1978 and for each succeeding fiscal year ending prior to October 1, 1982, to carry out the provisions of this title.

ADMINISTRATION

SEC. 603. (a) The Commissioner shall establish or designate an administrative unit within the Education Division for purposes of—

(1) carrying out provisions of this section, (2) providing information regarding guidance and counseling as a profession, guidance and counseling activities of the Federal Government, and, to the extent practicable, activities of State and local programs of guidance and counseling, and

(3) advising the Commissioner on coordinating guidance and counseling activities included in all programs which he is authorized to carry out, and, to the extent he deems practicable, how such activities may be coordinated with other programs of the Federal Government and State and local guidance and counseling programs.

(b) The Commissioner may reserve an amount not to exceed 10 per centum of the sums appropriated under this title to carry out the provisions of this section.

PROGRAM AUTHORIZED

SEC. 604. (a) The Commissioner is authorized, on a competitive basis, to enter into

contracts and make grants to State and local educational agencies, to institutions of higher education, and to private nonprofit organizations to assist them in conducting institutes, work shops, and seminars designed to improve the professional guidance qualifications of teachers and counselors in State and local educational agencies and nonpublic elementary and secondary school systems, and to provide training for supervisory and technical personnel in such agencies and systems having responsibilities for guidance and counseling, and to improve supervisory services in the field of guidance and counseling.

(b) The Commissioner is authorized to make grants to States to assist them in carrying out programs to coordinate new and existing programs of guidance and counseling in the States.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF THE PHILIP A. HART OFFICE BUILDING—SENATE RESOLUTION 525

Mr. MANSFIELD. Mr. President, I send to the desk a resolution on behalf of Senators HUGH SCOTT, ROBERT C. BYRD, GRIFFIN, CANNON, HATFIELD, ALLEN, and MANSFIELD and ask that it be read.

The PRESIDING OFFICER. The resolution will be stated.

The second assistant legislative clerk proceeded to read the resolution.

Mr. MANSFIELD. I ask unanimous consent that further reading of the resolution be dispensed with. The substance is in the part which has been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. At the present time, would the clerk read all of the cosponsors, again?

The second assistant legislative clerk read as follows:

Mr. MANSFIELD, for himself and Mr. HUGH SCOTT, Mr. ROBERT C. BYRD, Mr. GRIFFIN, Mr. CANNON, Mr. HATFIELD, and Mr. ALLEN.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the resolution be placed on the calendar, and that it lie at the desk for the rest of the day so that all Senators who desire to do so may join as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I hope that the number will be 99.

Mr. HUGH SCOTT. Mr. President, if the Senator will yield, I simply want to express the same hope. I know that all Senators will wish to be included as cosponsors. We hope for prompt passage of the resolution.

The resolution (S. Res. 525), submitted by Mr. MANSFIELD (for himself, Mr. HUGH SCOTT, Mr. ROBERT C. BYRD, Mr. GRIFFIN, Mr. CANNON, Mr. HATFIELD, Mr. ALLEN, Mr. ABOWEZEK, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BIDEN, Mr. BROOKE, Mr. BUMPERS, Mr. BURDICK, Mr. HARRY F. BYRD, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DURKIN, Mr. EAGLETON,

Mr. EASTLAND, Mr. FONG, Mr. FORD, Mr. GLENN, Mr. GRAVEL, Mr. GARY HART, Mr. HARTKE, Mr. HASKELL, Mr. HATHAWAY, Mr. HELMS, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. LONG, Mr. MAGNUSON, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MORGAN, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PROXMIER, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. WILLIAM L. SCOTT, Mr. SPARKMAN, Mr. STENNIS, Mr. STEVENS, Mr. STEVENSON, Mr. STONE, Mr. SYMINGTON, Mr. THURMOND, Mr. TUNNEY, Mr. WEICKER, Mr. WILLIAMS, and Mr. YOUNG, and ordered placed on the calendar, reads as follows:

Resolved, That insofar as concerns the Senate, the extension of the Senate Office Building presently under construction pursuant to the Supplemental Appropriations Act, 1973 (86 Stat. 1510) is designated and shall be known as the "Philip A. Hart Office Building."

SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to the building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the building referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

TERMINATION OF NATIONAL EMERGENCIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1102, H.R. 3884.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows: a bill (H.R. 3884) to terminate certain authorities with respect to material emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Government Operations, with amendments.

THE END OF 43 YEARS OF NATIONAL EMERGENCY

Mr. MATHIAS. Mr. President, over 5 years ago, I introduced a resolution to study the effect of terminating the state of emergency declared by President Truman in 1950 during the Korean war. In May 1972, Senator FRANK CHURCH and I introduced Senate Resolution 9, which created the Senate Special Committee on the Termination of the National Emergency. Over the following 2 years the work of the special committee involved many of the country's most distinguished

legal scholars, all of the executive departments and agencies, the Library of Congress, and a number of other scholarly institutions. The committee held three sets of public hearings on the history of emergency government in the United States and the constitutional problems that were created as a result of those national emergencies.

The special committee ascertained that the United States was under not just one state of national emergency, but four which had been proclaimed in 1933, 1950, 1970, and 1971 respectively, and none of these four states of national emergency had ever been terminated. The committee also found that there were over 470 significant statutes on the books which are triggered by a state of national emergency. These statutes, if taken as a whole, confer on the President the power to rule the United States outside of normal constitutional processes.

It was clear from the special committee's hearings, studies, and inquiries that the full nature and extent of emergency powers statutes had never been understood. It was further evident that the pattern of the growth of emergency power statutes and unrelieved state of emergency Americans have lived under since 1933 had made crisis or emergency government the norm rather than the exception. What was most extraordinary about these statutes was that these powers were delegated by the Congress without a consideration of the consequences of the cumulative effect of these delegated authorities. The four successive proclamations of these states of emergency have provided the President with the statutory power, among other authorities, to seize property and commodities, control the means of production, call to active duty over 1 million reservists, assign military forces abroad, seize and control all means of transportation, restrict travel, institute martial law.

In this century the United States has been through four major wars, catastrophic economic depression and a series of intense crises—the energy crisis being the most recent. These wars, depressions, and crises have created patterns of government which were originally fashioned only to meet the crisis of the moment.

The most important achievement of the Special Committee on National Emergencies and Delegated Emergency Powers, aside from the writing of the National Emergencies Act and creating a heightened awareness of the nature and extent of emergency powers, has been to give the Congress and the country a clear perspective of the process of lawmaking in the United States over the past 40 years.

Despite the responsibilities to make the law conferred on the Legislature by the Constitution, most laws were framed by the executive branch and written in such ways that they gave virtually open ended authority to the executive branch to exercise the power contained in more than 470 emergency power statutes. The combined power contained in these 470 statutes, is far too broad to permit their continuation without constitutional checks.

In large measure, these laws were written by the executive branch and sent to the Congress in a crisis atmosphere. In fact, as was the case in 1933 when the Emergency Banking Act was passed, hearings were not held and there was not even a committee report. Only one typescript copy of the bill was available and the protests of the few Members in both Houses that great powers were being given without restriction went unheeded because of the pressures of the moment.

The pattern of passing bills without thorough consideration, so evident in the history of emergency powers legislation, is found throughout legislative history of the past four decades on a great many other important measures. One result of this tendency in which laws are largely, if not entirely, shaped and written by the executive has been that the Congress has failed to exercise its responsibilities for the making of law and policy. Indeed, in the last 40 years the executive has largely determined without significant legislative participation the shape of the broad area of national security policy and it has done so often under the umbrella of emergency or crisis requirements.

The work of the Special Committee on Emergency Powers has helped to point out that in all areas of legislation, but particularly in the national security area, the Congress must give itself the capabilities to make the judgments about what laws should be made and what policies should be reflected in those laws. Further, the experience of 40 years of emergency has underlined the strength of the view that there should be no subjects of policy, no matter how complex or secret which should be determined outside of our constitutional system.

It is clear that the requirements of national security sometimes require secret activity or extraordinary actions to meet threats to the well-being of the American people. But in every case, each of the three branches must be involved in meeting its responsibilities for the actions of the U.S. Government. Under the Constitution, only Congress can make the law. But in order for the Congress to do so, it must have the resources to make judgments which are to be contained in the law. Legislative proposals and recommendations should, of course, continue to be made by the executive branch, but each proposal must be examined carefully, and if the issues are sensitive and complex, the Legislature should be provided the information and staff assistance necessary to enable Members of the Congress to do their work.

It is vital that the Congress continue to strengthen its mechanisms and procedures to enable it to effectively carry out its oversight functions. In all areas of Government activity, the Congress must know what actions the executive branch has taken to fulfill national policies set forth in law and how it has expended appropriated moneys. In this regard, the record of accountability of all activities in the United States must be full and complete, and available to the courts and the Legislature so that they may meet their constitutional responsibilities.

The work done by the Special Committee on Emergency Powers has been a pioneering effort. It has laid the ground work, I believe, for bringing the whole area of national security and secret activities under constitutional processes. It has reaffirmed the necessity for an understanding of the lawmaking process as prescribed by the Constitution and has provided a framework for extending the full constitutional procedures into areas which for several decades have been left largely to the discretion of one branch alone.

In the aftermath of Watergate and Vietnam, and the turmoil of the past decade, we have begun to understand how those grievous mistakes of policy and failure of Government could have occurred. It is my belief that this understanding can lead to a strengthened Government. Our Government is stronger because it has reaffirmed its commitment to constitutional processes and each of the three branches is now more keenly aware of the duties, prerogatives, and responsibilities of the other two.

It is my belief that the National Emergencies Act is an example of how the three branches working together can resolve complex problems of Government and share power in ways which strengthen the ability of the Government as a whole to preserve and enhance the liberties, values, and well-being of all of our people.

THE NATIONAL EMERGENCIES ACT

Mr. CHURCH. Mr. President, it is with pleasure that I urge the passage today of the National Emergencies Act by the Senate. The legislation is, at the moment, little noticed and free of controversy, thanks to careful work by the Congress over 3 years time, cooperation with the administration of two Presidents, and a bipartisanship which all too seldom marks our deliberations.

First of all, I would like to extend my appreciation to Senator MATHIAS, who acted with me as cochairman of the Special Committee on National Emergencies and Delegated Emergency Powers, along with the other members of that committee, and our highly competent staff for the investigation and groundwork that made this bill possible. I also owe special thanks to Senator RUBINOFF and the members of his Committee on Government Operations for their excellent cooperation in bringing this bill to the floor.

From the beginning, we have also enjoyed the support of the leadership on both sides of the aisle. Senator MANSFIELD and Senator SCOTT lent their assistance whenever it was needed, for which I am very grateful.

Special mention is also due the executive branch of the Government. The cooperation of the Justice Department, the Department of Defense, and many other agencies was indispensable to the accomplishment of our mission. On one occasion, Senator MATHIAS and I met with President Ford and reached agreement with him on the principles underlying the bill now before us. The President is to be highly commended for his willingness to work with the Congress in developing a legislative formula for ending

emergency rule and restoring normal constitutional practices. I also wish to express my gratitude to the members of the Judiciary Committee of the House of Representatives. From the outset, that committee worked in close concert with the Senate in furthering our common objective and fully shares the credit for this legislation. In particular, I want to express my thanks to Chairman ROBINO and Representative FLOWERS.

Mr. President, the obscurity and anonymity which surround this bill should not disguise its importance. For more than four decades, this Nation has been governed, in part, by emergency law. The President has had at his disposal virtually dictatorial power, ready for use as he desires. Even now, the President has power under the authority delegated to him by emergency statutes to: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a host of other ways, regulate the lives of all American citizens. And the President can exercise all these extraordinary powers, without so much as asking leave of the Congress.

These powers can be invoked by the President as long as the country remains in a declared state of national emergency. Presently, there are four such national emergencies still in existence:

The national emergency declared by Franklin Roosevelt on March 9, 1933, to cope with the banking crisis;

The national emergency declared by Harry Truman on December 16, 1950, to respond to the Korean conflict;

The national emergency declared by Richard Nixon on March 23, 1970, to deal with the Post Office strike;

The national emergency declared by Richard Nixon on August 15, 1971, to implement currency restrictions and to enforce controls on foreign trade.

This means that a majority of the American people have lived all their lives under emergency rule. For 43 years, protections and procedures guaranteed by the Constitution have, in varying degrees, been abridged by Executive orders that derive from presidentially proclaimed states of national emergency.

The purpose of H.R. 3884 is to terminate, as of 2 years from the date of enactment, powers and authorities possessed by the Executive as a result of existing states of national emergency, and to establish authority for the declaration of future emergencies in a manner which will clearly define the powers of the President and provide for regular congressional review.

In order to carry out this purpose, the National Emergencies Act would:

First. Terminate, as of 2 years from the date of enactment, powers and authorities available to the Executive, pursuant to approximately 470 statutes, as a result of the states of national emergency now in force;

Second. Provide for congressional review of future Presidential declarations of national emergencies no less frequent-

ly than every 6 months and congressional termination of states of emergency at any time by concurrent resolution;

Third. Provide for congressional oversight of and accountability for actions taken by the Executive in the exercise of delegated emergency powers;

Fourth. Repeal specific obsolete emergency powers statutes, while retaining in force certain others deemed necessary for ongoing operations of the government.

Emergency rule has always raised troublesome problems both in political theory and in constitutional practice. Since the failure of the Roman Republic, historians and philosophers have analyzed the problem posed to a legislature when it confers extraordinary power upon the Executive. Machiavelli, in his *Discourses on Livy*, acknowledged that great power may, on occasion, have to be given to the Executive if the state is to survive, but warned of the grave dangers in doing so. He cautioned:

Yet it is not good that in a republic anything should ever happen that has to be dealt with extralegally. The extralegal action may turn out well at the moment yet the example has a bad effect, because it establishes a custom of breaking laws for good purposes; later with this example, they are broken for bad purposes.

Rousseau discussed the question of delegated emergency powers in his *Social Contract*. He wrote:

Moreover, in whatever way this important commission may be conferred, it is important to fix its duration at a very short term which can never be prolonged. In the crises which cause it to be established, the State is soon destroyed or saved; and the urgent need having passed away, the dictatorship becomes tyrannical or useless.

Turning to the American context, I would like to stress that the word "emergency" is not found in the Constitution. As scholar Clinton Rossiter has observed:

It never seems to have been seriously considered in the Convention of 1787, the *Federalist*, or the debates in the state ratifying conventions that the men who were to govern in future years would ever have to go outside the words of the Constitution to find the means to meet any crisis.

As a result, the authority to respond to a crisis must be derived from the powers that are expressly provided for in the Constitution.

The Supreme Court has indicated that there are clear restraints upon Executive action in times of emergency. In *Ex parte Milligan* Justice Davis, speaking for the majority of the Supreme Court, wrote:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism; but the theory of necessity on which it is based is false; for the government, without the Constitution, has all the powers granted to it, which are necessary to preserve its existence . . .

. . . It could well be said that a country,

preserved at the sacrifice of all the cardinal principles of liberty, is not worth the cost of preservation.

Similarly, in 1934, Chief Justice Hughes held for a majority of the Supreme Court:

Emergency does not create power. Emergency does not increase granted power or remove or diminish restrictions imposed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the Federal Government and its limitations of the power of the States were determined in the light of emergency and they are not altered by emergency.

Nonetheless, the emergency powers made available to the President have steadily expanded. Foreign war and domestic crisis during the past 40 years, in addition to the inexorable growth of the executive bureaucracy under the leadership of aggressive Presidents, and the diminished role of the Congress in the making of policy—these factors have all contributed to the erosion of normal constitutional government.

Little review by the judicial branch was exercised until 24 years ago when the Supreme Court turned back an attempt by President Truman to take over the striking steel industry by means of an assertion of "inherent" emergency power. Speaking for the majority, Justice Black issued the *Youngstown Steel* opinion which still stands as the definitive statement in this area. Justice Black held that "the President's power, if any, to issue the order must stem from an act of Congress or from the Constitution itself." He characterized President Truman's action as an unconstitutional arrogation of "lawmaking power" by the Executive.

Justice Jackson's widely quoted and praised concurring opinion stressed that our system of government is a "balanced power structure" and pointed out that Executive power to act is a variable depending upon the collective will of Congress for its authority. Justice Jackson listed three situations which determine the extent of the President's power:

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . .

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers . . .

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter.

In setting forth these tests, authorities feel that Justice Jackson set up a workable analysis which provided a sound conclusion:

The seizure of the steel mills by President Truman in face of a contrary congressional policy fell into the third of these categories and left presidential power "most vulnerable to attack and in the least favorable of possible constitutional postures." The court could sustain the President's action "only by holding that seizure of such strike-bound industries is within his domain and beyond control of Congress."

Justice Jackson's analysis is as important today as it was when written 24 years ago. As an example of its continuing importance, let me cite the counsel given to the special committee by the late Chief Justice of the Supreme Court, Earl Warren, just prior to his death:

Chief Justice Warren said that while the Constitution provides that only Congress can make the law, the legislature had the obligation through enacting statutes to provide firm policy guidelines for the Executive branch. The former Chief Justice agreed with Justice Jackson's view that where there are statutory guidelines, a President is obliged to follow the precepts contained in the laws passed by the Congress. Inherent powers problems arise and the other branches act, he said, largely when Congress fails to act definitely, when it fails to make needed laws and when there is a necessity for legislative action and Congress fails to meet the challenge.

In writing the National Emergencies Act, we have accepted Justice Jackson's opinion as a basic guideline. It is our belief that the National Emergencies Act will provide long overdue statutory guidelines for the handling of national emergencies in the future. It is our belief, supported I would suggest, by Justice Jackson's opinion and the weight of constitutional scholarship, that our legislation will constitute the exclusive authority for the exercise of Presidential powers in an emergency. The Congress having acted, the President's power will be, in Justice Jackson's words, "at its lowest ebb." In the future, every type and class of presidentially declared emergency will be subject to congressional control.

It should be emphasized that nothing in this bill would interfere with the President's right to declare a national emergency in the future or deprive him of the necessary power to cope with such an emergency. The statutes conferring emergency powers remain on the shelf, to be pulled off and used as may be required in order to deal with some future crisis. But the procedures governing the use of emergency powers in the future will always be subject to congressional review and any declaration of an emergency may be terminated by a concurrent resolution of the Congress. Thus the legislative branch will be in a position to assert its ultimate authority.

To those who argue that the duration of a given emergency should be left exclusively to the President to determine, I would cite the precedent established by the British Parliament which, throughout the Second World War, delegated emergency powers to the Prime Minister for no longer than 30 days at a time.

The point is simply this: The Congress should be forewarned that it is inherent in the nature of government that the Executive will seek to enlarge its power. We already have a Presidency the powers of which are unrivaled in our history. The historic redemption of jurisdiction by the Congress which has gone on in this decade—in the form of the War Powers Act, the congressional intervention to circumscribe and finally end the war in Vietnam, the new budget authority and the regaining of some control

over foreign policy—is long overdue and urgently needed. The Congress must not again trade away its responsibilities in the name of national emergency. Let that be one of the lessons learned from the investigation now completed and the passage today of the National Emergencies Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergencies Act".

TITLE I—TERMINATING EXISTING DECLARED EMERGENCIES

SEC. 101. (a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, United States Code, as a result of the existence of any declaration of national emergency in effect on the date of enactment of this Act are terminated two years from the date of such enactment. Such termination shall not affect—

(1) any action taken or proceeding pending not finally concluded or determined on such date;

(2) any action or proceeding based on any act committed prior to such date; or

(3) any rights or duties that matured or penalties that were incurred prior to such date.

(b) For the purpose of this section, the words "any national emergency in effect" means a general declaration of emergency made by the President.

TITLE II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

SEC. 201. (a) With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such national emergency. Such proclamation shall immediately be transmitted to the Congress and published in the Federal Register.

(b) Any provisions of law conferring powers and authorities to be exercised during a national emergency shall be effective and remain in effect (1) only when the President (in accordance with subsection (a) of this section), specifically declares a national emergency, and (2) only in accordance with this Act. No law enacted after the date of enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

SEC. 202. (a) Any national emergency declared by the President in accordance with this title shall terminate if—

(1) Congress terminates the emergency by concurrent resolution; or

(2) the President issues a proclamation terminating the emergency.

Any national emergency declared by the President shall be terminated on the date specified in any concurrent resolution referred to in clause (1) or on the date specified in a proclamation by the President terminating the emergency as provided in clause (2) of this subsection, *whichever date is earlier*, and any powers or authorities exer-

cised by reason of said emergency shall cease to be exercised after such specified date, except that such termination shall not affect—

(A) any action taken or proceeding pending not finally concluded or determined on such date;

(B) any action or proceeding based on any act committed prior to such date; or

(C) any rights or duties that matured or penalties that were incurred prior to such date.

(b) Not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated.

(c) (1) A concurrent resolution to terminate a national emergency declared by the President shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be. One such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee, unless such House shall otherwise determine by the yeas and nays.

(2) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(3) Such a concurrent resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee and shall thereupon become the pending business of such House and shall be voted upon within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(4) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the day on which managers on the part of the Senate and the House have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

(5) Paragraphs (1)–(4) of this subsection, subsection (b) of this section, and section 502(b) of this Act are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of