



Tuesday, Sept. 17, 2024

Hon. Rand Paul

Ranking Member, Committee on Homeland Security and Government Affairs

Dear Ranking Member Paul:

On behalf of the millions of activists we partner with at Americans for Prosperity, we write to express our support for the REPUBLIC Act (S. 4373), which would reform the National Emergencies Act of 1976 (NEA).

Congress passed the NEA in an attempt to establish checks and balances on presidential emergency powers, but the law failed to achieve that goal. Presidents of both parties continue to misuse these powers to address long-standing policy problems instead of responding to temporary emergency events.

Our sister organization, Americans for Prosperity Foundation, [launched the Emergency Powers Reform Project](#) to educate the public about the rampant abuse of emergency powers, including misuse of the NEA, the Defense Production Act, and the Strategic Petroleum Reserve. Congress intended for such delegations of authority to the president to be temporary to respond to emergent crises that require swift action. However, presidents are increasingly using emergency powers to address long-standing policy failures, impose policy preferences, and circumvent our system of checks and balances.

A declaration of a national emergency under the NEA gives the president potential access to an estimated 148 statutory powers. Under the NEA, national emergencies only end upon (i) a presidential declaration, (ii) a year after the declaration if the president fails to file a renewal in the Federal Register, or (iii) a congressional joint resolution terminating the emergency. And because the president can veto, joint resolutions would likely require a two-thirds majority in each house to effectively end emergencies.

The NEA did not go far enough to constrain presidential authority and, as a result, emergency declarations—and the expanded statutory powers they unlock—can persist for decades. According to the [Brennan Center](#), “25 emergencies have lasted 10 years or longer; 13 of these were declared between 2001 and 2008. The longest-lasting emergency, Blocking Iranian Government Property, was first declared in 1979 on the heels of the hostage crisis and has been persistently renewed for 39 years.” This system is ripe for abuse and presidents have proven reluctant to relinquish authority on their own.

The REPUBLIC Act fixes this power imbalance by:

- Requiring congressional approval of new emergency declarations within 30 calendar days. If Congress does not approve, the president cannot declare an emergency based on the same circumstances during the remainder of their term.
- Terminating national emergencies after one year unless Congress passes a joint resolution to approve an executive order to renew the emergency.

- Instituting reporting requirements, including estimated total expenditures, for each emergency declaration and periodic updates at least every six months.

We applaud you for advancing legislation to restore checks and balances to emergency powers, and we urge your colleagues to join you in support of the REPUBLIC Act.

Sincerely,

Brent Wm. Gardner
Chief Government Affairs Officer
Americans for Prosperity