

119TH CONGRESS  
1ST SESSION

# H. R. 5220

To strengthen and enhance the congressional power of the purse, and for  
other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2025

Mr. BOYLE of Pennsylvania (for himself, Mr. DOGGETT, Mr. SCOTT of Virginia, Mr. PETERS, Mr. PANETTA, Mrs. WATSON COLEMAN, Ms. PLASKETT, Ms. ESCOBAR, Ms. OMAR, Ms. BALINT, Ms. KAPTUR, Ms. JAYAPAL, Mr. TONKO, Ms. CHU, Mr. MCGARVEY, and Mr. AMO) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, Transportation and Infrastructure, Rules, Foreign Affairs, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To strengthen and enhance the congressional power of the  
purse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Power  
5 of the Purse Act”.

## 1 SEC. 2. TABLE OF CONTENTS.

## 2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

### TITLE I—STRENGTHENING CONGRESSIONAL CONTROL AND REVIEW TO PREVENT IMPOUNDMENT

- Sec. 101. Prohibition on fast-track procedures under the Impoundment Control Act of 1974.
- Sec. 102. Strengthening congressional control.
- Sec. 103. Strengthening congressional review.
- Sec. 104. Updated authorities for and reporting by the Comptroller General.
- Sec. 105. Advance congressional notification and litigation.
- Sec. 106. Penalties for failure to comply with the Impoundment Control Act of 1974.
- Sec. 107. Clarification of treatment of GAO report as special message.
- Sec. 108. Congressional designations.

### TITLE II—STRENGTHENING TRANSPARENCY AND REPORTING

#### Subtitle A—Funds Management and Reporting to the Congress

- Sec. 211. Expired balance reporting in the President's budget.
- Sec. 212. Cancelled balance reporting in the President's budget.
- Sec. 213. Lapse in appropriations—reporting in the President's budget.
- Sec. 214. Transfer and other repurposing authority reporting in the President's budget.
- Sec. 215. Authorizing cancellations in indefinite accounts by appropriation.
- Sec. 216. National Emergencies Act declaration spending reporting in the President's budget.

#### Subtitle B—Empowering Congressional Review Through Nonpartisan Congressional Agencies and Transparency Initiatives

- Sec. 221. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions.
- Sec. 222. Reporting requirements for Antideficiency Act violations.
- Sec. 223. Department of Justice reporting to Congress for Antideficiency Act violations.
- Sec. 224. Treatment of requests for information from Members of Congress.
- Sec. 225. Suits by Comptroller General for Antideficiency Act violations.
- Sec. 226. Inspector General for the Office of Management and Budget.
- Sec. 227. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel.

### TITLE III—REPUBLIC ACT

- Sec. 301. Short title.

#### Subtitle A—Congressional Review of National Emergencies

- Sec. 311. Congressional review of national emergencies.
- Sec. 312. Reporting requirements.
- Sec. 313. Exclusion of certain national emergencies invoking International Emergency Economic Powers Act.

Sec. 314. Conforming amendments.

Sec. 315. Effective date; applicability.

Subtitle B—Limitations on Emergency Authorities

Sec. 321. Presidential war powers under Communications Act of 1934.

Sec. 322. Disclosure to Congress of presidential emergency action documents.

1 **TITLE I—STRENGTHENING CON-**  
 2 **GRESSIONAL CONTROL AND**  
 3 **REVIEW TO PREVENT IM-**  
 4 **POUNDMENT**

5 **SEC. 101. PROHIBITION ON FAST-TRACK PROCEDURES**  
 6 **UNDER THE IMPOUNDMENT CONTROL ACT**  
 7 **OF 1974.**

8 Notwithstanding any other provision of law, during  
 9 the period beginning on the date of the enactment of this  
 10 Act and ending on January 20, 2029, the procedures  
 11 under section 1017 of the Impoundment Control Act of  
 12 1974 (2 U.S.C. 688) shall have no force or effect.

13 **SEC. 102. STRENGTHENING CONGRESSIONAL CONTROL.**

14 (a) IN GENERAL.—Part B of the Impoundment Con-  
 15 trol Act of 1974 (2 U.S.C. 682 et seq.) is amended by  
 16 adding at the end the following:

17 “PRUDENT OBLIGATION OF BUDGET AUTHORITY AND  
 18 SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET  
 19 AUTHORITY

20 “SEC. 1018. (a) SPECIAL MESSAGE REQUIRE-  
 21 MENT.—With respect to budget authority proposed to be  
 22 rescinded or that is set to be reserved or proposed to be

1 deferred in a special message transmitted under section  
2 1012 or 1013, such budget authority—

3 “(1) shall be made available for obligation in  
4 sufficient time to be prudently obligated as required  
5 under section 1012(b) or 1013; and

6 “(2) may not be deferred or otherwise withheld  
7 from obligation during the 90-day period before the  
8 expiration of the period of availability of such budget  
9 authority, including, if applicable, the 90-day period  
10 before the expiration of an initial period of avail-  
11 ability for which such budget authority was pro-  
12 vided.

13 “(b) ADMINISTRATIVE REQUIREMENT.—With respect  
14 to an apportionment of an appropriation (as that term is  
15 defined in section 1511 of title 31, United States Code)  
16 made pursuant to section 1512 of such title, an appropria-  
17 tion shall be apportioned—

18 “(1) to make available all amounts for obliga-  
19 tion in sufficient time to be prudently obligated; and

20 “(2) to make available all amounts for obliga-  
21 tion, without precondition (including footnotes) that  
22 shall be met prior to obligation, not later than 90  
23 days before the expiration of the period of avail-  
24 ability of such appropriation, including, if applicable,  
25 90 days before the expiration of an initial period of

1       availability for which such appropriation was pro-  
2       vided.”.

3       (b) CLERICAL AMENDMENT.—The table of contents  
4 of the Congressional Budget and Impoundment Control  
5 Act of 1974 set forth in section 1(b) of such Act is amend-  
6 ed by inserting after the item relating to section 1017 the  
7 following:

“1018. Prudent obligation of budget authority and specific requirements for ex-  
      piring budget authority.”.

8       **SEC. 103. STRENGTHENING CONGRESSIONAL REVIEW.**

9       (a) IN GENERAL.—Part B of the Impoundment Con-  
10 trol Act of 1974 (2 U.S.C. 682 et seq.), as amended by  
11 section 102(a), is further amended by adding at the end  
12 the following:

13       “REPORTING ON APPORTIONMENT OF APPROPRIATIONS  
14                       BY DEPARTMENTS AND AGENCIES

15       “SEC. 1019. Each department or agency shall—

16               “(1) notify the Committee on the Budget and  
17 the Committee on Appropriations of the House of  
18 Representatives, the Committee on the Budget and  
19 the Committee on Appropriations of the Senate, and  
20 any other appropriate congressional committees if—

21               “(A) an apportionment is not made in the  
22 required time period provided in section  
23 1513(b) of title 31, United States Code;

1 “(B) an approved apportionment received  
 2 by the department or agency conditions the  
 3 availability of an appropriation on further ac-  
 4 tion; or

5 “(C) an approved apportionment received  
 6 by the department or agency may hinder the  
 7 prudent obligation of such appropriation or the  
 8 execution of a program, project, or activity by  
 9 such department or agency; and

10 “(2) include in each notification under para-  
 11 graph (1) information identifying the bureau, ac-  
 12 count name, appropriation name, and Treasury Ap-  
 13 propriation Fund Symbol or fund account.”.

14 (b) CLERICAL AMENDMENT.—The table of contents  
 15 of the Congressional Budget and Impoundment Control  
 16 Act of 1974 set forth in section 1(b) of such Act, as  
 17 amended by section 102(b), is further amended by insert-  
 18 ing after the item relating to section 1018 the following:

“1019. Reporting on apportionment of appropriations by departments and agen-  
 cies.”.

19 **SEC. 104. UPDATED AUTHORITIES FOR AND REPORTING BY**  
 20 **THE COMPTROLLER GENERAL.**

21 (a) IN GENERAL.—Section 1015 of the Congressional  
 22 Budget and Impoundment Control Act of 1974 (2 U.S.C.  
 23 686) is amended by adding at the end the following:

24 “(c) REVIEW.—

1           “(1) IN GENERAL.—The Comptroller General  
2 shall—

3                   “(A) review compliance with this part; and

4                   “(B) submit to the Committee on the  
5 Budget, the Committee on Appropriations, and  
6 the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate, the Committee  
8 on the Budget, the Committee on Appropria-  
9 tions, and the Committee on Oversight and Re-  
10 form of the House of Representatives, and any  
11 other appropriate congressional committee of  
12 the Senate or the House of Representatives a  
13 report, and any relevant information related to  
14 the report, on any noncompliance with this  
15 part.

16           “(2) INFORMATION, DOCUMENTATION, AND  
17 VIEWS.—The President or the head of the relevant  
18 department or agency of the United States shall pro-  
19 vide information, documentation, and views to the  
20 Comptroller General, as is determined by the Comp-  
21 troller General to be necessary to determine such  
22 compliance, not later than 20 days after the date on  
23 which the request from the Comptroller General is  
24 received, or if the Comptroller General determines  
25 that a shorter or longer period is appropriate based

1 on the specific circumstances, within such shorter or  
2 longer period.

3 “(3) ACCESS.—To carry out the responsibilities  
4 of this part, the Comptroller General shall have ac-  
5 cess to interview the officers, employees, contractors,  
6 and other agents and representatives of a depart-  
7 ment, agency, or office of the United States at any  
8 reasonable time as the Comptroller General may re-  
9 quest.”.

10 (b) RULE OF CONSTRUCTION.—Section 1001 of the  
11 Congressional Budget and Impoundment Control Act of  
12 1974 (2 U.S.C. 681) is amended—

13 (1) in paragraph (3), by striking “or” at the  
14 end;

15 (2) in paragraph (4), by striking the period at  
16 the end and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(5) affecting or limiting in any way the au-  
19 thorities provided to the Comptroller General under  
20 chapter 7 of title 31, United States Code.”.

21 **SEC. 105. ADVANCE CONGRESSIONAL NOTIFICATION AND**  
22 **LITIGATION.**

23 Section 1016 of the Impoundment Control Act of  
24 1974 (2 U.S.C. 687) is amended to read as follows:



1 “SUITS BY COMPTROLLER GENERAL

2 “SEC. 1016. (a) IN GENERAL.—If, under this title,  
3 budget authority is required to be made available for obli-  
4 gation and such budget authority is not made available  
5 for obligation or information, documentation, views, or ac-  
6 cess are required to be produced and such information,  
7 documentation, views, or access are not produced, the  
8 Comptroller General is expressly empowered, through at-  
9 torneys selected by the Comptroller General, to bring a  
10 civil action in the United States District Court for the Dis-  
11 trict of Columbia to require such budget authority to be  
12 made available for obligation or such information, docu-  
13 mentation, views, or access to be produced.

14 “(b) COURT AUTHORITY.—In a civil action under  
15 subsection (a), the court is expressly empowered to enter,  
16 against any department, agency, officer, or employee of  
17 the United States, any decree, judgment, or order which  
18 may be necessary or appropriate to make such budget au-  
19 thority available for obligation or compel production of  
20 such information, documentation, views, or access.

21 “(c) NOTICE.—No civil action shall be brought by the  
22 Comptroller General to require budget authority be made  
23 available under this section until the expiration of 15 cal-  
24 endar days following the date on which an explanatory  
25 statement by the Comptroller General of the cir-

1 cumstances giving rise to the action contemplated is filed  
 2 with the Speaker of the House of Representatives and the  
 3 President of the Senate, except that expiration of such pe-  
 4 riod shall not be required if the Comptroller General finds  
 5 (and incorporates the finding in the explanatory statement  
 6 filed) that such delay would be contrary to the public in-  
 7 terest.”.

8 **SEC. 106. PENALTIES FOR FAILURE TO COMPLY WITH THE**  
 9 **IMPOUNDMENT CONTROL ACT OF 1974.**

10 (a) IN GENERAL.—Part B of the Impoundment Con-  
 11 trol Act of 1974 (2 U.S.C. 682 et seq.), as amended by  
 12 section 103(a), is further amended by adding at the end  
 13 the following:

14 “PENALTIES FOR FAILURE TO COMPLY

15 “SEC. 1020. (a) ADMINISTRATIVE DISCIPLINE.—An  
 16 officer or employee of the United States Government who  
 17 withholds or causes to be withheld the obligation of budget  
 18 authority that is required to be made available for obliga-  
 19 tion under this part shall be subject to appropriate admin-  
 20 istrative discipline, including, when circumstances war-  
 21 rant, suspension from duty without pay or removal from  
 22 office.

23 “(b) CRIMINAL PENALTY.—An officer or employee of  
 24 the United States Government who knowingly and willfully  
 25 withholds or causes to be withheld the obligation of budget  
 26 authority that is required to be made available for obliga-

1 tion under this part shall be fined not more than \$5,000,  
2 imprisoned for not more than 2 years, or both.

3 “(c) REPORTING VIOLATIONS.—

4 “(1) IN GENERAL.—In the event of a violation  
5 of section 1001, 1012, 1013, or 1018 of this part,  
6 or in the case that the Comptroller General issues  
7 a legal decision concluding that a department, agen-  
8 cy, or office of the United States violated this part,  
9 the President or the head of the relevant department  
10 or agency as the case may be, shall report imme-  
11 diately to Congress all relevant facts and a state-  
12 ment of actions taken. A copy of each report shall  
13 also be transmitted to the Comptroller General and  
14 the relevant inspector general on the same date the  
15 report is transmitted to the Congress.

16 “(2) CONTENTS.—Any such report shall include  
17 a summary of the facts pertaining to the violation,  
18 the title and Treasury Appropriation Fund Symbol  
19 of the appropriation or fund account, the amount in-  
20 volved for each violation, the date on which the vio-  
21 lation occurred, the position of any individuals re-  
22 sponsible for the violation, a statement of the admin-  
23 istrative discipline imposed and any further action  
24 taken with respect to any officer or employee in-  
25 volved in the violation, a statement of any additional

1       action taken to prevent recurrence of the same type  
2       of violation, and any written response by any officer  
3       or employee identified by position as involved in the  
4       violation. In the case that the Comptroller General  
5       issues a legal decision concluding that a department,  
6       agency, or office of the United States violated this  
7       part and the relevant department, agency, or office  
8       does not agree that a violation has occurred, the re-  
9       port provided to Congress, the Comptroller General,  
10      and relevant inspector general will explain the posi-  
11      tion of the department, agency, or office.

12           “(3) OPPORTUNITY TO RESPOND.—If any such  
13      report identifies the position of any officer or em-  
14      ployee as involved in the violation, such officer or  
15      employee shall be provided a reasonable opportunity  
16      to respond in writing, and any such response shall  
17      be appended to the report.

18           “(d) ATTORNEY GENERAL REVIEW OF REPORTS.—  
19      In the case that a report is transmitted under subsection  
20      (c), the Attorney General shall promptly review such re-  
21      port and investigate to the extent necessary to determine  
22      whether there are reasonable grounds to believe that the  
23      responsible officer or employee knowingly and willfully vio-  
24      lated section 1001, 1012, 1013, or 1018 of this part, as  
25      applicable. If the Attorney General determines that there

1 are such reasonable grounds, the Attorney General dili-  
 2 gently shall investigate a criminal violation under this sec-  
 3 tion.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 of the Congressional Budget and Impoundment Control  
 6 Act of 1974 set forth in section 1(b) of such Act, as  
 7 amended by section 103(b), is further amended by insert-  
 8 ing after the item relating to section 1019 the following:  
 “1020. Penalties for failure to comply.”.

9 **SEC. 107. CLARIFICATION OF TREATMENT OF GAO REPORT**  
 10 **AS SPECIAL MESSAGE.**

11 Section 1015(a) of the Congressional Budget and Im-  
 12 poundment Control Act of 1974 (2 U.S.C. 686(a)) is  
 13 amended by striking the last sentence and inserting “Any  
 14 funds with respect to which such reserve or deferral apply  
 15 may not be proposed for reservation or deferral pursuant  
 16 to a special message under section 1012 or 1013 on or  
 17 after the date that the Comptroller General submits such  
 18 report.”.

19 **SEC. 108. CONGRESSIONAL DESIGNATIONS.**

20 Section 251(b)(2)(A) of the Balanced Budget and  
 21 Emergency Deficit Control Act of 1985 (2 U.S.C.  
 22 901(b)(2)(A)) is amended—

23 (1) in clause (i), by striking “and the President  
 24 subsequently so designates”; and

1 (2) in clause (ii), by striking “and the President  
2 subsequently so designates”.

3 **TITLE II—STRENGTHENING**  
4 **TRANSPARENCY AND RE-**  
5 **PORTING**

6 **Subtitle A—Funds Management**  
7 **and Reporting to the Congress**

8 **SEC. 211. EXPIRED BALANCE REPORTING IN THE PRESI-**  
9 **DENT’S BUDGET.**

10 Section 1105(a) of title 31, United States Code, is  
11 amended by adding at the end the following:

12 “(40) for the budget for each of fiscal years  
13 2027 through 2031, a report—

14 “(A) identifying unobligated expired bal-  
15 ances as of the beginning of the current fiscal  
16 year and the beginning of each of the preceding  
17 2 fiscal years by agency and the applicable  
18 Treasury Appropriation Fund Symbol or fund  
19 account; and

20 “(B) providing explanation of unobligated  
21 expired balances in any Treasury Appropriation  
22 Fund Symbol or fund account that exceed the  
23 lesser of 5 percent of total appropriations made  
24 available for that account or \$100,000,000.”.

1 **SEC. 212. CANCELLED BALANCE REPORTING IN THE PRESI-**  
2 **DENT'S BUDGET.**

3 Section 1105(a) of title 31, United States Code, as  
4 amended by section 211, is further amended by adding  
5 at the end the following:

6 “(41) for the budget for each of fiscal years  
7 2027 through 2031, a report—

8 “(A) identifying cancelled balances (pursu-  
9 ant to section 1552(a)) for the preceding 3 fis-  
10 cal years by agency and Treasury Appropriation  
11 Fund Symbol or fund account;

12 “(B) providing explanation of cancelled  
13 balances in any Treasury Appropriation Fund  
14 Symbol or fund account that exceed the lesser  
15 of 5 percent of total appropriations made avail-  
16 able for that account or \$100,000,000; and

17 “(C) including a tabulation, by Treasury  
18 Appropriation Fund Symbol or fund account  
19 and appropriation, of all balances of appropria-  
20 tions available for an indefinite period in an ap-  
21 propriation account available for an indefinite  
22 period that do not meet the criteria for closure  
23 under section 1555, but for which either—

24 “(i) the head of the agency concerned  
25 or the President has determined that the

1 purposes for which the appropriation was  
2 made have been carried out; or

3 “(ii) no disbursement has been made  
4 against the appropriation—

5 “(I) in the prior year and the  
6 preceding fiscal year; or

7 “(II) in the prior year and which  
8 the budget estimates zero disburse-  
9 ments in the current year.”.

10 **SEC. 213. LAPSE IN APPROPRIATIONS—REPORTING IN THE**  
11 **PRESIDENT’S BUDGET.**

12 Section 1105(a) of title 31, United States Code, as  
13 amended by section 212, is further amended by adding  
14 at the end the following:

15 “(42) a report—

16 “(A) identifying any obligation or expendi-  
17 ture made by a department or agency affected  
18 in whole or in part by any lapse in appropria-  
19 tions of 5 consecutive days or more during the  
20 preceding fiscal year for which amounts were  
21 not available; and

22 “(B) with respect to any such obligation or  
23 expenditure, providing—

24 “(i) the amount so obligated or ex-  
25 pended;



1 “(ii) the account affected;

2 “(iii) an explanation of the exception  
3 under subchapter III of chapter 13 or sub-  
4 chapter II of chapter 15 of this title, or  
5 another legal authority, that permitted the  
6 department or agency, as the case may be,  
7 to incur such obligation or expenditure;  
8 and

9 “(iv) an explanation of any change in  
10 the application of any exception under sub-  
11 chapter III of chapter 13 or subchapter II  
12 of chapter 15 of this title for a program,  
13 project, or activity from any explanations  
14 previously reported on pursuant to this  
15 paragraph.”.

16 **SEC. 214. TRANSFER AND OTHER REPURPOSING AUTHOR-**  
17 **ITY REPORTING IN THE PRESIDENT’S BUDG-**  
18 **ET.**

19 Section 1105(a) of title 31, United States Code, as  
20 amended by section 213, is further amended by adding  
21 at the end the following:

22 “(43) for the budget for fiscal year 2027, a re-  
23 port—

24 “(A) identifying any transfer authority or  
25 other authority to repurpose appropriations pro-

1           vided in a law other than an appropriation act;  
2           and

3           “(B) with respect to any such authority,  
4           providing the citation to the statute, the list of  
5           departments or agencies covered, an expla-  
6           nation of when such authority may be used, and  
7           an explanation on any use of such authority in  
8           the preceding 3 fiscal years.”.

9   **SEC. 215. AUTHORIZING CANCELLATIONS IN INDEFINITE**  
10                   **ACCOUNTS BY APPROPRIATION.**

11       (a) IN GENERAL.—Subchapter IV of chapter 15 of  
12 title 31, United States Code, is amended by inserting after  
13 section 1555 the following:

14   **“§ 1555a. Cancellation of appropriations available for**  
15                   **indefinite periods within an account**

16       “Any remaining balance (whether obligated or unobli-  
17 gated) from an appropriation available for an indefinite  
18 period in an appropriation account available for an indefi-  
19 nite period that does not meet the requirements for closure  
20 under section 1555 shall be canceled, and thereafter shall  
21 not be available for obligation or expenditure for any pur-  
22 pose, if—

23           “(1) the head of the agency concerned or the  
24       President determines that the purposes for which

1 the appropriation was made have been carried out;  
 2 and

3 “(2) no disbursement has been made against  
 4 the appropriation for two consecutive fiscal years.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
 6 for subchapter IV of chapter 15 of title 31, United States  
 7 Code, is amended by inserting after the item relating to  
 8 section 1555 the following:

“1555a. Cancellation of appropriations available for indefinite periods within an  
 account.”.

9 **SEC. 216. NATIONAL EMERGENCIES ACT DECLARATION**  
 10 **SPENDING REPORTING IN THE PRESIDENT’S**  
 11 **BUDGET.**

12 Section 1105(a) of title 31, United States Code, as  
 13 amended by section 214, is further amended by adding  
 14 at the end the following:

15 “(44)(A) A report on the proposed, planned,  
 16 and actual obligations and expenditures of funds (for  
 17 the prior fiscal year, the current fiscal year, and the  
 18 fiscal years for which the budget is submitted) at-  
 19 tributable to the exercise of powers and authorities  
 20 made available by statute for each national emer-  
 21 gency declared by the President, currently active or  
 22 in effect during the applicable fiscal years.

23 “(B) Obligations and expenditures contained in  
 24 the report under subparagraph (A) shall be orga-

1 nized by Treasury Appropriation Fund Symbol or  
2 fund account and by program, project, and activity,  
3 and include—

4 “(i) a description of each such program,  
5 project, and activity;

6 “(ii) the authorities under which such  
7 funding actions are taken; and

8 “(iii) the purpose and progress of such ob-  
9 ligations and expenditures toward addressing  
10 the applicable national emergency.

11 “(C) Such report shall include, with respect to  
12 any transfer, reprogramming, or repurposing of  
13 funds to address the applicable national emer-  
14 gency—

15 “(i) the amount of such transfer, re-  
16 programming, or repurposing;

17 “(ii) the authority authorizing each such  
18 transfer, reprogramming, or repurposing; and

19 “(iii) a description of programs, projects,  
20 and activities affected by such transfer, re-  
21 programming, or repurposing, including by a  
22 reduction in funding.”.

1 **Subtitle B—Empowering Congressional Review Through Non-**  
2 **partisan Congressional Agencies**  
3 **and Transparency Initiatives**

4 **SEC. 221. REQUIREMENT TO RESPOND TO REQUESTS FOR**  
5 **INFORMATION FROM THE COMPTROLLER**  
6 **GENERAL FOR BUDGET AND APPROPRIA-**  
7 **TIONS LAW DECISIONS.**

8  
9 (a) IN GENERAL.—Subchapter II of chapter 7 of title  
10 31, United States Code, is amended by adding at the end  
11 the following:

12 **“§ 722. Requirement to respond to requests for infor-**  
13 **mation from the Comptroller General for**  
14 **budget and appropriations law decisions**

15 “(a) If an agency receives a written request for infor-  
16 mation, documentation, or views from the Comptroller  
17 General relating to a decision or opinion on budget or ap-  
18 propriations law, the agency shall provide the requested  
19 information, documentation, or views not later than 20  
20 days after receiving the written request, unless such writ-  
21 ten request specifically provides otherwise.

22 “(b) If an agency fails to provide the requested infor-  
23 mation, documentation, or views within the time required  
24 by subsection (a)—

1           “(1) the Comptroller General shall notify, in  
2           writing, the Committee on Homeland Security and  
3           Governmental Affairs of the Senate, the Committee  
4           on Oversight and Accountability of the House of  
5           Representatives, and any other appropriate congres-  
6           sional committee of such failure;

7           “(2) the Comptroller General is hereby ex-  
8           pressly empowered, through attorneys selected by  
9           the Comptroller General, to bring a civil action in  
10          the United States District Court for the District of  
11          Columbia to require such information, documenta-  
12          tion, or views to be produced; and

13          “(3) the court in a civil action brought under  
14          paragraph (2) is expressly empowered to enter  
15          against any department, agency, officer, or employee  
16          of the United States any decree, judgment, or order  
17          which may be necessary or appropriate to require  
18          such production.

19          “(c) Nothing in this section shall be construed as af-  
20          fecting or otherwise limiting the authorities provided to  
21          the Comptroller General in section 716 of this title.”.

22          (b) CLERICAL AMENDMENT.—The table of sections  
23          for subchapter II of chapter 7 of title 31, United States  
24          Code, is amended by inserting after the item relating to  
25          section 721 the following:

“722. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions.”.

1 **SEC. 222. REPORTING REQUIREMENTS FOR**  
 2 **ANTIDEFICIENCY ACT VIOLATIONS.**

3 (a) VIOLATIONS OF SECTION 1341 OR 1342.—Sec-  
 4 tion 1351 of title 31, United States Code, is amended—

5 (1) by striking “If” and inserting “(a) If”;

6 (2) by inserting “or if the Comptroller General  
 7 determines that an officer or employee of an execu-  
 8 tive agency or of the District of Columbia govern-  
 9 ment violated section 1341(a) or 1342,” before “the  
 10 head of the agency”;

11 (3) by striking “the Comptroller General” and  
 12 inserting “the Comptroller General and the Attorney  
 13 General”; and

14 (4) by adding at the end the following:

15 “(b) Any such report shall include a statement of the  
 16 provision violated, a summary of the facts pertaining to  
 17 the violation, the title and Treasury Appropriation Fund  
 18 Symbol of the appropriation or fund account, the amount  
 19 involved for each violation, the date on which the violation  
 20 occurred, the position of any officer or employee respon-  
 21 sible for the violation, a statement of the administrative  
 22 discipline imposed and any further action taken with re-  
 23 spect to any officer or employee involved in the violation,  
 24 a statement of any additional action taken to prevent re-

1 currence of the same type of violation, a statement of any  
2 determination that the violation was not knowing and will-  
3 ful that has been made by the executive agency or the Dis-  
4 trict of Columbia government, and any written response  
5 by any officer or employee identified by position as in-  
6 volved in the violation. In the case that the Comptroller  
7 General issues a legal decision concluding that section  
8 1341(a) or 1342 was violated and the executive agency  
9 or the District of Columbia government does not agree  
10 that a violation has occurred, the report provided to the  
11 President, the Congress, and the Comptroller General will  
12 explain the position of the executive agency or the District  
13 of Columbia government.

14 “(c) If the Comptroller General finds that an officer  
15 or employee of an executive agency or an officer or em-  
16 ployee of the District of Columbia government violated  
17 section 1341(a) or 1342 of this title, and that the head  
18 of the agency or the Mayor of the District of Columbia  
19 has failed to make the report required under subsection  
20 (a), the Comptroller General shall make a report on the  
21 violation of section 1341(a) or 1342 and any available in-  
22 formation concerning it to both Houses of Congress.”.

23 (b) VIOLATIONS OF SECTION 1517.—Section 1517 of  
24 title 31, United States Code, is amended—

25 (1) in subsection (b)—



1 (A) by inserting “or if the Comptroller  
2 General determines that an officer or employee  
3 of an executive agency or of the District of Co-  
4 lumbia government violated subsection (a),” be-  
5 fore “the head of the executive agency”; and

6 (B) by striking “the Comptroller General”  
7 and inserting “the Comptroller General and the  
8 Attorney General”; and

9 (2) by adding at the end the following:

10 “(c) Any such report shall include a statement of the  
11 provision violated, a summary of the facts pertaining to  
12 the violation, the title and Treasury Appropriation Fund  
13 Symbol of the appropriation or fund account, the amount  
14 involved for each violation, the date on which the violation  
15 occurred, the position of any officer or employee respon-  
16 sible for the violation, a statement of the administrative  
17 discipline imposed and any further action taken with re-  
18 spect to any officer or employee involved in the violation,  
19 a statement of any additional action taken to prevent re-  
20 currence of the same type of violation, a statement of any  
21 determination that the violation was not knowing and will-  
22 ful that has been made by the executive agency or the Dis-  
23 trict of Columbia government, and any written response  
24 by any officer or employee identified by position as in-  
25 volved in the violation. In the case that the Comptroller

1 General issues a legal decision concluding that subsection  
 2 (a) was violated and the executive agency or the District  
 3 of Columbia government does not agree that a violation  
 4 has occurred, the report provided to the President, the  
 5 Congress, and the Comptroller General will explain the po-  
 6 sition of the executive agency or the District of Columbia  
 7 government.”.

8 **SEC. 223. DEPARTMENT OF JUSTICE REPORTING TO CON-**  
 9 **GRESS FOR ANTIDEFICIENCY ACT VIOLA-**  
 10 **TIONS.**

11 (a) VIOLATIONS OF SECTIONS 1341 OR 1342.—Sec-  
 12 tion 1350 of title 31, United States Code, is amended—

13 (1) by striking “An officer” and inserting “(a)  
 14 An officer”; and

15 (2) by adding at the end the following:

16 “(b)(1) If an executive agency or the District of Co-  
 17 lumbia government reports, under section 1351, a viola-  
 18 tion of section 1341(a) or 1342, the Attorney General  
 19 shall promptly review such report and investigate to the  
 20 extent necessary to determine whether there are reason-  
 21 able grounds to believe that the responsible officer or em-  
 22 ployee knowingly and willfully violated such section  
 23 1341(a) or 1342, as applicable. If the Attorney General  
 24 determines that there are such reasonable grounds, the

1 Attorney General diligently shall investigate a criminal  
2 violation under this section.

3 “(2) The Attorney General shall submit to Congress  
4 and the Comptroller General on or before March 31 of  
5 each calendar year an annual report detailing separately  
6 for each executive agency and for the District of Columbia  
7 government—

8 “(A) the number of reports under section 1351  
9 transmitted to the President during the preceding  
10 calendar year;

11 “(B) the number of reports reviewed in accord-  
12 ance with paragraph (1) during the preceding cal-  
13 endar year;

14 “(C) without identification of any individual of-  
15 ficer or employee, a description of each investigation  
16 undertaken in accordance with paragraph (1) during  
17 the preceding calendar year and an explanation of  
18 the status of any such investigation; and

19 “(D) without identification of any individual of-  
20 ficer or employee, an explanation of any update to  
21 the status of any review or investigation previously  
22 reported pursuant to this paragraph.”.

23 (b) VIOLATIONS OF SECTION 1517.—Section 1519 of  
24 title 31, United States Code, is amended—

1           (1) by striking “An officer” and inserting “(a)  
2       An officer”; and

3           (2) by adding at the end the following:

4       “(b)(1) If an executive agency or the District of Co-  
5       lumbia government reports, under section 1517(b), a vio-  
6       lation of section 1517(a), the Attorney General shall  
7       promptly review such report and investigate to the extent  
8       necessary to determine whether there are reasonable  
9       grounds to believe that the responsible officer or employee  
10      knowingly and willfully violated such section 1517(a). If  
11      the Attorney General determines that there are such rea-  
12      sonable grounds, the Attorney General diligently shall in-  
13      vestigate a criminal violation under this section.

14      “(2) The Attorney General shall submit to Congress  
15      and the Comptroller General on or before March 31 of  
16      each calendar year an annual report detailing separately  
17      for each executive agency and for the District of Columbia  
18      government—

19           “(A) the number of reports under section  
20      1517(b) transmitted to the President during the pre-  
21      ceding calendar year;

22           “(B) the number of reports reviewed in accord-  
23      ance with paragraph (1) during the preceding cal-  
24      endar year;

1           “(C) without identification of any individual of-  
 2           ficer or employee, a description of each investigation  
 3           undertaken in accordance with paragraph (1) during  
 4           the preceding calendar year and an explanation of  
 5           the status of any such investigation; and

6           “(D) without identification of any individual of-  
 7           ficer or employee, an explanation of any update to  
 8           the status of any review or investigation previously  
 9           reported pursuant to this subsection.”.

10 **SEC. 224. TREATMENT OF REQUESTS FOR INFORMATION**  
 11 **FROM MEMBERS OF CONGRESS.**

12           Section 552(d) of title 5, United States Code (com-  
 13           monly known as the “Freedom of Information Act”), is  
 14           amended, in the second sentence, by inserting “or any  
 15           Member of Congress” before the period at the end.

16 **SEC. 225. SUITS BY COMPTROLLER GENERAL FOR**  
 17 **ANTIDEFICIENCY ACT VIOLATIONS.**

18           (a) IN GENERAL.—Subchapter II of chapter 7 of title  
 19           31, United States Code, is amended by adding at the end  
 20           the following:

21 **“§ 722. Suits by Comptroller General for ongoing**  
 22 **Antideficiency Act violations**

23           “If the Comptroller General determines that an indi-  
 24           vidual is committing an ongoing violation of section  
 25           1341(a), 1342, or 1517(a), the Comptroller General may,

1 through attorneys of his own selection, bring a civil action  
 2 in the United States District Court for the District of Co-  
 3 lumbia, and such court is hereby expressly empowered to  
 4 enter in such civil action, against any department, agency,  
 5 officer, or employee of the United States, any decree, judg-  
 6 ment, or order, which may be necessary or appropriate to  
 7 stop the ongoing violation.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 for such subchapter is amended by adding after the item  
 10 relating to section 721 the following:

“722. Suits by Comptroller General for Antideficiency Act violations.”.

11 **SEC. 226. INSPECTOR GENERAL FOR THE OFFICE OF MAN-**  
 12 **AGEMENT AND BUDGET.**

13 (a) ESTABLISHMENT OF OFFICE.—Section 401 of  
 14 title 5, United States Code, is amended—

15 (1) in paragraph (1), by inserting “the Office  
 16 of Management and Budget,” after “means”; and

17 (2) in paragraph (3), by inserting “the Director  
 18 of the Office of Management and Budget,” after  
 19 “means”.

20 (b) SPECIAL PROVISIONS CONCERNING THE INSPEC-  
 21 TOR GENERAL OF THE OFFICE OF MANAGEMENT AND  
 22 BUDGET.—Chapter 4 of title 5, United States Code, is  
 23 amended by inserting after section 424 the following new  
 24 section:

1 **“§ 425. Special provisions concerning the Inspector**  
 2 **General of the Office of Management and**  
 3 **Budget**

4 “The Inspector General of the Office of Management  
 5 and Budget shall only have jurisdiction over those matters  
 6 that—

7 “(1) have been specifically assigned to the Of-  
 8 fice under law;

9 “(2) are legal requirements delegated to the Of-  
 10 fice; or

11 “(3) otherwise involve compliance with legal re-  
 12 quirements.”.

13 (c) APPOINTMENT.—Not later than 120 days after  
 14 the date of the enactment of this Act, the President shall  
 15 appoint an individual to serve as the Inspector General  
 16 of the Office of Management and Budget in accordance  
 17 with section 403(a) of title 5, United States Code.

18 **SEC. 227. PUBLICATION OF BUDGET OR APPROPRIATIONS**

19 **LAW OPINIONS OF THE DEPARTMENT OF JUS-**  
 20 **TICE OFFICE OF LEGAL COUNSEL.**

21 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC  
 22 OPINIONS.—Each final OLC opinion shall be made avail-  
 23 able on its public website in a manner that is searchable,  
 24 sortable, and downloadable in its entirety as soon as is  
 25 practicable, but—

1           (1) not later than 30 days after the opinion is  
 2           issued or updated if such action takes place on or  
 3           after the date of enactment of this Act;

4           (2) not later than 1 year after the date of en-  
 5           actment of this Act for an opinion issued on or after  
 6           January 20, 1993;

7           (3) not later than 2 years after the date of en-  
 8           actment of this Act for an opinion issued on or after  
 9           January 20, 1981, and before or on January 19,  
 10          1993;

11          (4) not later than 3 years after the date of en-  
 12          actment of this Act for an opinion issued on or after  
 13          January 20, 1969, and before or on January 19,  
 14          1981; and

15          (5) not later than 4 years after the date of en-  
 16          actment of this Act for all other opinions.

17          (b) EXCEPTIONS AND LIMITATION ON PUBLIC  
 18          AVAILABILITY OF FINAL OLC OPINIONS.—

19               (1) IN GENERAL.—A final OLC opinion or part  
 20               thereof may be withheld only to the extent—

21                       (A) information contained in the opinion  
 22                       was—

23                               (i) specifically authorized to be kept  
 24                               secret, under criteria established by an Ex-



1            executive order, in the interest of national  
2            defense or foreign policy;

3            (ii) properly classified, including all  
4            procedural and marking requirements, pur-  
5            suant to such Executive order;

6            (iii) the Attorney General determines  
7            that the national defense or foreign policy  
8            interests protected outweigh the public's  
9            interest in access to the information; and

10           (iv) put through declassification re-  
11           view within the past two years;

12           (B) information contained in the opinion  
13           relates to the appointment of a specific indi-  
14           vidual not confirmed to Federal office;

15           (C) information contained in the opinion is  
16           specifically exempted from disclosure by statute  
17           (other than sections 552 and 552b of title 5,  
18           United States Code), if such statute—

19           (i) requires that the material be with-  
20           held in such a manner as to leave no dis-  
21           cretion on the issue; or

22           (ii) establishes particular criteria for  
23           withholding or refers to particular types of  
24           material to be withheld;

1 (D) information in the opinion includes  
2 trade secrets and commercial or financial infor-  
3 mation obtained from a person and privileged  
4 or confidential whose disclosure would likely  
5 cause substantial harm to the competitive posi-  
6 tion of the person from whom the information  
7 was obtained;

8 (E) the President, in his or her sole and  
9 nondelegable determination, formally and per-  
10 sonally claims in writing that executive privilege  
11 prevents the release of the information and dis-  
12 closure would cause specific identifiable harm to  
13 an interest protected by an exception or the dis-  
14 closure is prohibited by law; or

15 (F) information in the opinion includes  
16 personnel and medical files and similar files the  
17 disclosure of which would constitute a clearly  
18 unwarranted invasion of personal privacy.

19 (2) DETERMINATION TO WITHHOLD.—Any de-  
20 termination under this subsection to withhold infor-  
21 mation contained in a final OLC opinion shall be  
22 made by the Attorney General or a designee of the  
23 Attorney General. The determination shall be—

24 (A) in writing;

1 (B) made available to the public within the  
2 same timeframe as is required of a formal OLC  
3 opinion;

4 (C) sufficiently detailed as to inform the  
5 public of what kind of information is being  
6 withheld and the reason therefore; and

7 (D) effective only for a period of 3 years,  
8 subject to review and reissuance, with each  
9 reissuance made available to the public.

10 (3) FINAL OPINIONS.—For final OLC opinions  
11 for which the text is withheld in full or in substan-  
12 tial part, a detailed unclassified summary of the  
13 opinion shall be made available to the public, in the  
14 same timeframe as required of the final OLC opin-  
15 ion, that conveys the essence of the opinion, includ-  
16 ing any interpretations of a statute, the Constitu-  
17 tion, or other legal authority. A notation shall be in-  
18 cluded in any published list of final OLC opinions  
19 regarding the extent of the withholdings.

20 (4) NO LIMITATION ON FREEDOM OF INFORMA-  
21 TION.—Nothing in this subsection shall be construed  
22 as limiting the availability of information under sec-  
23 tion 552 of title 5, United States Code or construed  
24 as an exemption under paragraph (3) of subsection  
25 (b) of such section.

1           (5) NO LIMITATION ON RELIEF.—A decision by  
2       the Attorney General to release or withhold informa-  
3       tion pursuant to this title shall not preclude any ac-  
4       tion or relief conferred by statutory or regulatory re-  
5       gime that empowers any person to request or de-  
6       mand the release of information.

7           (6) REASONABLY SEGREGABLE PORTIONS OF  
8       OPINIONS TO BE PUBLISHED.—Any reasonably seg-  
9       regable portion of an opinion shall be provided after  
10      withholding of the portions which are exempt under  
11      this section. The amount of information withheld,  
12      and the exemption under which the withholding is  
13      made, shall be indicated on the released portion of  
14      the opinion, unless including that indication would  
15      harm an interest protected by the exemption in this  
16      paragraph under which the withholding is made. If  
17      technically feasible, the amount of the information  
18      withheld, and the exemption under which the with-  
19      holding is made, shall be indicated at the place in  
20      the opinion where such withholding is made.

21      (c) METHOD OF PUBLICATION.—The Attorney Gen-  
22      eral shall publish each final OLC opinion to the extent  
23      the law permits, including by publishing the opinions on  
24      a publicly accessible website that—

25           (1) with respect to each opinion—

1 (A) contains an electronic copy of the opin-  
2 ion, including any transmittal letter associated  
3 with the opinion, in an open format that is plat-  
4 form independent and that is available to the  
5 public without restrictions;

6 (B) provides the public the ability to re-  
7 trieve an opinion, to the extent practicable,  
8 through searches based on—

9 (i) the title of the opinion;

10 (ii) the date of publication or revision;

11 or

12 (iii) the full text of the opinion;

13 (C) identifies the time and date when the  
14 opinion was required to be published, and when  
15 the opinion was transmitted for publication;  
16 and

17 (D) provides a permanent means of access-  
18 ing the opinion electronically;

19 (2) includes a means for bulk download of all  
20 final OLC opinions or a selection of opinions re-  
21 trieved using a text-based search;

22 (3) provides free access to the opinions, and  
23 does not charge a fee, require registration, or impose  
24 any other limitation in exchange for access to the  
25 website; and

(4) is capable of being upgraded as necessary to carry out the purposes of this section.

(d) DEFINITIONS.—In this section:

(1) OLC OPINION.—The term “OLC opinion” means views on a matter of legal interpretation communicated by the Office of Legal Counsel of the Department of Justice to any other office or agency, or person in an office or agency, in the Executive Branch, including any office in the Department of Justice, the White House, or the Executive Office of the President, and rendered in accordance with sections 511–513 of title 28, United States Code, and relating to—

(A) subtitle II, III, V, or VI of title 31, United States Code;

(B) the Balanced Budget and Emergency Deficit Control Act of 1985;

(C) the Congressional Budget and Impoundment Control Act of 1974; or

(D) any appropriations Act, continuing resolution, or other provision of law providing or governing appropriations or budget authority.

(2) FINAL OLC OPINION.—The term “final OLC opinion” means an OLC opinion that—

(A) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant Attorney General for the Office of Legal Counsel, has determined is final; or

(B) is cited in another Office of Legal Counsel opinion.

## **TITLE III—REPUBLIC ACT**

### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Reforming Emergency Powers to Uphold the Balances and Limitations Inherent in the Constitution Act” or the “REPUBLIC Act”.

## **Subtitle A—Congressional Review of National Emergencies**

### **SEC. 311. CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES.**

The National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by inserting after title I the following:

## **“TITLE II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES**

### **“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.**

“(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency,

1 of any special or extraordinary power, the President is au-  
2 thorized to declare such a national emergency by procla-  
3 mation. Such proclamation shall immediately be trans-  
4 mitted to Congress and published in the Federal Register.

5 “(b) SPECIFICATION OF PROVISIONS OF LAW TO BE  
6 EXERCISED.—No powers or authorities made available by  
7 statute for use during the period of a national emergency  
8 shall be exercised unless and until the President specifies  
9 the provisions of law under which the President proposes  
10 that the President or other officers will act in—

11 “(1) a proclamation declaring a national emer-  
12 gency under subsection (a); or

13 “(2) one or more Executive orders relating to  
14 the emergency published in the Federal Register and  
15 transmitted to Congress.

16 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF  
17 EMERGENCIES NOT APPROVED.—

18 “(1) SUBSEQUENT DECLARATIONS.—If a joint  
19 resolution of approval is not enacted under section  
20 203 with respect to a national emergency before the  
21 expiration of the 45-day period described in section  
22 202(a), or with respect to a national emergency pro-  
23 posed to be renewed under section 202(b), the Presi-  
24 dent may not, during the remainder of the term of  
25 office of that President, declare a subsequent na-



1        tional emergency under subsection (a) with respect  
2        to the same circumstances.

3            “(2) EXERCISE OF AUTHORITIES.—If a joint  
4        resolution of approval is not enacted under section  
5        203 with respect to a power or authority specified by  
6        the President in a proclamation under subsection (a)  
7        or an Executive order under subsection (b)(2) with  
8        respect to a national emergency, the President may  
9        not, during the remainder of the term of office of  
10       that President, exercise that power or authority with  
11       respect to that emergency.

12       “(d) EFFECT OF FUTURE LAWS.—No law enacted  
13       after the date of the enactment of this Act shall supersede  
14       this title unless it does so in specific terms, referring to  
15       this title, and declaring that the new law supersedes the  
16       provisions of this title.

17       **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**  
18       **GENCIES.**

19       “(a) TEMPORARY EFFECTIVE PERIODS.—

20            “(1) IN GENERAL.—A declaration of a national  
21        emergency shall remain in effect for a period of 45  
22        calendar days from the issuance of the proclamation  
23        under section 201(a) (not counting the day on which  
24        the proclamation was issued) and shall terminate  
25        when such period expires unless there is enacted into

1 law a joint resolution of approval under section 203  
2 with respect to the proclamation.

3 “(2) EXERCISE OF POWERS AND AUTHORI-  
4 TIES.—Any emergency power or authority made  
5 available under a provision of law specified pursuant  
6 to section 201(b) may be exercised pursuant to a  
7 declaration of a national emergency for a period of  
8 45 calendar days from the issuance of the proclama-  
9 tion or Executive order (not counting the day on  
10 which such proclamation or Executive order was  
11 issued). That power or authority may not be exer-  
12 cised after such period expires unless there is en-  
13 acted into law a joint resolution of approval under  
14 section 203 approving—

15 “(A) the proclamation of the national  
16 emergency or the Executive order; and

17 “(B) the exercise of the power or authority  
18 specified by the President in such proclamation  
19 or Executive order.

20 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-  
21 tional emergency declared by the President under section  
22 201(a) or previously renewed under this subsection  
23 through the enactment of a joint resolution of approval,  
24 and not already terminated pursuant to subsection (a) or  
25 (c), shall terminate on the date that is one year after the

1 President transmitted to Congress the proclamation de-  
2 claring the emergency or the joint resolution of approval  
3 was enacted into law, unless—

4 “(1) the President publishes in the Federal  
5 Register and transmits to Congress an Executive  
6 order renewing the emergency; and

7 “(2) there is enacted into law a joint resolution  
8 of approval renewing the emergency pursuant to sec-  
9 tion 203 before the termination of the emergency or  
10 previous renewal of the emergency.

11 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

12 “(1) IN GENERAL.—Any national emergency  
13 declared by the President under section 201(a) shall  
14 terminate on the earliest of—

15 “(A) the date provided for in subsection  
16 (a);

17 “(B) the date provided for in subsection  
18 (b);

19 “(C) the date specified in an Act of Con-  
20 gress terminating the emergency; or

21 “(D) the date specified in a proclamation  
22 of the President terminating the emergency.

23 “(2) EFFECT OF TERMINATION.—

1           “(A) IN GENERAL.—Effective on the date  
2 of the termination of a national emergency  
3 under paragraph (1)—

4           “(i) except as provided by subpara-  
5 graph (B), any powers or authorities exer-  
6 cised by reason of the emergency shall  
7 cease to be exercised;

8           “(ii) any amounts reprogrammed or  
9 transferred under any provision of law  
10 with respect to the emergency that remain  
11 unobligated on that date shall be returned  
12 and made available for the purpose for  
13 which such amounts were appropriated;  
14 and

15           “(iii) any contracts entered into pur-  
16 suant to authorities provided as a result of  
17 the emergency shall be terminated.

18           “(B) SAVINGS PROVISION.—The termi-  
19 nation of a national emergency shall not af-  
20 fect—

21           “(i) any legal action taken or pending  
22 legal proceeding not finally concluded or  
23 determined on the date of the termination  
24 under paragraph (1);

1 “(ii) any legal action or legal pro-  
2 ceeding based on any act committed prior  
3 to that date; or

4 “(iii) any rights or duties that ma-  
5 tured or penalties that were incurred prior  
6 to that date.

7 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**  
8 **GENCIES.**

9 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—  
10 In this section, the term ‘joint resolution of approval’  
11 means a joint resolution that contains, after its resolving  
12 clause, only—

13 “(1) a provision approving—

14 “(A) a proclamation of a national emer-  
15 gency made under section 201(a);

16 “(B) an Executive order issued under sec-  
17 tion 201(b)(2); or

18 “(C) an Executive order issued under sec-  
19 tion 202(b); and

20 “(2) a provision approving a list of all or a por-  
21 tion of the provisions of law specified by the Presi-  
22 dent under section 201(b) in the proclamation or  
23 Executive order that is the subject of the joint reso-  
24 lution.

1       “(b) PROCEDURES FOR CONSIDERATION OF JOINT  
2 RESOLUTIONS OF APPROVAL.—

3           “(1) INTRODUCTION.—After the President  
4 transmits to Congress a proclamation declaring a  
5 national emergency under section 201(a), or trans-  
6 mits to Congress an Executive order specifying  
7 emergency powers or authorities under section  
8 201(b)(2) or renewing a national emergency under  
9 section 202(b), a joint resolution of approval may be  
10 introduced in either House of Congress by any mem-  
11 ber of that House.

12           “(2) CONSIDERATION IN SENATE.—In the Sen-  
13 ate, the following shall apply:

14           “(A) REPORTING AND DISCHARGE.—If  
15 each committee to which a joint resolution of  
16 approval has been referred has not reported it  
17 at the end of 10 calendar days after its intro-  
18 duction, that committee shall be automatically  
19 discharged from further consideration of the  
20 resolution and it shall be placed on the cal-  
21 endar.

22           “(B) PROCEEDING TO CONSIDERATION.—  
23 Notwithstanding Rule XXII of the Standing  
24 Rules of the Senate, when each committee to  
25 which a joint resolution of approval is referred

1 has reported the resolution, or is discharged  
2 under subparagraph (A) from further consider-  
3 ation of the resolution, it is at any time there-  
4 after in order (even though a previous motion  
5 to the same effect has been disagreed to) for a  
6 motion to proceed to the consideration of the  
7 joint resolution, and all points of order against  
8 the joint resolution (and against consideration  
9 of the joint resolution) are waived. The motion  
10 to proceed is subject to 4 hours of debate di-  
11 vided equally between those favoring and those  
12 opposing the joint resolution of approval. The  
13 motion is not subject to amendment, or to a  
14 motion to postpone, or to a motion to proceed  
15 to the consideration of other business.

16 “(C) FLOOR CONSIDERATION.—A joint  
17 resolution of approval shall be subject to 10  
18 hours of consideration, to be divided evenly be-  
19 tween the proponents and opponents of the res-  
20 olution.

21 “(D) AMENDMENTS.—No amendments  
22 shall be in order with respect to a joint resolu-  
23 tion of approval.

24 “(E) MOTION TO RECONSIDER FINAL  
25 VOTE.—A motion to reconsider a vote on pas-

1           sage of a joint resolution of approval shall not  
2           be in order.

3           “(F) APPEALS.—Points of order, including  
4           questions of relevancy, and appeals from the de-  
5           cision of the Presiding Officer, shall be decided  
6           without debate.

7           “(3) CONSIDERATION IN HOUSE OF REP-  
8           RESENTATIVES.—In the House of Representatives,  
9           the following shall apply:

10           “(A) REPORTING AND DISCHARGE.—If  
11           each committee to which a joint resolution of  
12           approval has been referred has not reported it  
13           to the House within 10 calendar days after the  
14           date of referral, such committee shall be dis-  
15           charged from further consideration of the joint  
16           resolution.

17           “(B) PROCEEDING TO CONSIDERATION.—

18           “(i) IN GENERAL.—Beginning on the  
19           third legislative day after each committee  
20           to which a joint resolution of approval has  
21           been referred reports it to the House or  
22           has been discharged from further consider-  
23           ation, and except as provided in clause (ii),  
24           it shall be in order to move to proceed to  
25           consider the joint resolution in the House.



1 All points of order against the motion are  
2 waived. The previous question shall be con-  
3 sidered as ordered on the motion to its  
4 adoption without intervening motion. The  
5 motion shall not be debatable. A motion to  
6 reconsider the vote by which the motion is  
7 disposed of shall not be in order.

8 “(ii) SUBSEQUENT MOTIONS TO PRO-  
9 CEED TO JOINT RESOLUTION OF AP-  
10 PROVAL.—A motion to proceed to consider  
11 a joint resolution of approval shall not be  
12 in order after the House has disposed of  
13 another motion to proceed on that joint  
14 resolution.

15 “(C) FLOOR CONSIDERATION.—Upon  
16 adoption of the motion to proceed in accordance  
17 with subparagraph (B)(i), the joint resolution  
18 of approval shall be considered as read. All  
19 points of order against the joint resolution of  
20 approval and against its consideration are  
21 waived. The previous question shall be consid-  
22 ered as ordered on the joint resolution to final  
23 passage without intervening motion except two  
24 hours of debate, equally divided and controlled  
25 by the sponsor of the joint resolution (or a des-

1           ignee) and an opponent. A motion to reconsider  
2           the vote on passage of the joint resolution shall  
3           not be in order.

4           “(D) AMENDMENTS.—No amendments  
5           shall be in order with respect to a joint resolu-  
6           tion of approval.

7           “(4) RECEIPT OF RESOLUTION FROM OTHER  
8           HOUSE.—

9           “(A) IN GENERAL.—If, before passing a  
10          joint resolution of approval, one House receives  
11          a joint resolution of approval from the other  
12          House, then—

13               “(i) the joint resolution of the other  
14               House shall not be referred to a committee  
15               and shall be deemed to have been dis-  
16               charged from committee on the day it is  
17               received; and

18               “(ii) the procedures set forth in para-  
19               graphs (2) and (3), as applicable, shall  
20               apply in the receiving House to the joint  
21               resolution received from the other House  
22               to the same extent as such procedures  
23               apply to a joint resolution of the receiving  
24               House.

1                   “(B) APPLICATION TO REVENUE MEAS-  
2                   URES.—The provisions of this paragraph shall  
3                   not apply in the House of Representatives to a  
4                   joint resolution of approval that is a revenue  
5                   measure.

6                   “(c) RULE OF CONSTRUCTION.—The enactment of a  
7                   joint resolution of approval under this section shall not  
8                   be interpreted to serve as a grant or modification by Con-  
9                   gress of statutory authority for the emergency powers of  
10                  the President.

11                  “(d) RULES OF THE HOUSE AND SENATE.—This sec-  
12                  tion is enacted by Congress—

13                       “(1) as an exercise of the rulemaking power of  
14                   the Senate and the House of Representatives, re-  
15                   spectively, and as such is deemed a part of the rules  
16                   of each House, respectively, but applicable only with  
17                   respect to the procedure to be followed in the House  
18                   in the case of joint resolutions described in this sec-  
19                   tion, and supersedes other rules only to the extent  
20                   that it is inconsistent with such other rules; and

21                       “(2) with full recognition of the constitutional  
22                   right of either House to change the rules (so far as  
23                   relating to the procedure of that House) at any time,  
24                   in the same manner, and to the same extent as in  
25                   the case of any other rule of that House.

1 **“SEC. 204. APPLICABILITY.**

2       “‘This title shall apply to a national emergency pursu-  
3 ant to which the President proposes to exercise emergency  
4 powers or authorities made available under any provision  
5 of law that is not a provision of law described in section  
6 604(a).’”.

7 **SEC. 312. REPORTING REQUIREMENTS.**

8       Section 401 of the National Emergencies Act (50  
9 U.S.C. 1641) is amended—

10           (1) in subsection (c)—

11                   (A) in the first sentence by inserting “,  
12 and make publicly available” after “transmit to  
13 Congress”; and

14                   (B) in the second sentence by inserting “,  
15 and make publicly available,” before “a final re-  
16 port”; and

17           (2) by adding at the end the following:

18       “(d) REPORT ON EMERGENCIES.—The President  
19 shall transmit to the entities described in subsection (g),  
20 with any proclamation declaring a national emergency  
21 under section 201(a) or any Executive order specifying  
22 emergency powers or authorities under section 201(b)(2)  
23 or renewing a national emergency under section 202(b),  
24 a report, in writing, that includes the following:

25                   “(1) A description of the circumstances necessi-  
26 tating the declaration of a national emergency, the

1 renewal of such an emergency, or the use of a new  
2 emergency authority specified in the Executive  
3 order, as the case may be.

4 “(2) The estimated duration of the national  
5 emergency, or a statement that the duration of the  
6 national emergency cannot reasonably be estimated  
7 at the time of transmission of the report.

8 “(3) A summary of the actions the President or  
9 other officers intend to take, including any re-  
10 programming or transfer of funds, and the statutory  
11 authorities the President and such officers expect to  
12 rely on in addressing the national emergency.

13 “(4) The total expenditures estimated to be in-  
14 curred by the United States Government during  
15 such six-month period which are directly attributable  
16 to the exercise of powers and authorities conferred  
17 by such declaration.

18 “(5) In the case of a renewal of a national  
19 emergency, a summary of the actions the President  
20 or other officers have taken in the preceding one-  
21 year period, including any reprogramming or trans-  
22 fer of funds, to address the emergency.

23 “(e) PROVISION OF INFORMATION TO CONGRESS.—  
24 The President shall provide to the entities described in  
25 subsection (g) such other information as such entities may

1 request in connection with any national emergency in ef-  
2 fect under title II.

3 “(f) PERIODIC REPORTS ON STATUS OF EMER-  
4 GENCIES.—If the President declares a national emergency  
5 under section 201(a), the President shall, not less fre-  
6 quently than every 6 months for the duration of the emer-  
7 gency, report to the entities described in subsection (g)  
8 on the status of the emergency, the total expenditures in-  
9 curred by the United States Government, and the actions  
10 the President or other officers have taken and authorities  
11 the President and such officers have relied on in address-  
12 ing the emergency.

13 “(g) ENTITIES DESCRIBED.—The entities described  
14 in this subsection are—

15 “(1) the Speaker of the House of Representa-  
16 tives;

17 “(2) minority leader of the House of Represent-  
18 atives;

19 “(3) the Committee on Transportation and In-  
20 frastructure of the House of Representatives; and

21 “(4) the Committee on Homeland Security and  
22 Governmental Affairs of the Senate.”.

1 **SEC. 313. EXCLUSION OF CERTAIN NATIONAL EMER-**  
2 **GENCIES INVOKING INTERNATIONAL EMER-**  
3 **GENCY ECONOMIC POWERS ACT.**

4 (a) IN GENERAL.—The National Emergencies Act  
5 (50 U.S.C. 1601 et seq.), as amended by this subtitle, is  
6 further amended by adding at the end the following:

7 **“TITLE VI—DECLARATIONS OF**  
8 **CERTAIN EMERGENCIES IN-**  
9 **VOKING INTERNATIONAL**  
10 **EMERGENCY ECONOMIC POW-**  
11 **ERS ACT**

12 **“SEC. 604. APPLICABILITY.**

13 “(a) IN GENERAL.—This title shall apply to a na-  
14 tional emergency pursuant to which the President pro-  
15 poses to exercise emergency powers or authorities made  
16 available under the International Emergency Economic  
17 Powers Act (50 U.S.C. 1701 et seq.).

18 “(b) EFFECT OF ADDITIONAL POWERS AND AU-  
19 THORITIES.—This title shall not apply to a national emer-  
20 gency or the exercise of emergency powers and authorities  
21 pursuant to the national emergency if, in addition to the  
22 exercise of emergency powers and authorities described in  
23 subsection (a), the President proposes to exercise, pursu-  
24 ant to the national emergency, any emergency powers and  
25 authorities under any other provision of law.”.

1       (b) TRANSFER.—Sections 201, 202, and 301 of the  
2 National Emergencies Act (50 U.S.C. 1601 et seq.), as  
3 such sections appeared on the day before the date of the  
4 enactment of this Act, are—

5           (1) transferred to title VI of such Act (as added  
6 by subsection (a));

7           (2) inserted before section 604 of such title (as  
8 added by subsection (a)); and

9           (3) redesignated as sections 601, 602, and 603,  
10 respectively.

11       (c) CONFORMING AMENDMENT.—Title II of the Na-  
12 tional Emergencies Act (50 U.S.C. 1601 et seq.), as such  
13 title appeared the day before the date of the enactment  
14 of this Act, is amended by striking the heading for such  
15 title.

16 **SEC. 314. CONFORMING AMENDMENTS.**

17       (a) NATIONAL EMERGENCIES ACT.—Title III of the  
18 National Emergencies Act (50 U.S.C. 1631) is repealed.

19       (b) INTERNATIONAL EMERGENCY ECONOMIC POW-  
20 ERS ACT.—Section 207(b) of the International Emergency  
21 Economic Powers Act (50 U.S.C. 1706) is amended by  
22 striking “concurrent resolution” each place it appears and  
23 inserting “joint resolution”.



1 **SEC. 315. EFFECTIVE DATE; APPLICABILITY.**

2 (a) IN GENERAL.—This title and the amendments  
3 made by this title shall—

4 (1) take effect on the date of the enactment of  
5 this Act; and

6 (2) except as provided in subsection (b), apply  
7 with respect to national emergencies declared under  
8 section 201 of the National Emergencies Act on or  
9 after such date.

10 (b) APPLICABILITY TO RENEWALS OF EXISTING  
11 EMERGENCIES.—With respect to a national emergency de-  
12 clared under section 201 of the National Emergencies Act  
13 before the date of the enactment of this Act that would  
14 expire or be renewed under section 202(d) of that Act (as  
15 in effect on the day before such date of enactment), that  
16 national emergency shall be subject to the requirements  
17 for renewal under section 202(b) of that Act, as amended  
18 by section 311.

19 (c) SUPERSESSION.—This title and the amendments  
20 made by this title shall supersede title II of the National  
21 Emergencies Act (50 U.S.C. 1621 et seq.) as such title  
22 was in effect on the day before the date of enactment of  
23 this Act.

## **Subtitle B—Limitations on Emergency Authorities**

### **SEC. 321. PRESIDENTIAL WAR POWERS UNDER COMMUNICATIONS ACT OF 1934.**

Section 706 of the Communications Act of 1934 (47 U.S.C. 606) is amended—

(1) in subsection (c), by inserting “and declares a national emergency” after “in the interest of national security or defense,”; and

(2) in subsection (d), by striking “there exists” and inserting “a national emergency exists by virtue of there being”.

### **SEC. 322. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.**

(a) IN GENERAL.—Not later than 3 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) DOCUMENTS IN EXISTENCE BEFORE DATE OF ENACTMENT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

1 (c) OVERSIGHT.—

2 (1) SENATE.—The Committee on Homeland  
3 Security and Governmental Affairs of the Senate  
4 shall have—

5 (A) continuing legislative oversight juris-  
6 diction in the Senate with respect to the pro-  
7 posal, creation, implementation, and execution  
8 of presidential emergency action documents;  
9 and

10 (B) access to any and all presidential  
11 emergency action documents.

12 (2) HOUSE OF REPRESENTATIVES.—The Com-  
13 mittee on Oversight and Accountability of the House  
14 of Representatives shall have—

15 (A) continuing legislative oversight juris-  
16 diction in the House of Representatives with re-  
17 spect to the proposal, creation, implementation,  
18 and execution of presidential emergency action  
19 documents; and

20 (B) access to any and all presidential  
21 emergency action documents.

22 (3) DUTY TO COOPERATE.—All officers and em-  
23 ployees of any Federal agency shall have the duty to  
24 cooperate with the exercise of oversight jurisdiction  
25 described in this subsection.

1           (4) SECURITY CLEARANCES.—The chairpersons  
2           and ranking members of the appropriate congressional  
3           committees, and designated staff of those  
4           committees, shall be granted all security clearances  
5           required to access, and granted access to, presidential  
6           emergency action documents, including under  
7           relevant Presidential or agency special access and  
8           compartmented access programs.

9           (d) DEFINITIONS.—In this section:

10           (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

11                   (A) the Committee on Homeland Security  
12                   and Governmental Affairs of the Senate; and

13                   (B) the Committee on Oversight and Accountability of the House of Representatives.

14           (2) FEDERAL AGENCY.—The term “Federal  
15           agency”—

16                   (A) has the meaning given the term “agency” in section 552(f) of title 5, United States  
17                   Code; and

18                   (B) includes the Executive Office of the President, the Executive Office of the Vice President, the Office of Management and Budget, and the National Security Council.

1           (3) PRESIDENTIAL EMERGENCY ACTION DOCU-  
2           MENT.—The term “presidential emergency action  
3           document” refers to any document created by any  
4           Federal agency before, on, or after the date of the  
5           enactment of this Act, that is—

6                   (A) designated as a presidential emergency  
7                   action document or presidential emergency ac-  
8                   tion directive;

9                   (B) designed to implement a presidential  
10                  decision or transmit a presidential request when  
11                  an emergency disrupts normal executive, legisla-  
12                  tive, judicial, or other Federal Governmental  
13                  processes;

14                  (C) a Presidential Policy Directive, regard-  
15                  less of whether the directive is available to the  
16                  public, that triggers any change in policies, pro-  
17                  cedures, or operations of the Federal Govern-  
18                  ment upon the declaration by the President of  
19                  an emergency; or

20                  (D) any other document, briefing, or plan,  
21                  regardless of whether the document, briefing, or  
22                  plan exists in any tangible or written form, that  
23                  triggers any change in operations of the Fed-

- 1           eral Government upon the declaration by the
- 2           President of an emergency.

