

Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: National Emergency Act
May 22, 2024

When a crisis unfolds, our government needs to be able to respond quickly. Whether it's a pandemic, extreme weather, or a foreign attack, we must be ready to protect the safety and security of our citizens. In order to act quickly when disaster strikes, Congress has given the President broad emergency powers.

Most emergency powers have never been used, but they could potentially bring sweeping changes to our government, economy, and society. These powers could allow the government to take over communication channels, control transportation systems, halt trade with other countries, and more. Without an appropriate check from Congress, there is a risk that these powers could be misused or abused.

That is why Congress passed the National Emergencies Act in 1976. This legislation gave Congress the power to conduct oversight over these powers – including a mechanism to quickly end a national emergency. But after a 1983 Supreme Court decision, the National Emergencies Act had to be amended – and the mechanism for Congress to end a national emergency was weakened. It now requires a veto-proof two-thirds majority in both chambers of Congress.

In other words, there's an imbalance of power. It is easy for a president to declare a national emergency – but hard for Congress to end one.

We've seen Presidents of both parties increasingly use emergency powers. In cases like the COVID-19 pandemic, this was necessary to protect our economy and public health. In other cases, recent presidents have used emergency powers to attempt to advance their policy goals, often in areas where Congress should be providing input and oversight.

Reforming the National Emergencies Act is not about thwarting the policy goals of either party. It's about strengthening our democracy – and ensuring Congress maintains its responsibility to oversee executive power.

We have had bipartisan support for this reform in the past. I am hopeful that we can build on that progress – and am looking forward to considering legislative options that we can advance in this Committee and in Congress.

We must examine how we use our current national emergency power authorities – and ensure that Congress can effectively oversee emergencies. Today's hearing – and our panel of expert witnesses – will help us do so.