

taken under Authorization for Use of Military Force;

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.); and

(3) any other applicable provision of law.

(e) Briefings

At least once during each 180-day period described in subsection (a), the President shall provide to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on the matters covered by the report required under this section for such period.

(Pub. L. 116–92, div. A, title XII, § 1285, Dec. 20, 2019, 133 Stat. 1709.)

Editorial Notes

REFERENCES IN TEXT

The Authorization for Use of Military Force, referred to in text, is Pub. L. 107–40, Sept. 18, 2001, 115 Stat. 224, which is set out as a note under section 1541 of this title.

The War Powers Resolution, referred to in subsec. (d)(2), is Pub. L. 93–148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to this chapter. For complete classification of this Resolution to the Code, see Short Title note set out under section 1541 of this title and Tables.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the War Powers Resolution which comprises this chapter.

Statutory Notes and Related Subsidiaries

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 116–92, 133 Stat. 1231. See note under section 101 of Title 10, Armed Forces.

Executive Documents

DELEGATION OF AUTHORITY UNDER SECTION 1285 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Memorandum of President of the United States, July 19, 2021, 86 F.R. 39939, provided:

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of Defense the authority and functions vested in the President by section 1285(a) through (e) of Public Law 116–92 [50 U.S.C. 1550(a) to (e)] on the use of military force and support of partner forces to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

CHAPTER 34—NATIONAL EMERGENCIES

SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES

Sec.

1601. Termination of existing declared emergencies.

Sec.

SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

1621. Declaration of national emergency by President; publication in Federal Register; effect on other laws; superseding legislation.

1622. National emergencies.

SUBCHAPTER III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

1631. Declaration of national emergency by Executive order; authority; publication in Federal Register; transmittal to Congress.

SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PRESIDENT

1641. Accountability and reporting requirements of President.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies.

SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES

§ 1601. Termination of existing declared emergencies

(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, as a result of the existence of any declaration of national emergency in effect on September 14, 1976, are terminated two years from September 14, 1976. 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.

(Pub. L. 94–412, title I, § 101, Sept. 14, 1976, 90 Stat. 1255.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 94–412, § 1, Sept. 14, 1976, 90 Stat. 1255, provided: “That this Act [enacting this chapter, amending section 1481 of Title 8, Aliens and Nationality, and section 2667 of Title 10, Armed Forces, repealing section 249 of Title 12, Banks and Banking, section 831d of Title 16, Conservation, section 1383 of Title 18, Crimes and Criminal Procedure, section 211b of Title 42, The Public Health and Welfare, and section 1742 of the former Appendix to this title, and enacting provisions set out below] may be cited as the ‘National Emergencies Act.’”

SAVINGS PROVISION

Pub. L. 94–412, title V, § 501(h), Sept. 14, 1976, 90 Stat. 1258, provided that: “This section [amending section 1481 of Title 8, Aliens and Nationality and section 2667 of Title 10, Armed Forces, and repealing section 249 of Title 12, Banks and Banking, section 831d of Title 16,

Conservation, section 1383 of Title 18, Crimes and Criminal Procedure, and section 211b of Title 42, The Public Health and Welfare] shall not affect—

- “(1) any action taken or proceeding pending not finally concluded or determined at the time of repeal;
- “(2) any action or proceeding based on any act committed prior to repeal; or
- “(3) any rights or duties that matured or penalties that were incurred prior to repeal.”

SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

§ 1621. Declaration of national emergency by President; publication in Federal Register; effect on other laws; superseding legislation

(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 chapter. No law enacted after September 14, 1976, shall supersede this subchapter unless it does so in specific terms, referring to this subchapter, and declaring that the new law supersedes the provisions of this subchapter.

(Pub. L. 94-412, title II, §201, Sept. 14, 1976, 90 Stat. 1255.)

Executive Documents

PROC. NO. 7463. DECLARATION OF NATIONAL EMERGENCY BY REASON OF CERTAIN TERRORIST ATTACKS

Proc. No. 7463, Sept. 14, 2001, 66 F.R. 48199, provided: A national emergency exists by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, I hereby declare that the national emergency has existed since September 11, 2001, and, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*), I intend to utilize the following statutes: sections 123, 123a, 527, 2201(c), 12006, and 12302 of title 10, United States Code, and sections 331, 359, and 367 [now 2127, 2308, and 2314] of title 14, United States Code.

This proclamation immediately shall be published in the Federal Register or disseminated through the Emergency Federal Register, and transmitted to the Congress.

This proclamation is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.

GEORGE W. BUSH.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY PROC. NO. 7463

Notice of President of the United States, dated Sept. 9, 2021, 86 F.R. 50835, provided:

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency previously declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency must continue in effect beyond September 14, 2021. Therefore, I am continuing in effect for an additional year the national emergency that was declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the Federal Register and transmitted to the Congress.

J.R. BIDEN, JR.

Prior continuations of national emergency declared by Proc. No. 7463 were contained in the following:

- Notice of President of the United States, dated Sept. 10, 2020, 85 F.R. 56467.
- Notice of President of the United States, dated Sept. 12, 2019, 84 F.R. 48545.
- Notice of President of the United States, dated Sept. 10, 2018, 83 F.R. 46067.
- Notice of President of the United States, dated Sept. 11, 2017, 82 F.R. 43153.
- Notice of President of the United States, dated Aug. 30, 2016, 81 F.R. 60579.
- Notice of President of the United States, dated Sept. 10, 2015, 80 F.R. 55013.
- Notice of President of the United States, dated Sept. 4, 2014, 79 F.R. 53279.
- Notice of President of the United States, dated Sept. 10, 2013, 78 F.R. 56581.
- Notice of President of the United States, dated Sept. 11, 2012, 77 F.R. 56517.
- Notice of President of the United States, dated Sept. 9, 2011, 76 F.R. 56633.
- Notice of President of the United States, dated Sept. 10, 2010, 75 F.R. 55661.
- Notice of President of the United States, dated Sept. 10, 2009, 74 F.R. 46883.
- Notice of President of the United States, dated Aug. 28, 2008, 73 F.R. 51211.
- Notice of President of the United States, dated Sept. 12, 2007, 72 F.R. 52465.
- Notice of President of the United States, dated Sept. 5, 2006, 71 F.R. 52733.
- Notice of President of the United States, dated Sept. 8, 2005, 70 F.R. 54229.
- Notice of President of the United States, dated Sept. 10, 2004, 69 F.R. 55313.
- Notice of President of the United States, dated Sept. 10, 2003, 68 F.R. 53665.
- Notice of President of the United States, dated Sept. 12, 2002, 67 F.R. 58317.

PROCLAMATION NO. 9844

Proc. No. 9844, Feb. 15, 2019, 84 F.R. 4949, declared a national emergency at the southern border of the United States, which was terminated by Proc. No. 10142, Jan. 20, 2021, 86 F.R. 7225, set out below.

Continuations of national emergency declared by Proc. No. 9844 were contained in the following:

- Notice of President of the United States, dated Jan. 15, 2021, 86 F.R. 6557.
- Notice of President of the United States, dated Feb. 13, 2020, 85 F.R. 8715.

PROC. NO. 9994. DECLARING A NATIONAL EMERGENCY CONCERNING THE NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK

Proc. No. 9994, Mar. 13, 2020, 85 F.R. 15337, provided: