

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

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### 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,