

U.S. Reps. Gallagher, Roy: Introduce Legislation to Curb Biden's Emergency Declaration Powers

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WASHINGTON, DC, - Rep. Mike Gallagher (R-WI), alongside Rep. Chip Roy (R-TX), today introduced legislation to amend the National Emergencies Act and reassert congressional authority over the president's broad, virtually unchecked powers to declare national emergencies.

The Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies (ARTICLE ONE) Act amends the National Emergencies Act (NEA) to reassert Congress' authority over emergency declarations issued by the President by automatically ending all future emergency declarations made under the NEA after 30 days unless Congress votes to extend the emergency. Currently, there are over three dozen active national emergencies - most of these declarations no longer apply to any actual emergency. Emergencies are inherently temporary and should not span over multiple decades or presidential administrations. As we have seen in the draconian lockdowns of the COVID-19 pandemic, those in power are unlikely to give back power on their own. Therefore, if Congress ever plans to reclaim its Constitutional authority from the Executive Branch, it will have to assert its own power through legislation.

“The National Emergencies Act gives the President broad powers, removes Congress from the governing process, and undermines our constitutional system. If Congress wants to get serious about reclaiming its Article One authorities, reigning in the executive’s emergency authorities is the place to start,” said Rep. Gallagher. “This bill puts checks and balances on the executive branch and ensures Congress has a voice in determining what an emergency is and how long it lasts. If everything is infrastructure, it’s only a matter of time before everything becomes an emergency. It’s important Congress acts before we reach that point.

“The framers of our Constitution intended for Congress to be the strongest branch of the federal government because it is the most responsive and accountable to the American people; but we’ve been giving away more and more of our power for decades,” said Congressman Roy. “In 1976, Congress gave the executive branch broad and virtually unchecked emergency powers by passing the NEA; now we have several still-declared “emergencies” going back as far as the Carter administration. Today, I introduced legislation that would help restore Congress to its rightful place as first among our three federal branches of government.”

The NEA was passed in 1976 and has given the President broad authority to unilaterally respond to emergencies with minimal Congressional input or oversight. Every President since its enactment has declared national emergencies, from Carter to Biden.

Senator Mike Lee introduced a companion bill in the Senate earlier this year. Sens. Portman, Toomey, Johnson, Sasse, Cruz, Tillis, and Wicker cosponsored it.

Full text of Reps. Gallagher and Roy’s legislation is available [HERE](#).