

116TH CONGRESS
2D SESSION

H. R. 6628

To amend the Congressional Budget and Impoundment Control Act of 1974 to strengthen congressional control and review, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2020

Mr. YARMUTH (for himself, Mrs. LOWEY, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Oversight and Reform, Transportation and Infrastructure, Rules, Foreign Affairs, Ways and Means, and the Judiciary, 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

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to strengthen congressional control and review, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Congressional Power of the Purse Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING CONGRESSIONAL CONTROL AND
REVIEW TO PREVENT IMPOUNDMENT

- Sec. 101. Strengthening congressional control.
 Sec. 102. Strengthening congressional review.
 Sec. 103. Updated authorities for and reporting by the Comptroller General.
 Sec. 104. Advance congressional notification and litigation.
 Sec. 105. Penalties for failure to comply with the Impoundment Control Act of 1974.

TITLE II—STRENGTHENING TRANSPARENCY AND REPORTING

Subtitle A—Funds Management and Reporting to the Congress

- Sec. 201. Expired balance reporting in the President's budget.
 Sec. 202. Cancelled balance reporting in the President's budget.
 Sec. 203. Lapse in appropriations reporting in the President's budget.
 Sec. 204. Transfer and other repurposing authority reporting in the President's budget.
 Sec. 205. Authorizing cancellations in indefinite accounts by appropriation.

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

- Sec. 211. Requirement to respond to requests for information from the Government Accountability Office for budget and appropriations law decisions.
 Sec. 212. Reporting requirements for Antideficiency Act violations.
 Sec. 213. Department of Justice reporting to Congress for Antideficiency Act violations.
 Sec. 214. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel.

TITLE III—STRENGTHENING CONGRESSIONAL ROLE IN AND
OVERSIGHT OF EMERGENCY DECLARATIONS AND DESIGNATIONS

- Sec. 301. Improving checks and balances on the use of the National Emergencies Act.
 Sec. 302. National Emergencies Act declaration spending reporting in the President's budget.
 Sec. 303. Emergency and overseas contingency operations designations by Congress in statute.

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

5 **SEC. 101. STRENGTHENING CONGRESSIONAL CONTROL.**

6 (a) IN GENERAL.—The Impoundment Control Act of
7 1974 (2 U.S.C. 681 et seq.) is amended by adding at the
8 end the following:

9 “PRUDENT OBLIGATION OF BUDGET AUTHORITY AND
10 SPECIFIC REQUIREMENTS FOR EXPIRING BUDGET
11 AUTHORITY

12 “SEC. 1018. (a) SPECIAL MESSAGE REQUIRE-
13 MENT.—With respect to budget authority proposed to be
14 rescinded or that is set to be reserved or proposed to be
15 deferred in a special message transmitted under section
16 1012 or 1013, such budget authority—

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

20 “(2) may not be deferred or otherwise withheld
21 from obligation during the 90-day period before the
22 expiration of the period of availability of such budget
23 authority, including, if applicable, the 90-day period
24 before the expiration of an initial period of avail-

1 ability for which such budget authority was pro-
2 vided.

3 “(b) ADMINISTRATIVE REQUIREMENT.—With respect
4 to an apportionment of an appropriation (as that term is
5 defined in section 1511 of title 31, United States Code)
6 made pursuant to section 1512 of such title, an appropria-
7 tion shall be apportioned—

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

10 “(2) to make available all amounts for obliga-
11 tion, without precondition or limitation (including
12 footnotes) that shall be met prior to obligation, not
13 later than 90 days before the expiration of the pe-
14 riod of availability of such appropriation, including,
15 if applicable, 90 days before the expiration of an ini-
16 tial period of availability for which such appropria-
17 tion was provided.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of the Congressional Budget and Impoundment Control
20 Act of 1974 set forth in section 1(b) of such Act is amend-
21 ed by adding after the item relating to section 1017 the
22 following:

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

1 **SEC. 102. STRENGTHENING CONGRESSIONAL REVIEW.**

2 (a) IN GENERAL.—The Impoundment Control Act of
3 1974 (2 U.S.C. 681 et seq.), as amended by section
4 101(a), is further amended by adding at the end the fol-
5 lowing:

6 “REPORTING

7 “SEC. 1019. (a) APPORTIONMENT OF APPROPRIA-
8 TIONS.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this section, the Of-
11 fice of Management and Budget shall complete im-
12 plementation of an automated system to post each
13 document apportioning an appropriation, pursuant
14 to section 1513(b) of title 31, United States Code,
15 including any associated footnotes, in a format that
16 qualifies each such document as an Open Govern-
17 ment Data Asset (as defined in section 3502 of title
18 44, United States Code), not later than 2 business
19 days after the date of approval of such apportion-
20 ment, and shall place on such website each docu-
21 ment apportioning an appropriation, pursuant to
22 such section 1513(b), including any associated foot-
23 notes, already approved for the fiscal year, and shall
24 report the date of completion of such requirements
25 to the Committees on the Budget and Appropria-
26 tions of the House of Representatives and Senate.

1 “(2) EXPLANATORY STATEMENT.—Each docu-
2 ment apportioning an appropriation posted on a
3 publicly accessible website under paragraph (1) shall
4 also include a written explanation by the official ap-
5 proving each such apportionment (pursuant to sec-
6 tion 1513(b) of title 31, United States Code) of the
7 rationale for the apportionment schedule and for any
8 footnotes.

9 “(3) SPECIAL PROCESS FOR TRANSMITTING
10 CLASSIFIED DOCUMENTATION TO THE CONGRESS.—
11 The Office of Management and Budget or the appli-
12 cable department or agency shall make available
13 classified documentation relating to apportionment
14 to appropriate congressional committees on a sched-
15 ule to be determined by each such committee.

16 “(4) DEPARTMENT AND AGENCY REPORT.—
17 Each department or agency shall notify the Commit-
18 tees on the Budget and Appropriations of the House
19 of Representatives and the Senate and any other ap-
20 propriate 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;

24 “(B) an approved apportionment received
25 by the department or agency conditions the

1 availability of an appropriation on further ac-
2 tion; or

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

8 and such notification shall contain information iden-
9 tifying the bureau, account name, appropriation
10 name, and Treasury Appropriation Fund Symbol or
11 fund account.

12 “(b) APPROVING OFFICIALS.—

13 “(1) DELEGATION OF AUTHORITY.—Not later
14 than 15 days after the date of enactment of this sec-
15 tion, any delegation of apportionment authority pur-
16 suant to section 1513(b) of title 31, United States
17 Code that is in effect as of such date shall be sub-
18 mitted for publication in the Federal Register. Any
19 delegation of such apportionment authority after the
20 date of enactment of this section shall, on the date
21 of such delegation, be submitted for publication in
22 the Federal Register. The Office of Management
23 and Budget shall publish such delegations in a for-
24 mat that qualifies such publications as an Open
25 Government Data Asset (as defined in section 3502

1 of title 44, United States Code) on a public internet
2 website, which shall be continuously updated with
3 the position of each Federal officer or employee to
4 whom apportionment authority has been delegated.

5 “(2) REPORT TO CONGRESS.—Not later than 5
6 days after any change in the position of the approv-
7 ing official with respect to such delegated apporportion-
8 ment authority for any account is made, the Office
9 shall submit a report to the Congress explaining why
10 such change was made.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of the Congressional Budget and Impoundment Control
13 Act of 1974 set forth in section 1(b) of such Act, as
14 amended by section 101(b), is further amended by adding
15 after the item relating to section 1018 the following:

“1019. Reporting.”.

16 **SEC. 103. UPDATED AUTHORITIES FOR AND REPORTING BY**
17 **THE COMPTROLLER GENERAL.**

18 (a) Section 1015 of the Impoundment Control Act
19 of 1974 (2 U.S.C. 686) is amended—

20 (1) in subsection (a), in the matter following
21 paragraph (2), by striking the last sentence; and

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

23 “(c) REVIEW.—

24 “(1) IN GENERAL.—The Comptroller General
25 shall review compliance with this part and shall sub-

1 mit to the Committees on the Budget, Appropria-
2 tions, and Oversight and Reform of the House of
3 Representatives, the Committees on the Budget, Ap-
4 propriations, and Homeland Security and Govern-
5 mental Affairs of the Senate, and any other appro-
6 priate congressional committee of the House of Rep-
7 resentatives and Senate a report, and any relevant
8 information related to the report, on any noncompli-
9 ance with this part.

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

22 “(3) ACCESS.—To carry out the responsibilities
23 of this part, the Comptroller General shall also have
24 access to interview the officers, employees, contrac-
25 tors, and other agents and representatives of a de-

1 triet Court for the District of Columbia to require such
2 budget authority to be made available for obligation or
3 such information, documentation, views, or access to be
4 produced, and such court is expressly empowered to enter
5 in such civil action, against any department, agency, offi-
6 cer, or employee of the United States, any decree, judg-
7 ment, or order which may be necessary or appropriate to
8 make such budget authority available for obligation or
9 compel production of such information, documentation,
10 views, or access. No civil action shall be brought by the
11 Comptroller General to require budget authority be made
12 available under this section until the expiration of 15 cal-
13 endar days following the date on which an explanatory
14 statement by the Comptroller General of the cir-
15 cumstances giving rise to the action contemplated is filed
16 with the Speaker of the House of Representatives and the
17 President of the Senate, except that expiration of such pe-
18 riod shall not be required if the Comptroller General finds
19 (and incorporates the finding in the explanatory statement
20 filed) that the delay would be contrary to the public inter-
21 est.”.

22 **SEC. 105. PENALTIES FOR FAILURE TO COMPLY WITH THE**
23 **IMPOUNDMENT CONTROL ACT OF 1974.**

24 (a) IN GENERAL.—The Impoundment Control Act of
25 1974 (2 U.S.C. 681 et seq.), as amended by section

1 102(a), is further amended by adding at the end the fol-
2 lowing:

3 “PENALTIES FOR FAILURE TO COMPLY

4 “SEC. 1020. (a) ADMINISTRATIVE DISCIPLINE.—An
5 officer or employee of the Executive Branch of the United
6 States Government violating this part shall be subject to
7 appropriate administrative discipline including, when cir-
8 cumstances warrant, suspension from duty without pay or
9 removal from office.

10 “(b) REPORTING VIOLATIONS.—

11 “(1) IN GENERAL.—In the event of a violation
12 of section 1001, 1012, 1013, or 1018 of this part,
13 or in the case that the Government Accountability
14 Office issues a legal decision concluding that a de-
15 partment, agency, or office of the United States vio-
16 lated this part, the President or the head of the rel-
17 evant department or agency as the case may be,
18 shall report immediately to Congress all relevant
19 facts and a statement of actions taken. A copy of
20 each report shall also be transmitted to the Comp-
21 troller General and the relevant inspector general on
22 the same date the report is transmitted to the Con-
23 gress.

24 “(2) CONTENTS.—Any such report shall include
25 a summary of the facts pertaining to the violation,
26 the title and Treasury Appropriation Fund Symbol

1 of the appropriation or fund account, the amount in-
2 volved for each violation, the date on which the vio-
3 lation occurred, the position of any individuals re-
4 sponsible for the violation, a statement of the admin-
5 istrative discipline imposed and any further action
6 taken with respect to any officer or employee in-
7 volved in the violation, and a statement of any addi-
8 tional action taken to prevent recurrence of the same
9 type of violation. In the case that the Government
10 Accountability Office issues a legal decision con-
11 cluding that a department, agency, or office of the
12 United States violated this part and the relevant de-
13 partment, agency, or office does not agree that a
14 violation has occurred, the report provided to Con-
15 gress, the Comptroller General, and relevant inspec-
16 tor general will explain its position.

17 “(3) OPPORTUNITY TO RESPOND.—If the report
18 identifies the position of any officer or employee as
19 involved in the violation, such officer or employee
20 shall be provided a reasonable opportunity to re-
21 spond in writing, and any such response shall be ap-
22 pended to the report.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of the Congressional Budget and Impoundment Control
25 Act of 1974 set forth in section 1(b) of such Act, as

1 amended by section 102(b), is further amended by adding
2 after the item relating to section 1019 the following:

“1020. Penalties for failure to comply.”.

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

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

8 **SEC. 201. 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 budgets for each of fiscal years
13 2022 through 2026, a report on—

14 “(A) unobligated expired balances as of the
15 beginning of the current fiscal year and the be-
16 ginning of each of the preceding 2 fiscal years
17 by agency and the applicable Treasury Appro-
18 priation Fund Symbol or fund account; and

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

1 **SEC. 202. 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 201, is further amended by adding
5 at the end the following:

6 “(41) for the budgets for each of fiscal years
7 2022 through 2026, a report on—

8 “(A) cancelled balances (pursuant to sec-
9 tion 1552(a)) for the preceding 3 fiscal years by
10 agency and Treasury Appropriation Fund Sym-
11 bol or fund account;

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

17 “(C) a tabulation, by Treasury Appropria-
18 tion Fund Symbol or fund account and appro-
19 priation, of all balances of appropriations avail-
20 able for an indefinite period in an appropriation
21 account available for an indefinite period that
22 do not meet the criteria for closure under sec-
23 tion 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. 203. 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 202, is further amended by adding
14 at the end the following:

15 “(42) a report on—

16 “(A) any obligation or expenditure made
17 by a department or agency affected in whole or
18 in part by any lapse in appropriations of 5 con-
19 secutive days or more during the preceding fis-
20 cal year; and

21 “(B)(i) with respect to any such obligation
22 or expenditure, the amount so obligated or ex-
23 pended, the account affected, and an expla-
24 nation of which Antideficiency Act exceptions
25 permitted the department or agency, as the

1 case may be, to incur such obligation or expend-
2 iture; and

3 “(ii) an explanation of any changes in the
4 application of any Antideficiency Act exception
5 for a program, project, or activity from any ex-
6 planations previously reported on pursuant to
7 this paragraph.”.

8 **SEC. 204. TRANSFER AND OTHER REPURPOSING AUTHOR-**
9 **ITY REPORTING IN THE PRESIDENT’S BUDG-**
10 **ET.**

11 Section 1105(a) of title 31, United States Code, as
12 amended by section 203, is further amended by adding
13 at the end the following:

14 “(43) for the budget for fiscal year 2022, a re-
15 port on—

16 “(A) any transfer authority or other au-
17 thority to repurpose appropriations provided in
18 a law other than an appropriation act; and

19 “(B) with respect to any such authority,
20 the citation to the statute, the list of depart-
21 ments or agencies covered, an explanation of
22 when such authority may be used, and an ex-
23 planation on any use of such authority in the
24 preceding 3 fiscal years.”.

1 **SEC. 205. AUTHORIZING CANCELLATIONS IN INDEFINITE**
2 **ACCOUNTS BY APPROPRIATION.**

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

6 **“SEC. 1555a. CANCELLATION OF APPROPRIATIONS AVAIL-**
7 **ABLE FOR INDEFINITE PERIODS WITHIN AN**
8 **ACCOUNT.**

9 “Any remaining balance (whether obligated or unobli-
10 gated) from an appropriation available for an indefinite
11 period in an appropriation account available for an indefi-
12 nite period that does not meet the requirements for closure
13 under section 1555 shall be canceled, and thereafter shall
14 not be available for obligation or expenditure for any pur-
15 pose, if—

16 “(1) the head of the agency concerned or the
17 President determines that the purposes for which
18 the appropriation was made have been carried out;
19 and

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

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

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

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

5 **SEC. 211. REQUIREMENT TO RESPOND TO REQUESTS FOR**
6 **INFORMATION FROM THE GOVERNMENT AC-**
7 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
8 **PROPRIATIONS LAW DECISIONS.**

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 **“SEC. 722. REQUIREMENT TO RESPOND TO REQUESTS FOR**
13 **INFORMATION FROM THE GOVERNMENT AC-**
14 **COUNTABILITY OFFICE FOR BUDGET AND AP-**
15 **PROPRIATIONS LAW DECISIONS.**

16 “(a) If an executive agency or the District of Colum-
17 bia government receives a written request for information,
18 documentation, or views from the Government Account-
19 ability Office relating to a decision or opinion on budget
20 or appropriations law, the executive agency or the District
21 of Columbia government shall provide the requested infor-
22 mation, documentation, or views not later than 20 days
23 after receiving the written request, unless such written re-
24 quest specifically provides otherwise.

1 “(b) If an executive agency or the District of Colum-
2 bia government fails to respond to the request for informa-
3 tion, documentation, or views within the time required by
4 this section—

5 “(1) the Comptroller General shall notify, in
6 writing, the Committee on Oversight and Reform of
7 the House of Representatives, Committee on Home-
8 land Security and Governmental Affairs of the Sen-
9 ate, and any other appropriate congressional com-
10 mittee of the House of Representatives and the Sen-
11 ate of such failure; and

12 “(2) the Comptroller General is hereby ex-
13 pressly empowered, through attorneys of their own
14 selection, to bring a civil action in the United States
15 District Court for the District of Columbia to re-
16 quire such information, documentation, or views to
17 be produced, and such court is expressly empowered
18 to enter in such civil action, against any department,
19 agency, officer, or employee of the United States,
20 any decree, judgment, or order which may be nec-
21 essary or appropriate to require such production.

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

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

“722. Requirement to respond to requests for information from the Government
Accountability Office for budget and appropriations law deci-
sions.”.

5 **SEC. 212. REPORTING REQUIREMENTS FOR ANTIDEFICIEN-**
6 **CY ACT VIOLATIONS.**

7 (a) VIOLATIONS OF SECTION 1341 OR 1342.—Sec-
8 tion 1351 of title 31, United States Code, is amended—
9 (1) by striking “If” and inserting “(a) If the
10 Government Accountability Office, an executive
11 agency, or the District of Columbia government de-
12 termines that”; and

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

14 “(b) Any such report shall include a summary of the
15 facts pertaining to the violation, the title and Treasury
16 Appropriation Fund Symbol of the appropriation or fund
17 account, the amount involved for each violation, the date
18 on which the violation occurred, the position of any officer
19 or employee responsible for the violation, a statement of
20 the administrative discipline imposed and any further ac-
21 tion taken with respect to any officer or employee involved
22 in the violation, a statement of any additional action taken
23 to prevent recurrence of the same type of violation, a
24 statement of any determination that the violation was not

1 knowing and willful that has been made by the executive
2 agency or District of Columbia government, and any writ-
3 ten response by any officer or employee identified by posi-
4 tion as involved in the violation. In the case that the Gov-
5 ernment Accountability Office issues a legal decision con-
6 cluding that section 1341(a) or 1342 was violated and the
7 executive agency or District of Columbia government, as
8 applicable, does not agree that a violation has occurred,
9 the report provided to the President, the Congress, and
10 the Comptroller General will explain its position.”.

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

13 (1) in subsection (b), by striking “If” and in-
14 serting “If the Government Accountability Office, an
15 executive agency, or the District of Columbia gov-
16 ernment determines that”; and

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

18 “(c) Any such report shall include a summary of the
19 facts pertaining to the violation, the title and Treasury
20 Appropriation Fund Symbol of the appropriation or fund
21 account, the amount involved for each violation, the date
22 on which the violation occurred, the position of any officer
23 or employee responsible for the violation, a statement of
24 the administrative discipline imposed and any further ac-
25 tion taken with respect to any officer or employee involved

1 in the violation, a statement of any additional action taken
2 to prevent recurrence of the same type of violation, a
3 statement of any determination that the violation was not
4 knowing and willful that has been made by the executive
5 agency or District of Columbia government, and any writ-
6 ten response by any officer or employee identified by posi-
7 tion as involved in the violation. In the case that the Gov-
8 ernment Accountability Office issues a legal decision con-
9 cluding that subsection (a) was violated and the executive
10 agency or District of Columbia government, as applicable,
11 does not agree that a violation has occurred, the report
12 provided to the President, the Congress, and the Comp-
13 troller General will explain its position.”.

14 **SEC. 213. DEPARTMENT OF JUSTICE REPORTING TO CON-**
15 **GRESS FOR ANTIDEFICIENCY ACT VIOLA-**
16 **TIONS.**

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

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

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

22 “(b)(1) If an executive agency or the District of Co-
23 lumbia government reports, under section 1351, a viola-
24 tion of section 1341(a) or 1342, the Attorney General
25 shall promptly review such report and investigate to the

1 extent necessary to determine whether there are reason-
2 able grounds to believe that the responsible officer or em-
3 ployee knowingly and willfully violated such section
4 1341(a) or 1342, as applicable. If the Attorney General
5 determines that there are such reasonable grounds, the
6 Attorney General diligently shall investigate a criminal
7 violation under this section.

8 “(2) The Attorney General shall submit to Congress
9 and the Comptroller General on or before March 31 of
10 each calendar year an annual report detailing separately
11 for each executive agency and the District of Columbia
12 government—

13 “(A) the number of reports under section 1351
14 transmitted to the President during the preceding
15 calendar year;

16 “(B) the number of reports reviewed in accord-
17 ance with paragraph (1) during the preceding cal-
18 endar year;

19 “(C) without identification of any individual of-
20 ficer or employee of the United States Government
21 or of the District of Columbia government, a de-
22 scription of each investigation undertaken in accord-
23 ance with paragraph (1) during the preceding cal-
24 endar year and an explanation of the status of any
25 such investigation; and

1 “(D) without identification of any individual of-
2 ficer or employee of the United States Government
3 or of the District of Columbia government, an expla-
4 nation of any update to the status of any review or
5 investigation previously reported pursuant to this
6 subsection.”.

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

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

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

12 “(b)(1) If an executive agency or the District of Co-
13 lumbia government reports, under section 1517(b), a vio-
14 lation of section 1517(a), the Attorney General shall
15 promptly review such report and investigate to the extent
16 necessary to determine whether there are reasonable
17 grounds to believe that the responsible officer or employee
18 knowingly and willfully violated such section 1517(a). If
19 the Attorney General determines that there are such rea-
20 sonable grounds, the Attorney General diligently shall in-
21 vestigate a criminal violation under this section.

22 “(2) The Attorney General shall submit to Congress
23 and the Comptroller General on or before March 31 of
24 each calendar year an annual report detailing separately

1 for each executive agency and the District of Columbia
2 government—

3 “(A) the number of reports under section
4 1517(b) transmitted to the President during the pre-
5 ceding calendar year;

6 “(B) the number of reports reviewed in accord-
7 ance with paragraph (1) during the preceding cal-
8 endar year;

9 “(C) without identification of any individual of-
10 ficer or employee of the United States Government
11 or of the District of Columbia government, a de-
12 scription of each investigation undertaken in accord-
13 ance with paragraph (1) during the preceding cal-
14 endar year and an explanation of the status of any
15 such investigation; and

16 “(D) without identification of any individual of-
17 ficer or employee of the United States Government
18 or of the District of Columbia government, an expla-
19 nation of any update to the status of any review or
20 investigation previously reported pursuant to this
21 subsection.”.

1 **SEC. 214. PUBLICATION OF BUDGET OR APPROPRIATIONS**

2 **LAW OPINIONS OF THE DEPARTMENT OF JUS-**

3 **TICE OFFICE OF LEGAL COUNSEL.**

4 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC
5 OPINIONS.—Each final opinion issued by the Office of
6 Legal Counsel of the Department of Justice relating to
7 section 1301(a), 1341, 1342, 1501, 1502, 1512, 1513,
8 1515, 1517, or 3302(b) of title 31, United States Code,
9 any provision of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, the Federal Credit Reform
11 Act of 1990, the Impoundment Control Act of 1974, an
12 appropriation Act, continuing resolution, or another provi-
13 sion of law providing or governing appropriations or budg-
14 et authority shall be made available on its public website
15 in a manner that is searchable, sortable, and downloadable
16 in its entirety as soon as is practicable, but—

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

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

23 (3) not later than 2 years after the date of en-
24 actment of this Act for an opinion issued on or after
25 January 20, 1981, and before or on January 19,
26 1993;

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

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

7 (b) EXCEPTIONS AND LIMITATION ON PUBLIC
8 AVAILABILITY OF FINAL OLC OPINIONS.—

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

11 (A) information contained in the opinion
12 was—

13 (i) specifically authorized to be kept
14 secret, under criteria established by an Ex-
15 ecutive order, in the interest of national
16 defense or foreign policy;

17 (ii) properly classified, including all
18 procedural and marking requirements, pur-
19 suant to such Executive order;

20 (iii) the Attorney General determines
21 that the national defense or foreign policy
22 interests protected outweigh the public's
23 interest in access to the information; and

24 (iv) put through declassification re-
25 view within the past two years;

1 (B) information contained in the opinion
2 relates to the appointment of a specific indi-
3 vidual not confirmed to Federal office;

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

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

11 (ii) establishes particular criteria for
12 withholding or refers to particular types of
13 material to be withheld;

14 (D) information in the opinion includes
15 trade secrets and commercial or financial infor-
16 mation obtained from a person and privileged
17 or confidential whose disclosure would likely
18 cause substantial harm to the competitive posi-
19 tion of the person from whom the information
20 was obtained;

21 (E) the President, in his or her sole and
22 nondelegable determination, formally and per-
23 sonally claims in writing that executive privilege
24 prevents the release of the information and dis-
25 closure would cause specific identifiable harm to

1 an interest protected by an exception or the dis-
2 closure is prohibited by law; or

3 (F) information in the opinion includes
4 personnel and medical files and similar files the
5 disclosure of which would constitute a clearly
6 unwarranted invasion of personal privacy.

7 (2) DETERMINATION TO WITHHOLD.—Any de-
8 termination under this subsection to withhold infor-
9 mation contained in a final OLC opinion shall be
10 made by the Attorney General or a designee of the
11 Attorney General. The determination shall be—

12 (A) in writing;

13 (B) made available to the public within the
14 same timeframe as is required of a formal OLC
15 opinion;

16 (C) sufficiently detailed as to inform the
17 public of what kind of information is being
18 withheld and the reason therefore; and

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

22 (3) FINAL OPINIONS.—For final OLC opinions
23 for which the text is withheld in full or in substan-
24 tial part, a detailed unclassified summary of the
25 opinion shall be made available to the public, in the

1 same timeframe as required of the final OLC opin-
2 ion, that conveys the essence of the opinion, includ-
3 ing any interpretations of a statute, the Constitu-
4 tion, or other legal authority. A notation shall be in-
5 cluded in any published list of OLC opinions regard-
6 ing the extent of the withholdings.

7 (4) NO LIMITATION ON FREEDOM OF INFORMA-
8 TION.—Nothing in this subsection shall be construed
9 as limiting the availability of information under sec-
10 tion 552 of title 5, United States Code or construed
11 as an exemption under paragraph (3) of subsection
12 (b) of such section.

13 (5) NO LIMITATION ON RELIEF.—A decision by
14 the Attorney General to release or withhold informa-
15 tion pursuant to this Act shall not preclude any ac-
16 tion or relief conferred by statutory or regulatory re-
17 gime that empowers any person to request or de-
18 mand the release of information.

19 (6) REASONABLY SEGREGABLE PORTIONS OF
20 OPINIONS TO BE PUBLISHED.—Any reasonably seg-
21 regable portion of an opinion shall be provided after
22 withholding of the portions which are exempt under
23 this section. The amount of information withheld,
24 and the exemption under which the withholding is
25 made, shall be indicated on the released portion of

1 the opinion, unless including that indication would
2 harm an interest protected by the exemption in this
3 paragraph under which the withholding is made. If
4 technically feasible, the amount of the information
5 withheld, and the exemption under which the with-
6 holding is made, shall be indicated at the place in
7 the opinion where such withholding is made.

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

12 (1) with respect to each opinion—

13 (A) contains an electronic copy of the opin-
14 ion, including any transmittal letter associated
15 with the opinion, in an open format that is plat-
16 form independent and that is available to the
17 public without restrictions;

18 (B) provides the public the ability to re-
19 trieve an opinion, to the extent practicable,
20 through searches based on—

21 (i) the title of the opinion;

22 (ii) the date of publication or revision;

23 or

24 (iii) the full text of the opinion;

1 (C) identifies the time and date when the
2 opinion was required to be published, and when
3 the opinion was transmitted for publication;
4 and

5 (D) provides a permanent means of access-
6 ing the opinion electronically;

7 (2) includes a means for bulk download of all
8 OLC opinions or a selection of opinions retrieved
9 using a text-based search;

10 (3) provides free access to the opinions, and
11 does not charge a fee, require registration, or impose
12 any other limitation in exchange for access to the
13 website; and

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

16 (d) DEFINITIONS.—In this section:

17 (1) OLC OPINION.—The term “OLC opinion”
18 means views on a matter of legal interpretation com-
19 municated by the Office of Legal Counsel of the De-
20 partment of Justice to any other office or agency, or
21 person in an office or agency, in the Executive
22 Branch, including any office in the Department of
23 Justice, the White House, or the Executive Office of
24 the President, and rendered in accordance with sec-
25 tions 511–513 of title 28, United States Code.

1 Where the communication of the legal interpretation
2 takes place verbally, a memorialization of that com-
3 munication qualifies as an “OLC opinion”.

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

6 (A) the Attorney General, Assistant Attor-
7 ney General for the Office of Legal Counsel, or
8 a Deputy Assistant General for the Office of
9 Legal Counsel, has determined is final;

10 (B) government officials or government
11 contractors are relying on or have relied on;

12 (C) is or has been relied upon to formulate
13 legal guidance; or

14 (D) is cited in another Office of Legal
15 Counsel opinion.

16 **TITLE III—STRENGTHENING**
17 **CONGRESSIONAL ROLE IN**
18 **AND OVERSIGHT OF EMER-**
19 **GENCY DECLARATIONS AND**
20 **DESIGNATIONS**

21 **SEC. 301. IMPROVING CHECKS AND BALANCES ON THE USE**
22 **OF THE NATIONAL EMERGENCIES ACT.**

23 (a) REQUIREMENTS RELATING TO DECLARATION
24 AND RENEWAL OF NATIONAL EMERGENCIES.—Title II of
25 the National Emergencies Act (50 U.S.C. 1621 et seq.)

1 is amended by striking sections 201 and 202 and inserting
2 the following:

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

4 “(a) **AUTHORITY TO DECLARE NATIONAL EMER-**
5 **GENCIES.**—With respect to Acts of Congress authorizing
6 the exercise, during the period of a national emergency,
7 of any special or extraordinary power, the President is au-
8 thorized to declare such a national emergency by procla-
9 mation. Such proclamation shall immediately be trans-
10 mitted to Congress and published in the Federal Register.

11 “(b) **SPECIFICATION OF PROVISIONS OF LAW TO BE**
12 **EXERCISED AND REPORTING.**—No powers or authorities
13 made available by statute for use during the period of a
14 national emergency shall be exercised unless and until the
15 President specifies the provisions of law under which the
16 President proposes that the President or other officers will
17 act in—

18 “(1) a proclamation declaring a national emer-
19 gency under subsection (a); or

20 “(2) one or more Executive orders relating to
21 the emergency published in the Federal Register and
22 transmitted to Congress.

23 “(c) **PROHIBITION ON SUBSEQUENT ACTIONS IF**
24 **EMERGENCIES NOT APPROVED.**—

1 “(1) SUBSEQUENT DECLARATIONS.—If a joint
2 resolution of approval is not enacted under section
3 203 with respect to a national emergency before the
4 expiration of the 30 calendar day period described in
5 section 202(a), or with respect to a national emer-
6 gency proposed to be renewed under section 202(b),
7 the President may not, during the remainder of the
8 term of office of that President, declare a subse-
9 quent national emergency under subsection (a) with
10 respect to the same circumstances.

11 “(2) EXERCISE OF AUTHORITIES.—If a joint
12 resolution of approval is not enacted under section
13 203 with respect to a power or authority specified by
14 the President in a proclamation under subsection (a)
15 or an Executive order under subsection (b)(2) with
16 respect to a national emergency, the President may
17 not, during the remainder of the term of office of
18 that President, exercise that power or authority with
19 respect to that emergency.

20 “(d) EFFECT OF FUTURE LAWS.—No law enacted
21 after the date of the enactment of the Congressional
22 Power of the Purse Act shall supersede this title unless
23 it does so in specific terms, referring to this title, and de-
24 clarating that the new law supersedes the provisions of this
25 title.

1 **“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMER-**
2 **GENCIES.**

3 “(a) TEMPORARY EFFECTIVE PERIODS.—

4 “(1) IN GENERAL.—Unless previously termi-
5 nated pursuant to Presidential order or Act of Con-
6 gress, a declaration of a national emergency shall re-
7 main in effect for 30 calendar days (excluding Sat-
8 urday, Sunday, and legal holidays) from the issuance
9 of the proclamation under section 201(a) (not count-
10 ing the day on which the proclamation was issued)
11 and shall terminate when that 30-day period expires
12 unless there is enacted into law a joint resolution of
13 approval under section 203 with respect to the pro-
14 clamation.

15 “(2) EXERCISE OF POWERS AND AUTHORI-
16 TIES.—Unless the declaration of national emergency
17 has been terminated pursuant to Presidential order
18 or Act of Congress, any emergency power or author-
19 ity made available under a provision of law specified
20 pursuant to section 201(b) may be exercised pursu-
21 ant to a declaration of a national emergency for 30
22 calendar days (excluding Saturday, Sunday, and
23 legal holidays) from the issuance of the proclamation
24 or Executive order (not counting the day on which
25 such proclamation or Executive order was issued).

26 That power or authority may not be exercised after

1 that 30-day period expires unless there is enacted
2 into law a joint resolution of approval under section
3 203 approving—

4 “(A) the proclamation of the national
5 emergency or the Executive order; and

6 “(B) the exercise of the power or authority
7 specified by the President in such proclamation
8 or Executive order.

9 “(b) RENEWAL OF NATIONAL EMERGENCIES.—A na-
10 tional emergency declared by the President under section
11 201(a) or previously renewed under this subsection, and
12 not already terminated pursuant to subsection (a) or (c),
13 shall terminate on the date that is one year after the
14 President transmitted to Congress the proclamation de-
15 claring the emergency or Congress approved a previous re-
16 newal pursuant to this subsection, unless—

17 “(1) the President publishes in the Federal
18 Register and transmits to Congress an Executive
19 order renewing the emergency; and

20 “(2) there is enacted into law a joint resolution
21 of approval renewing the emergency pursuant to sec-
22 tion 203 before the termination of the emergency or
23 previous renewal of the emergency.

24 “(c) TERMINATION OF NATIONAL EMERGENCIES.—

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

4 “(A) the date provided for in subsection
5 (a);

6 “(B) the date provided for in subsection
7 (b);

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

10 “(D) the date specified in a proclamation
11 of the President terminating the emergency.

12 “(2) EFFECT OF TERMINATION.—

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

16 “(i) except as provided by subpara-
17 graph (B), any powers or authorities exer-
18 cised by reason of the emergency shall
19 cease to be exercised;

20 “(ii) any amounts reprogrammed,
21 repurposed, or transferred under any pro-
22 vision of law with respect to the emergency
23 that remain unobligated on that date shall
24 be returned and made available for the

1 purpose for which such amounts were ap-
2 propriated; and

3 “(iii) any contracts entered into under
4 any provision of law relating to the emer-
5 gency shall be terminated.

6 “(B) SAVINGS PROVISION.—The termi-
7 nation of a national emergency shall not af-
8 fect—

9 “(i) any legal action taken or pending
10 legal proceeding not finally concluded or
11 determined on the date of the termination
12 under paragraph (1);

13 “(ii) any legal action or legal pro-
14 ceeding based on any act committed prior
15 to that date; or

16 “(iii) any rights or duties that ma-
17 tured or penalties that were incurred prior
18 to that date.

19 **“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMER-**
20 **GENCIES.**

21 “(a) JOINT RESOLUTION OF APPROVAL DEFINED.—
22 In this section, the term ‘joint resolution of approval’
23 means a joint resolution that does not have a preamble
24 and that contains only the following provisions after its
25 resolving clause:

1 “(1) A provision approving one or more—

2 “(A) proclamations of national emergency
3 made under section 201(a);

4 “(B) Executive orders issued under section
5 201(b)(2); or

6 “(C) Executive orders issued under section
7 202(b).

8 “(2) A provision approving a list of all or a por-
9 tion of the provisions of law specified by the Presi-
10 dent under section 201(b) in the proclamations or
11 Executive orders that are the subject of the joint
12 resolution.

13 “(b) PROCEDURES FOR CONSIDERATION OF JOINT
14 RESOLUTIONS OF APPROVAL.—

15 “(1) INTRODUCTION.—After the President
16 transmits to Congress a proclamation declaring a
17 national emergency under section 201(a), or an Ex-
18 ecutive order specifying emergency powers or au-
19 thorities under section 201(b)(2) or renewing a na-
20 tional emergency under section 202(b), a joint reso-
21 lution of approval may be introduced in either House
22 of Congress by any member of that House.

23 “(2) REQUESTS TO CONVENE CONGRESS DUR-
24 ING RECESSES.—If, when the President transmits to
25 Congress a proclamation declaring a national emer-

1 gency under section 201(a), or an Executive order
2 specifying emergency powers or authorities under
3 section 201(b)(2) or renewing a national emergency
4 under section 202(b), Congress has adjourned sine
5 die or has adjourned for any period in excess of 3
6 calendar days, the Speaker or their designee, after
7 consultation with the minority leader of the House,
8 shall notify the Members of the House to reassemble
9 at such place and time as they may designate if, in
10 their opinion, the public interest shall warrant it,
11 and the majority leader of the Senate or their des-
12 ignee, after concurrence with the minority leader of
13 the Senate, shall notify the Members of the Senate
14 to reassemble at such place and time as they may
15 designate if, in their opinion, the public interest
16 shall warrant it.

17 “(3) COMMITTEE REFERRAL IN THE SENATE.—
18 In the Senate, a joint resolution of approval shall be
19 referred to the appropriate committee.

20 “(4) CONSIDERATION IN SENATE.—In the Sen-
21 ate, the following shall apply:

22 “(A) REPORTING AND DISCHARGE.—If the
23 committee to which a joint resolution of ap-
24 proval has been referred has not reported it at
25 the end of 10 calendar days after its introduc-

1 tion, that committee shall be discharged from
2 further consideration of the resolution and it
3 shall be placed on the Calendar of Business.

4 “(B) PROCEEDING TO CONSIDERATION.—
5 Notwithstanding Rule XXII of the Standing
6 Rules of the Senate, when the committee to
7 which a joint resolution of approval is referred
8 has reported the resolution, or when that com-
9 mittee is discharged under subparagraph (A)
10 from further consideration of the resolution, it
11 is at any time thereafter in order to move to
12 proceed to the consideration of the joint resolu-
13 tion, and all points of order against the joint
14 resolution (and against the motion to proceed to
15 the consideration of the joint resolution) are
16 waived. The motion to proceed shall be debat-
17 able for 4 hours evenly divided between a pro-
18 ponent and an opponent of the joint resolution
19 of approval. The motion is not subject to
20 amendment, or to a motion to postpone, or to
21 a motion to proceed to the consideration of
22 other business. A motion to reconsider the vote
23 by which the motion is agreed to or disagreed
24 to shall not be in order. If a motion to proceed
25 to the consideration of a joint resolution of ap-

1 proval is agreed to, the joint resolution shall re-
2 main the unfinished business of the Senate
3 until disposed of.

4 “(C) FLOOR CONSIDERATION.—There shall
5 be 10 hours of consideration on a joint resolu-
6 tion of approval, to be divided evenly between
7 the proponents and opponents of the joint reso-
8 lution. There shall be a total of 2 hours of de-
9 bate on any debatable motions in connection
10 with the joint resolution, to be divided evenly
11 between the proponents and opponents of the
12 joint resolution.

13 “(D) AMENDMENTS.—No amendments
14 shall be in order with respect to a joint resolu-
15 tion of approval in the Senate.

16 “(E) MOTION TO RECONSIDER VOTE ON
17 PASSAGE.—A motion to reconsider a vote on
18 passage of a joint resolution of approval shall
19 not be in order.

20 “(F) APPEALS.—Points of order and ap-
21 peals from the decision of the Presiding Officer,
22 shall be decided without debate.

23 “(5) CONSIDERATION IN HOUSE OF REP-
24 RESENTATIVES.—In the House of Representatives,
25 the following shall apply:

1 “(A) REPORTING AND DISCHARGE.—If any
2 committee to which a joint resolution of ap-
3 proval has been referred has not reported it to
4 the House at the end of 10 calendar days after
5 its introduction, such committee shall be dis-
6 charged from further consideration of the joint
7 resolution.

8 “(B) PROCEEDING TO CONSIDERATION.—
9 After each committee to which a joint resolu-
10 tion of approval has been referred reports it to
11 the House or has been discharged from further
12 consideration thereof, it shall be in order to
13 move to proceed to consider the joint resolution
14 of approval in the House. All points of order
15 against the motion are waived. Such a motion
16 shall not be in order after the House has dis-
17 posed of a motion to proceed on the joint reso-
18 lution of approval. The previous question shall
19 be considered as ordered on the motion to its
20 adoption without intervening motion. The mo-
21 tion shall not be debatable. A motion to recon-
22 sider the vote by which the motion is disposed
23 of shall not be in order.

24 “(C) CONSIDERATION.—The joint resolu-
25 tion of approval shall be considered as read. All

1 points of order against the resolution and
2 against its consideration are waived. The pre-
3 vious question shall be considered as ordered on
4 the resolution to final passage without inter-
5 vening motion except two hours of debate even-
6 ly divided and controlled by the sponsor of the
7 resolution (or a designee) and an opponent. A
8 motion to reconsider the vote on passage of the
9 qualifying legislation shall not be in order.

10 “(D) AMENDMENTS.—No amendments
11 shall be in order with respect to a joint resolu-
12 tion of approval in the House.

13 “(6) COORDINATION WITH ACTION BY OTHER
14 HOUSE.—

15 “(A) IN GENERAL.—If, before the passage
16 by one House of a joint resolution of approval
17 of that House, that House receives from the
18 other House a joint resolution of approval with
19 regard to the same proclamation described in
20 section 201(a), then the following procedures
21 shall apply:

22 “(i) The joint resolution of the other
23 House shall not be referred to a com-
24 mittee.

1 “(ii) The procedure in the receiving
2 House shall be the same as if no joint res-
3 olution had been received from the other
4 House until the vote on passage, when:

5 “(I) If the text of the joint reso-
6 lution of approval is identical to the
7 text of the joint resolution of approval
8 received from the other House, then
9 the joint resolution of approval re-
10 ceived from the other House shall
11 supplant the joint resolution of ap-
12 proval of the receiving House on the
13 final passage vote.

14 “(II) If the text of the joint reso-
15 lution is not identical to the text of
16 the joint resolution received from the
17 other House, then that chamber shall
18 vote on passage of its own resolution
19 and it shall be in order immediately
20 thereafter to make a privileged motion
21 to proceed to the consideration of the
22 measure from the other house, strike
23 all after the enacting clause, and in-
24 sert in lieu thereof the text of any
25 joint resolution of approval passed by

1 that chamber; that the joint resolution
2 as amended be read a third time and
3 engrossed, that the chamber pass the
4 joint resolution as amended, and that
5 the motion to reconsider be considered
6 made and laid upon the table. Such a
7 motion shall be disposed of without
8 intervening action or debate.

9 “(B) TREATMENT OF LEGISLATION OF
10 OTHER HOUSE.—If one House fails to intro-
11 duce, consider, or enact a joint resolution of ap-
12 proval under this section, the joint resolution of
13 approval of the other House shall be entitled to
14 expedited floor procedures under this section.

15 “(C) SPECIAL RULE FOR REVENUE MEAS-
16 URES.—In the case of a joint resolution of ap-
17 proval which is a revenue measure:

18 “(i) The provisions of subparagraphs
19 (A) and (B) shall not apply in the House
20 of Representatives.

21 “(ii) The provisions of subparagraph
22 (A) shall apply in the Senate to such joint
23 resolution of approval which is a revenue
24 measure even if the Senate has previously
25 passed a joint resolution of approval with

1 regard to the same proclamation described
2 in section 201(a).

3 “(7) RESOLUTION OF DIFFERENCES BETWEEN
4 THE HOUSES.—In the case of a difference between
5 the two Houses of Congress with respect to the text
6 of a joint resolution of approval passed by both
7 Houses:

8 “(A) HOUSE.—Debate in the House of
9 Representative on amendments between the
10 Houses (or a conference report) on such resolu-
11 tion of approval, including a motion to concur
12 with an amendment, shall be limited to not
13 more than 1 hour, which shall be divided evenly
14 between a proponent and an opponent. A mo-
15 tion to further limit debate is not debatable. It
16 is not in order to move to reconsider the vote
17 by which the message or conference report is
18 agreed to or disagreed to.

19 “(B) SENATE.—During the consideration
20 in the Senate of a message between the Houses
21 (or a conference report) on such resolution of
22 approval and all amendments thereto, and de-
23 batable motions in connection therewith, consid-
24 eration shall be limited to 10 hours, to be even-
25 ly divided between, and controlled by, the ma-

1 jority leader and minority leader or their des-
2 ignees. Consideration of any debatable motion
3 related to the message between Houses (or con-
4 ference report), including a motion to concur
5 with an amendment, shall be limited to 1 hour,
6 to be evenly divided between, and controlled by,
7 the mover and the manager of a message be-
8 tween Houses (or conference report). Points of
9 order and appeals shall be decided without de-
10 bate.

11 “(C) LIMITATION ON AMENDMENTS BE-
12 TWEEN THE HOUSES.—

13 “(i) PROHIBITION ON AMEND-
14 MENTS.—No amendments shall be in
15 order.

16 “(ii) AMENDMENTS TO STRIKE OR
17 ADD SPECIFIED PROVISIONS OF LAW.—
18 Clause (i) shall not apply with respect to
19 any amendment—

20 “(I) to add or remove one or
21 more proclamations of national emer-
22 gency made under section 201(a), Ex-
23 ecutive orders issued under section
24 201(b)(2), or Executive orders issued
25 under section 202(b); or

1 “(II) to strike a provision or pro-
2 visions of law from the list required
3 by subsection (a)(2); or

4 “(III) to add to that list a provi-
5 sion or provisions of law specified by
6 the President under section 201(b) in
7 the proclamations or Executive orders
8 that are the subject of the joint reso-
9 lution of approval.

10 “(8) TREATMENT OF VETO MESSAGE.—Debate
11 on a veto message in the Senate under this section
12 shall be 1 hour evenly divided between the majority
13 and minority leaders or their designees.

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

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

21 “(1) as an exercise of the rulemaking power of
22 the Senate and the House of Representatives, re-
23 spectively, and as such is deemed a part of the rules
24 of each House, respectively, but applicable only with
25 respect to the procedure to be followed in the House

1 in the case of joint resolutions described in this sec-
2 tion, and supersedes other rules only to the extent
3 that it is inconsistent with such other rules; and

4 “(2) with full recognition of the constitutional
5 right of either House to change the rules (so far as
6 relating to the procedure of that House) at any time,
7 in the same manner, and to the same extent as in
8 the case of any other rule of that House.

9 **“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMER-**
10 **GENCIES INVOKING INTERNATIONAL EMER-**
11 **GENCY ECONOMIC POWERS ACT.**

12 “(a) IN GENERAL.—In the case of a national emer-
13 gency described in subsection (b), the provisions of the
14 National Emergencies Act, as in effect on the day before
15 the date of the enactment of the Congressional Power of
16 the Purse Act, shall continue to apply on and after such
17 date of enactment.

18 “(b) NATIONAL EMERGENCY DESCRIBED.—

19 “(1) IN GENERAL.—A national emergency de-
20 scribed in this subsection is a national emergency
21 pursuant to which the President proposes to exercise
22 emergency powers or authorities made available
23 under the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1701 et seq.), supplemented as

1 necessary by a provision of law specified in para-
2 graph (2).

3 “(2) PROVISIONS OF LAW SPECIFIED.—The
4 provisions of law specified in this paragraph are—

5 “(A) the United Nations Participation Act
6 of 1945 (22 U.S.C. 287 et seq.);

7 “(B) section 212(f) of the Immigration
8 and Nationality Act (8 U.S.C. 1182(f)); or

9 “(C) any provision of law that authorizes
10 the implementation, imposition, or enforcement
11 of economic sanctions with respect to a foreign
12 country.

13 “(c) EFFECT OF ADDITIONAL POWERS AND AU-
14 THORITIES.—Subsection (a) shall not apply to a national
15 emergency or the exercise of emergency powers and au-
16 thorities pursuant to the national emergency if, in addition
17 to the exercise of emergency powers and authorities de-
18 scribed in subsection (b), the President proposes to exer-
19 cise, pursuant to the national emergency, any emergency
20 powers and authorities under any other provision of law.”.

21 (b) REPORTING REQUIREMENTS.—Section 401 of the
22 National Emergencies Act (50 U.S.C. 1641) is amended
23 by adding at the end the following:

24 “(d) REPORT ON EMERGENCIES.—The President
25 shall transmit to Congress, with any proclamation declar-

1 ing a national emergency under section 201(a) or any Ex-
2 ecutive order specifying emergency powers or authorities
3 under section 201(b)(2) or renewing a national emergency
4 under section 202(b), a report, in writing, that includes
5 the following:

6 “(1) A description of the circumstances necessi-
7 tating the declaration of a national emergency, the
8 renewal of such an emergency, or the use of a new
9 emergency authority specified in the Executive
10 order, as the case may be.

11 “(2) The estimated duration of the national
12 emergency, or a statement that the duration of the
13 national emergency cannot reasonably be estimated
14 at the time of transmission of the report.

15 “(3) A summary of the actions the President or
16 other officers intend to take, including any re-
17 programming or transfer of funds and any contracts
18 anticipated to be entered into, and the statutory au-
19 thorities the President and such officers expect to
20 rely on in addressing the national emergency.

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

1 “(e) PROVISION OF INFORMATION TO CONGRESS.—
2 The President shall provide to Congress such other infor-
3 mation as Congress may request in connection with any
4 national emergency in effect under title II.

5 “(f) PERIODIC REPORTS ON STATUS OF EMER-
6 GENCIES.—If the President declares a national emergency
7 under section 201(a), the President shall, not less fre-
8 quently than every 3 months for the duration of the emer-
9 gency, report to Congress on the status of the emergency
10 and the actions the President or other officers have taken
11 and authorities the President and such officers have relied
12 on in addressing the emergency.”.

13 (c) EXCLUSION OF IMPOSITION OF DUTIES AND IM-
14 PORT QUOTAS FROM PRESIDENTIAL AUTHORITIES
15 UNDER INTERNATIONAL EMERGENCY ECONOMIC POW-
16 ERS ACT.—Section 203 of the International Emergency
17 Economic Powers Act (50 U.S.C. 1702) is amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c)(1) The authority granted to the President by
23 this section does not include the authority to impose duties
24 or tariff-rate quotas or (subject to paragraph (2)) other
25 quotas on articles entering the United States.

1 “(2) The limitation under paragraph (1) does not
2 prohibit the President from excluding all articles imported
3 from a country from entering the United States.”.

4 (d) CONFORMING AMENDMENTS.—

5 (1) NATIONAL EMERGENCIES ACT.—Title III of
6 the National Emergencies Act (50 U.S.C. 1631) is
7 repealed.

8 (2) INTERNATIONAL EMERGENCY ECONOMIC
9 POWERS ACT.—Section 207 of the International
10 Emergency Economic Powers Act (50 U.S.C. 1706)
11 is amended—

12 (A) in subsection (b), by striking “concur-
13 rent resolution” and inserting “joint resolution”
14 each place it appears; and

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

16 “(e) In this section, the term ‘National Emergencies
17 Act’ means the National Emergencies Act, as in effect on
18 the day before the date of the enactment of the ‘Congres-
19 sional Power of the Purse Act’.”.

20 (e) EFFECTIVE DATE; APPLICABILITY.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), this section and the amendments made by
23 this section shall take effect upon enactment and
24 apply with respect to national emergencies declared

1 under section 201 of the National Emergencies Act
2 on or after that date.

3 (2) APPLICABILITY TO RENEWALS OF EXISTING
4 EMERGENCIES.—When a national emergency de-
5 clared under section 201 of the National Emer-
6 gencies Act before the date of the enactment of the
7 Congressional Power of the Purse Act would expire
8 or be renewed under section 202(d) of that Act (as
9 in effect on the day before such date of enactment),
10 that national emergency shall be subject to the re-
11 quirements for renewal under section 202(b) of that
12 Act, as amended by subsection (a).

13 **SEC. 302. NATIONAL EMERGENCIES ACT DECLARATION**
14 **SPENDING REPORTING IN THE PRESIDENT’S**
15 **BUDGET.**

16 Section 1105(a) of title 31, United States Code, as
17 amended by section 204, is further amended by adding
18 at the end the following:

19 “(44)(A) a report on the proposed, planned,
20 and actual obligations and expenditures of funds (for
21 the prior fiscal year, the current fiscal year, and the
22 fiscal years for which the budget is submitted) at-
23 tributable to the exercise of powers and authorities
24 made available by statute for each national emer-

1 agency declared by the President, currently active or
2 in effect during the applicable fiscal years.

3 “(B) Obligations and expenditures contained in
4 the report under subparagraph (A) shall be orga-
5 nized by Treasury Appropriation Fund Symbol or
6 fund account and by program, project, and activity,
7 and include—

8 “(i) a description of each such program,
9 project, and activity;

10 “(ii) the authorities under which such
11 funding actions are taken; and

12 “(iii) the purpose and progress of such ob-
13 ligations and expenditures toward addressing
14 the applicable national emergency.

15 “(C) Such report shall include, with respect to
16 any transfer, reprogramming, or repurposing of
17 funds to address the applicable national emer-
18 gency—

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

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

23 “(iii) a description of programs, projects,
24 and activities affected by such transfer, re-

1 programming, or repurposing, including by a
2 reduction in funding.”.

3 **SEC. 303. EMERGENCY AND OVERSEAS CONTINGENCY OP-**
4 **ERATIONS DESIGNATIONS BY CONGRESS IN**
5 **STATUTE.**

6 Section 251(b)(2)(A) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (2 U.S.C.
8 901(b)(2)(A)) is amended—

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

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

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