

116TH CONGRESS
2D SESSION

S. 3889

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

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

Mr. LEAHY (for himself, Mrs. MURRAY, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. COONS, Ms. BALDWIN, Mr. WYDEN, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. SCHATZ, Mr. SANDERS, Mrs. SHAHEEN, Mr. TESTER, Mr. UDALL, Mr. CARDIN, Mr. REED, Mr. DURBIN, Mr. MURPHY, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.—Part B of the Impoundment Con-
7 trol Act of 1974 (2 U.S.C. 681 et seq.) is amended by
8 adding at the 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 inserting 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.—Part B of the Impoundment Con-
3 trol Act of 1974 (2 U.S.C. 681 et seq.), as amended by
4 section 101(a), is further amended by adding at the end
5 the following:

6 “REPORTING

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

9 “(1) AUTOMATED SYSTEM.—

10 “(A) IN GENERAL.—Not later than 90
11 days after the date of enactment of this section,
12 the Office of Management and Budget shall—

13 “(i) complete implementation of an
14 automated system to post on a public
15 Internet website, not later than 2 business
16 days after the date of approval of an ap-
17 portionment, each document apportioning
18 an appropriation, pursuant to section
19 1513(b) of title 31, United States Code,
20 including any associated footnotes, in a
21 format that qualifies each such document
22 as an Open Government Data Asset (as
23 defined in section 3502 of title 44, United
24 States Code); and

25 “(ii) post on such website each docu-
26 ment apportioning an appropriation, pur-

1 suant to such section 1513(b), including
2 any associated footnotes, already approved
3 for the fiscal year.

4 “(B) REPORTING.—The Office of Manage-
5 ment and Budget shall submit to the Com-
6 mittee on the Budget and the Committee on
7 Appropriations of the House of Representatives
8 and the Committee on the Budget and the
9 Committee on Appropriations of the Senate a
10 report reflecting the date of completion of the
11 requirements under subparagraph (A).

12 “(2) EXPLANATORY STATEMENT.—Each docu-
13 ment apportioning an appropriation that is posted
14 on a publicly accessible website under paragraph (1)
15 shall include a written explanation by each officer or
16 employee approving the apportionment (pursuant to
17 section 1513(b) of title 31, United States Code) of
18 the rationale for any footnotes.

19 “(3) SPECIAL PROCESS FOR TRANSMITTING
20 CLASSIFIED DOCUMENTATION TO THE CONGRESS.—
21 The Office of Management and Budget or the appli-
22 cable department or agency shall make available
23 classified documentation relating to apportionment
24 to appropriate congressional committees on a quar-
25 terly basis.

1 “(4) DEPARTMENT AND AGENCY REPORT.—

2 “(A) IN GENERAL.—Each department or
3 agency shall notify the Committee on the Budg-
4 et and the Committee on Appropriations of the
5 House of Representatives, the Committee on
6 the Budget and the Committee on Appropria-
7 tions of the Senate, and any other appropriate
8 congressional committees if—

9 “(i) an apportionment is not made in
10 the required time period provided in sec-
11 tion 1513(b) of title 31, United States
12 Code;

13 “(ii) an approved apportionment re-
14 ceived by the department or agency condi-
15 tions the availability of an appropriation
16 on further action; or

17 “(iii) an approved apportionment re-
18 ceived by the department or agency may
19 hinder the prudent obligation of such ap-
20 propriation or the execution of a program,
21 project, or activity by such department or
22 agency.

23 “(B) NOTIFICATION CONTENTS.—Each no-
24 tification under subparagraph (A) shall contain
25 information identifying the department, agency,

1 or bureau, account name, appropriation name,
2 and Treasury Appropriation Fund Symbol or
3 fund account.

4 “(b) APPROVING OFFICIALS.—

5 “(1) DELEGATION OF AUTHORITY.—

6 “(A) IN GENERAL.—On the date of any
7 delegation of apportionment authority pursuant
8 to section 1513(b) of title 31, United States
9 Code, made after the date of enactment of this
10 section, the Office of Management and Budget
11 shall submit the delegation for publication in
12 the Federal Register.

13 “(B) CURRENT FISCAL YEAR.—Not later
14 than 15 days after the date of enactment of
15 this section, the Office of Management and
16 Budget shall submit for publication in the Fed-
17 eral Register each delegation of apportionment
18 authority pursuant to section 1513(b) of title
19 31, United States Code, that is in effect as of
20 such date.

21 “(C) FORMAT; UPDATING.—The Office of
22 Management and Budget shall—

23 “(i) publish delegations under sub-
24 paragraphs (A) and (B) in a format that
25 qualifies such publications as an Open

1 Government Data Asset (as defined in sec-
2 tion 3502 of title 44, United States Code)
3 on a public Internet website; and

4 “(ii) continuously update the each
5 such delegation with the position of each
6 Federal officer or employee to whom ap-
7 portionment authority has been delegated.

8 “(2) REPORT TO CONGRESS.—Not later than 5
9 days after the date on which any change in the posi-
10 tion of the approving official with respect to any del-
11 egated apportionment authority for any account is
12 made, the Office of Management and Budget shall
13 submit a report to the Congress explaining why such
14 change was made.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 of the Congressional Budget and Impoundment Control
17 Act of 1974 set forth in section 1(b) of such Act, as
18 amended by section 101(b) of this Act, is further amended
19 by inserting after the item relating to section 1018 the
20 following:

“1019. Reporting.”.

21 **SEC. 103. UPDATED AUTHORITIES FOR AND REPORTING BY**
22 **THE COMPTROLLER GENERAL.**

23 (a) IN GENERAL.—Section 1015 of the Impoundment
24 Control Act of 1974 (2 U.S.C. 686) is amended—

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

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

4 “(c) REVIEW.—

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

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

8 “(B) submit a report, and any relevant in-
9 formation related to the report, on any non-
10 compliance with this part to—

11 “(i) the Committee on the Budget, the
12 Committee on Appropriations, and the
13 Committee on Oversight and Reform of the
14 House of Representatives;

15 “(ii) the Committee on the Budget,
16 the Committee on Appropriations, and the
17 Committee on Homeland Security and
18 Governmental Affairs of the Senate; and

19 “(iii) any other appropriate congres-
20 sional committee of the House of Rep-
21 resentatives and Senate.

22 “(2) INFORMATION, DOCUMENTATION, AND
23 VIEWS.—The President or the head of the relevant
24 department or agency of the United States shall pro-
25 vide information, documentation, and views to the

1 Comptroller General, as is determined by the Comp-
2 troller General to be necessary to determine such
3 compliance—

4 “(A) not later than 20 days after the date
5 on which the request from the Comptroller Gen-
6 eral is received; or

7 “(B) if the Comptroller General determines
8 that a shorter or longer period is appropriate
9 based on the specific circumstances, within such
10 shorter or longer period.

11 “(3) ACCESS.—To carry out the responsibilities
12 of this part, the Comptroller General shall have ac-
13 cess to interview the officers, employees, contractors,
14 and other agents and representatives of a depart-
15 ment, agency, or office of the United States at any
16 reasonable time as the Comptroller General may re-
17 quest.”.

18 (b) RULE OF CONSTRUCTION.—Section 1001 of the
19 Impoundment Control Act of 1974 (2 U.S.C. 681) is
20 amended—

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

23 (2) in paragraph (4), by striking the period at
24 the end and inserting “; and”; and

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

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

4 **SEC. 104. ADVANCE CONGRESSIONAL NOTIFICATION AND**
5 **LITIGATION.**

6 Section 1016 of the Impoundment Control Act of
7 1974 (2 U.S.C. 687) is amended to read as follows:

8 “SUITS BY COMPTROLLER GENERAL

9 “SEC. 1016. (a) AUTHORITY TO BRING CIVIL AC-
10 TION.—If, under this title, budget authority is required
11 to be made available for obligation and such budget au-
12 thority is not made available for obligation or information,
13 documentation, views, or access are required to be pro-
14 duced and such information, documentation, views, or ac-
15 cess are not produced, the Comptroller General is ex-
16 pressly empowered, through attorneys selected by the
17 Comptroller General, to bring a civil action in the United
18 States District Court for the District of Columbia to re-
19 quire such budget authority to be made available for obli-
20 gation or such information, documentation, views, or ac-
21 cess to be produced.

22 “(b) AUTHORITY OF COURT.—The court in a civil ac-
23 tion brought under subsection (a) is expressly empowered
24 to enter, against any department, agency, officer, or em-
25 ployee of the United States, any decree, judgment, or
26 order which may be necessary or appropriate to make such

1 budget authority available for obligation or compel produc-
 2 tion of such information, documentation, views, or access.

3 “(c) NOTICE TO CONGRESS.—

4 “(1) IN GENERAL.—Except as provided in para-
 5 graph (2), no civil action may be brought by the
 6 Comptroller General to require budget authority be
 7 made available under this section until the expira-
 8 tion of 15 calendar days following the date on which
 9 an explanatory statement by the Comptroller Gen-
 10 eral of the circumstances giving rise to the action
 11 contemplated is filed with the Speaker of the House
 12 of Representatives and the President of the Senate.

13 “(2) EXCEPTION.—The Comptroller General
 14 may bring a civil action to require budget authority
 15 be made available under subsection (a) before the
 16 expiration of the period described in paragraph (1)
 17 of this subsection if the Comptroller General finds
 18 (and incorporates the finding in the explanatory
 19 statement filed) that the delay would be contrary to
 20 the public interest.”.

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

23 (a) IN GENERAL.—Part B of the Impoundment Con-
 24 trol Act of 1974 (2 U.S.C. 681 et seq.), as amended by

1 section 102(a) of this Act, is further amended by adding
2 at the end the following:

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 title,
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 immediately submit a report regarding all rel-
19 evant facts and containing a statement of actions
20 taken to—

21 “(A) Congress;

22 “(B) the Comptroller General; and

23 “(C) the relevant inspector general.

24 “(2) CONTENTS.—

25 “(A) IN GENERAL.—Each report under
26 paragraph (1) shall include—

1 “(i) a summary of the facts pertaining
2 to the violation;

3 “(ii) the title and Treasury Approp-
4 riation Fund Symbol of the appropriation
5 or fund account;

6 “(iii) the amount involved for each
7 violation;

8 “(iv) the date on which the violation
9 occurred;

10 “(v) the position of each officer or
11 employee responsible for the violation;

12 “(vi) a statement of the administra-
13 tive discipline imposed and any further ac-
14 tion taken with respect to any officer or
15 employee involved in the violation; and

16 “(vii) a statement of any additional
17 action taken to prevent recurrence of the
18 same type of violation.

19 “(B) DISAGREEING REGARDING VIOLA-
20 TION.—In the case that the Government Ac-
21 countability Office issues a legal decision con-
22 cluding that a department, agency, or office of
23 the United States violated this part and the rel-
24 evant department, agency, or office does not
25 agree that a violation has occurred, the report

1 under paragraph (1) shall include an expla-
 2 nation of the position of the department, agen-
 3 cy, or office.

4 “(3) OPPORTUNITY TO RESPOND.—If a report
 5 under paragraph (1) identifies the position of any
 6 officer or employee as involved in the violation, the
 7 officer or employee shall be provided a reasonable
 8 opportunity to respond in writing, and any such re-
 9 sponse shall be appended to the report.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 of the Congressional Budget and Impoundment Control
 12 Act of 1974 set forth in section 1(b) of such Act, as
 13 amended by section 102(b) of this Act, is further amended
 14 by inserting after the item relating to section 1019 the
 15 following:

“1020. Penalties for failure to comply.”.

16 **TITLE II—STRENGTHENING**
 17 **TRANSPARENCY AND RE-**
 18 **PORTING**

19 **Subtitle A—Funds Management**
 20 **and Reporting to the Congress**

21 **SEC. 201. EXPIRED BALANCE REPORTING IN THE PRESI-**
 22 **DENT’S BUDGET.**

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

1 “(40) for the budget for each of fiscal years
2 2022 through 2026, a report—

3 “(A) identifying unobligated expired bal-
4 ances as of the beginning of the current fiscal
5 year and the beginning of each of the preceding
6 2 fiscal years by agency and the applicable
7 Treasury Appropriation Fund Symbol or fund
8 account; and

9 “(B) providing an explanation of expired
10 balances in any Treasury Appropriation Fund
11 Symbol or fund account that exceed the lesser
12 of 5 percent of total appropriations made avail-
13 able for that account or \$100,000,000.”.

14 **SEC. 202. CANCELLED BALANCE REPORTING IN THE PRESI-**
15 **DENT’S BUDGET.**

16 Section 1105(a) of title 31, United States Code, as
17 amended by section 201 of this Act, is further amended
18 by adding at the end the following:

19 “(41) for the budget for each of fiscal years
20 2022 through 2026, a report—

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

1 “(B) providing an explanation of cancelled
2 balances in any Treasury Appropriation Fund
3 Symbol or fund account that exceed the lesser
4 of 5 percent of total appropriations made avail-
5 able for that account or \$100,000,000; and

6 “(C) including a tabulation, by Treasury
7 Appropriation Fund Symbol or fund account
8 and appropriation, of all balances of appropria-
9 tions available for an indefinite period in an ap-
10 propriation account available for an indefinite
11 period that do not meet the criteria for closure
12 under section 1555, but for which either—

13 “(i) the head of the agency concerned
14 or the President has determined that the
15 purposes for which the appropriation was
16 made have been carried out; or

17 “(ii) no disbursement has been made
18 against the appropriation—

19 “(I) in the prior year and the
20 preceding fiscal year; or

21 “(II) in the prior year and which
22 the budget estimates zero disburse-
23 ments in the current year.”.

1 **SEC. 203. LAPSE IN APPROPRIATIONS REPORTING IN THE**
2 **PRESIDENT'S BUDGET.**

3 Section 1105(a) of title 31, United States Code, as
4 amended by section 202 of this Act, is further amended
5 by adding at the end the following:

6 “(42) a report—

7 “(A) identifying any obligation or expendi-
8 ture made by a department or agency affected
9 in whole or in part by any lapse in appropria-
10 tions of not less than 5 consecutive days during
11 the preceding fiscal year; and

12 “(B) with respect to any such obligation or
13 expenditure, providing—

14 “(i) the amount so obligated or ex-
15 pended, the account affected, and an expla-
16 nation of which Antideficiency Act excep-
17 tions permitted the department or agency,
18 as the case may be, to incur such obliga-
19 tion or expenditure; and

20 “(ii) an explanation of any changes in
21 the application of any Antideficiency Act
22 exception for a program, project, or activ-
23 ity from any explanations previously re-
24 ported on pursuant to this paragraph.”.

1 **SEC. 204. TRANSFER AND OTHER REPURPOSING AUTHOR-**
2 **ITY REPORTING IN THE PRESIDENT’S BUDG-**
3 **ET.**

4 Section 1105(a) of title 31, United States Code, as
5 amended by section 203 of this Act, is further amended
6 by adding at the end the following:

7 “(43) for the budget for fiscal year 2022, a re-
8 port—

9 “(A) identifying any transfer authority or
10 other authority to repurpose appropriations pro-
11 vided in a law other than an appropriation Act;
12 and

13 “(B) with respect to any such authority,
14 providing the citation to the statute, the list of
15 departments or agencies covered, an expla-
16 nation of when such authority may be used, and
17 an explanation of any use of such authority in
18 the preceding 3 fiscal years.”.

19 **SEC. 205. AUTHORIZING CANCELLATIONS IN INDEFINITE**
20 **ACCOUNTS BY APPROPRIATION.**

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

1 **“§ 1555a. Cancellation of appropriations available for**
2 **indefinite periods within an account**

3 “Any remaining balance (whether obligated or unobli-
4 gated) from an appropriation available for an indefinite
5 period in an appropriation account available for an indefi-
6 nite period that does not meet the requirements for closure
7 under section 1555 shall be canceled, and thereafter shall
8 not be available for obligation or expenditure for any pur-
9 pose, if—

10 “(1) the head of the agency concerned or the
11 President determines that the purposes for which
12 the appropriation was made have been carried out;
13 and

14 “(2) no disbursement has been made against
15 the appropriation for 2 consecutive fiscal years.”.

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

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

1 **Subtitle B—Empowering Congressional**
2 **Review Through Non-**
3 **partisan Congressional Agencies**
4 **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 **“§ 722. Requirement to respond to requests for infor-**
13 **mation from the Government Account-**
14 **ability Office for budget and appropria-**
15 **tions 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 a request for informa-
3 tion, documentation, or views described in subsection (a)
4 within the time required by such subsection—

5 “(1) the Comptroller General shall notify, in
6 writing, the Committee on Oversight and Reform of
7 the House of Representatives, the Committee on
8 Homeland Security and Governmental Affairs of the
9 Senate, and any other appropriate congressional
10 committee of the House of Representatives or the
11 Senate of such failure;

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

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

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

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

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

8 **SEC. 212. REPORTING REQUIREMENTS FOR**
 9 **ANTIDEFICIENCY ACT VIOLATIONS.**

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

12 (1) by striking “If” and inserting “(a) If the
 13 Government Accountability Office, an executive
 14 agency, or the District of Columbia government de-
 15 termines that”;

16 (2) by striking “violates” and inserting “has
 17 violated”; and

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

19 “(b) Each report under subsection (a) shall include—

20 “(1) a summary of the facts pertaining to the
 21 violation;

22 “(2) the title and Treasury Appropriation Fund
 23 Symbol of the appropriation or fund account;

24 “(3) the amount involved for each violation;

1 “(4) the date on which the violation occurred;

2 “(5) the position of any officer or employee re-
3 sponsible for the violation;

4 “(6) a statement of the administrative dis-
5 cipline imposed and any further action taken with
6 respect to any officer or employee involved in the
7 violation;

8 “(7) a statement of any additional action taken
9 to prevent recurrence of the same type of violation;

10 “(8) a statement of any determination that the
11 violation was not knowing and willful that has been
12 made by the executive agency or District of Colum-
13 bia government; and

14 “(9) any written response by any officer or em-
15 ployee identified by position as involved in the viola-
16 tion.

17 “(c) In the case that the Government Accountability
18 Office issues a legal decision concluding that an officer
19 or employee of an executive agency or an officer or em-
20 ployee of the District of Columbia government violated
21 section 1341(a) or 1342 and the executive agency or Dis-
22 trict of Columbia government, as applicable, does not
23 agree that a violation has occurred, the report under sub-
24 section (a) shall explain the position of the executive agen-
25 cy or District of Columbia government.”.

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

3 (1) in subsection (b)—

4 (A) by striking “If” and inserting “If the
5 Government Accountability Office, an executive
6 agency, or the District of Columbia government
7 determines that”; and

8 (B) by striking “violates” and inserting
9 “has violated”; and

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

11 “(c) Each report under subsection (b) shall include—

12 “(1) a summary of the facts pertaining to the
13 violation;

14 “(2) the title and Treasury Appropriation Fund
15 Symbol of the appropriation or fund account;

16 “(3) the amount involved for each violation;

17 “(4) the date on which the violation occurred;

18 “(5) the position of any officer or employee re-
19 sponsible for the violation;

20 “(6) a statement of the administrative dis-
21 cipline imposed and any further action taken with
22 respect to any officer or employee involved in the
23 violation;

24 “(7) a statement of any additional action taken
25 to prevent recurrence of the same type of violation;

1 “(8) a statement of any determination that the
2 violation was not knowing and willful that has been
3 made by the executive agency or District of Colum-
4 bia government; and

5 “(9) any written response by any officer or em-
6 ployee identified by position as involved in the viola-
7 tion.

8 “(d) In the case that the Government Accountability
9 Office issues a legal decision concluding that an officer
10 or employee of an executive agency or of the District of
11 Columbia government violated subsection (a) and the exec-
12 utive agency or District of Columbia government, as appli-
13 cable, does not agree that a violation has occurred, the
14 report under subsection (b) shall explain the position of
15 the executive agency or of the District of Columbia govern-
16 ment.”.

17 **SEC. 213. DEPARTMENT OF JUSTICE REPORTING TO CON-**
18 **GRESS FOR ANTIDEFICIENCY ACT VIOLA-**
19 **TIONS.**

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

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

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

1 “(b)(1) If an executive agency or the District of Co-
2 lumbia government reports, under section 1351, a viola-
3 tion of section 1341(a) or 1342, the Attorney General
4 shall promptly review such report and investigate to the
5 extent necessary to determine whether there are reason-
6 able grounds to believe that the responsible officer or em-
7 ployee knowingly and willfully violated section 1341(a) or
8 1342, as applicable. If the Attorney General determines
9 that there are such reasonable grounds, the Attorney Gen-
10 eral shall diligently investigate a criminal violation under
11 this section.

12 “(2) Not later than March 31 of each year, the Attor-
13 ney General shall submit to Congress and the Comptroller
14 General a report detailing separately for each executive
15 agency and the District of Columbia government—

16 “(A) the number of reports under section 1351
17 transmitted to the President during the preceding
18 year;

19 “(B) the number of reports reviewed in accord-
20 ance with paragraph (1) during the preceding year;

21 “(C) without identification of any individual of-
22 ficer or employee of an executive agency or of the
23 District of Columbia government, a description of
24 each investigation undertaken in accordance with
25 paragraph (1) during the preceding year and an ex-

1 planation of the status of any such investigation;
2 and

3 “(D) without identification of any individual of-
4 ficer or employee of an executive agency or of the
5 District of Columbia government, an explanation of
6 any update to the status of any review or investiga-
7 tion previously reported pursuant to this para-
8 graph.”.

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

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

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

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

24 “(2) Not later than March 31 of each year, the Attor-
25 ney General shall submit to Congress and the Comptroller

1 General a report detailing separately for each executive
2 agency and the District of Columbia government—

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

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

8 “(C) without identification of any individual of-
9 ficer or employee of an executive agency or of the
10 District of Columbia government, a description of
11 each investigation undertaken in accordance with
12 paragraph (1) during the preceding year and an ex-
13 planation of the status of any such investigation;
14 and

15 “(D) without identification of any individual of-
16 ficer or employee of an executive agency or of the
17 District of Columbia government, an explanation of
18 any update to the status of any review or investiga-
19 tion previously reported pursuant to this para-
20 graph.”.

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

22 **LAW OPINIONS OF THE DEPARTMENT OF JUS-**
23 **TICE OFFICE OF LEGAL COUNSEL.**

24 (a) SCHEDULE OF PUBLICATION FOR FINAL OLC
25 OPINIONS.—Each covered final OLC opinion shall be

1 made available on the public website of the Department
2 of Justice in a manner that is searchable, sortable, and
3 downloadable in its entirety as soon as is practicable, and
4 in any event—

5 (1) not later than 30 days after the opinion is
6 issued or updated if the covered final OLC opinion
7 is issued or updated on or after the date of enact-
8 ment of this Act;

9 (2) not later than 1 year after the date of en-
10 actment of this Act for a covered final OLC opinion
11 issued on or after January 20, 1993, and before the
12 date of enactment of this Act;

13 (3) not later than 2 years after the date of en-
14 actment of this Act for a covered final OLC opinion
15 issued on or after January 20, 1981, and on or be-
16 fore January 19, 1993;

17 (4) not later than 3 years after the date of en-
18 actment of this Act for a covered final OLC opinion
19 issued on or after January 20, 1969, and on or be-
20 fore January 19, 1981; and

21 (5) not later than 4 years after the date of en-
22 actment of this Act for all other covered final OLC
23 opinions.

24 (b) EXCEPTIONS AND LIMITATION ON PUBLIC
25 AVAILABILITY OF FINAL OLC OPINIONS.—

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

3 (A)(i) information contained in the opinion
4 was specifically authorized to be kept secret,
5 under criteria established by an Executive
6 order, in the interest of national defense or for-
7 eign policy;

8 (ii) such information was properly classi-
9 fied, including all procedural and marking re-
10 quirements, pursuant to such Executive order;

11 (iii) such information was evaluated for de-
12 classification during the 2-year period before
13 the date on which the covered final OLC opin-
14 ion is otherwise required to be disclosed; and

15 (iv) the Attorney General determines that
16 the national defense or foreign policy interests
17 protected outweigh the public's interest in ac-
18 cess to such information;

19 (B) information contained in the opinion
20 relates to the appointment of a specific indi-
21 vidual not confirmed to Federal office;

22 (C) information contained in the opinion is
23 specifically exempted from disclosure by statute
24 (other than section 552 or 552b of title 5,
25 United States Code), if such statute—

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

4 (ii) establishes particular criteria for
5 withholding or refers to particular types of
6 material to be withheld;

7 (D) information in the opinion includes
8 trade secrets and commercial or financial infor-
9 mation obtained from a person and privileged
10 or confidential the disclosure of which would
11 likely cause substantial harm to the competitive
12 position of the person from whom the informa-
13 tion was obtained;

14 (E) the President, in his or her sole and
15 nondelegable determination, formally and per-
16 sonally claims in writing that executive privilege
17 prevents the release of the information and dis-
18 closure would cause specific identifiable harm to
19 an interest protected by an exception or the dis-
20 closure is prohibited by law; or

21 (F) information in the opinion includes
22 personnel, medical, or similar files the disclo-
23 sure of which would constitute a clearly unwar-
24 ranted invasion of personal privacy.

1 (2) DETERMINATION TO WITHHOLD.—Any de-
2 termination under this subsection to withhold infor-
3 mation contained in a covered final OLC opinion
4 shall be—

5 (A) made by the Attorney General or a
6 designee of the Attorney General;

7 (B) in writing;

8 (C) made available to the public not later
9 than the date on which the covered final OLC
10 opinion is otherwise required to be disclosed;

11 (D) sufficiently detailed as to inform the
12 public of what kind of information is being
13 withheld and the reason therefore; and

14 (E) effective only for a period of 3 years,
15 subject to review and reissuance of a determina-
16 tion made and issued in accordance with this
17 subsection.

18 (3) SUMMARIES.—For any covered final OLC
19 opinion which is withheld in full or in substantial
20 part, a detailed unclassified summary of the opinion
21 shall be made available to the public, not later than
22 the date on which the covered final OLC opinion is
23 otherwise required to be disclosed, that conveys the
24 essence of the opinion, including any interpretations
25 of a statute, the Constitution of the United States,

1 or other legal authority. A notation shall be included
2 in any published list of covered final OLC opinion
3 regarding the extent of the withholdings.

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

10 (5) NO LIMITATION ON RELIEF.—A decision by
11 the Attorney General to release or withhold informa-
12 tion pursuant to this section shall not preclude any
13 action or relief conferred under a statute or regula-
14 tion that authorizes any person to request or de-
15 mand the release of information.

16 (6) REASONABLY SEGREGABLE PORTIONS OF
17 OPINIONS TO BE PUBLISHED.—Any reasonably seg-
18 regable portion of a covered final OLC opinion shall
19 be provided after withholding of the portions which
20 are exempt from disclosure under this section. The
21 amount of information withheld, and the exemption
22 under which the withholding is made, shall be indi-
23 cated on the released portion of the opinion, unless
24 including that indication would harm an interest
25 protected by the exemption under this subsection

1 under which the withholding is made. If technically
2 feasible, the amount of the information withheld,
3 and the exemption under which the withholding is
4 made, shall be indicated at the place in the opinion
5 where such withholding is made.

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

10 (1) with respect to each opinion—

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

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

19 (i) the title of the opinion;

20 (ii) the date of publication or revision;

21 or

22 (iii) the full text of the opinion;

23 (C) identifies the time and date when the
24 opinion was required to be published, and when

1 the opinion was transmitted for publication;
2 and

3 (D) provides a permanent means of access-
4 ing the opinion electronically;

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

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

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

14 (d) DEFINITIONS.—In this section:

15 (1) COVERED FINAL OLC OPINION.—The term
16 “covered final OLC opinion” means a final OLC
17 opinion relating to section 1301(a), 1341, 1342,
18 1501, 1502, 1512, 1513, 1515, 1517, or 3302(b) of
19 title 31, United States Code, the Balanced Budget
20 and Emergency Deficit Control Act of 1985 (2
21 U.S.C. 900 et seq.), the Federal Credit Reform Act
22 of 1990 (2 U.S.C. 661 et seq.), the Impoundment
23 Control Act of 1974 (2 U.S.C. 681 et seq.), an ap-
24 propriation Act, a continuing resolution, or another

1 provision of law providing or governing appropria-
2 tions or budget authority.

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

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

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

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

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

15 (3) OLC OPINION.—The term “OLC opin-
16 ion”—

17 (A) means views on a matter of legal inter-
18 pretation communicated by the Office of Legal
19 Counsel of the Department of Justice to any
20 other office or agency, or person in an office or
21 agency, in the executive branch, including any
22 office in the Department of Justice, the White
23 House, or the Executive Office of the President,
24 and rendered in accordance with sections 511

1 through 513 of title 28, United States Code;
2 and

3 (B) includes any memorialization of a
4 verbal communication that provides any views
5 described in subparagraph (A).

6 **TITLE III—STRENGTHENING**
7 **CONGRESSIONAL ROLE IN**
8 **AND OVERSIGHT OF EMER-**
9 **GENCY DECLARATIONS AND**
10 **DESIGNATIONS**

11 **SEC. 301. IMPROVING CHECKS AND BALANCES ON THE USE**
12 **OF THE NATIONAL EMERGENCIES ACT.**

13 (a) REQUIREMENTS RELATING TO DECLARATION
14 AND RENEWAL OF NATIONAL EMERGENCIES.—Title II of
15 the National Emergencies Act (50 U.S.C. 1621 et seq.)
16 is amended by striking sections 201 and 202 and inserting
17 the following:

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

19 “(a) AUTHORITY TO DECLARE NATIONAL EMER-
20 GENCIES.—With respect to Acts of Congress authorizing
21 the exercise, during the period of a national emergency,
22 of any special or extraordinary power, the President is au-
23 thorized to declare such a national emergency by procla-
24 mation. Such proclamation shall immediately be trans-
25 mitted to Congress and published in the Federal Register.

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

8 “(1) a proclamation declaring a national emer-
9 gency under subsection (a); or

10 “(2) one or more Executive orders relating to
11 the emergency published in the Federal Register and
12 transmitted to Congress.

13 “(c) PROHIBITION ON SUBSEQUENT ACTIONS IF
14 EMERGENCIES NOT APPROVED.—

15 “(1) SUBSEQUENT DECLARATIONS.—If a joint
16 resolution of approval is not enacted under section
17 203 with respect to a national emergency before the
18 expiration of the period of 30 calendar days de-
19 scribed in section 202(a), or with respect to a na-
20 tional emergency proposed to be renewed under sec-
21 tion 202(b), the President may not, during the re-
22 mainder of the term of office of that President, de-
23clare a subsequent national emergency under sub-
24section (a) with respect to the same circumstances.

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

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

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

18 “(a) TEMPORARY EFFECTIVE PERIODS.—

19 “(1) IN GENERAL.—A declaration of a national
20 emergency shall remain in effect for a period of 30
21 calendar days from the issuance of the proclamation
22 under section 201(a) (unless the declaration is ter-
23 minated before the end of that period pursuant to
24 an Act of Congress under subsection (c)(1)(C) or a
25 proclamation of the President under subsection

1 (c)(1)(D)) and shall terminate when that 30-cal-
2 endar-day period expires unless there is enacted into
3 law a joint resolution of approval under section 203
4 with respect to the proclamation.

5 “(2) EXERCISE OF POWERS AND AUTHORI-
6 TIES.—Any emergency power or authority made
7 available under a provision of law specified in a
8 proclamation or Executive order pursuant to section
9 201(b) may be exercised pursuant to the declaration
10 of a national emergency for a period of 30 calendar
11 days from the issuance of the proclamation or Exec-
12 utive order (unless the declaration is terminated be-
13 fore the end of that period pursuant to an Act of
14 Congress under subsection (c)(1)(C) or a proclama-
15 tion of the President under subsection (c)(1)(D)).
16 That power or authority may not be exercised after
17 that 30-calendar-day period expires unless there is
18 enacted into law a joint resolution of approval under
19 section 203 approving—

20 “(A) the proclamation of the national
21 emergency or the Executive order; and

22 “(B) the exercise of the power or authority
23 specified by the President in such proclamation
24 or Executive order.

1 “(3) COMPUTATION OF DAYS.—For purposes of
2 paragraphs (1) and (2), a period of 30 calendar days
3 shall be computed excluding—

4 “(A) Saturdays, Sundays, and Federal
5 holidays; and

6 “(B) the date on which the proclamation
7 or Executive order described in paragraph (1)
8 or (2), as applicable, is issued.

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 declaring national
3 emergencies 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 with re-
23 spect to the proclamation or Executive order.

24 “(2) REQUESTS TO CONVENE CONGRESS DUR-
25 ING RECESSES.—If, when the President transmits to

1 Congress a proclamation declaring a national emer-
2 gency under section 201(a), or an Executive order
3 specifying emergency powers or authorities under
4 section 201(b)(2) or renewing a national emergency
5 under section 202(b), Congress has adjourned sine
6 die or has adjourned for any period in excess of 3
7 calendar days—

8 “(A) the Speaker of the House of Rep-
9 resentatives or the designee of the Speaker,
10 after consultation with the minority leader of
11 the House, shall notify the Members of the
12 House to reassemble at such place and time as
13 they may designate if, in their opinion, the pub-
14 lic interest shall warrant it; and

15 “(B) the majority leader of the Senate or
16 the designee of the majority leader, after con-
17 currence with the minority leader of the Senate,
18 shall notify the Members of the Senate to reas-
19 semble at such place and time as they may des-
20 ignate if, in their opinion, the public interest
21 shall warrant it.

22 “(3) CONSIDERATION IN SENATE.—In the Sen-
23 ate, the following shall apply:

1 “(A) COMMITTEE REFERRAL.—A joint res-
2 olution of approval shall be referred to the ap-
3 propriate committee or committees.

4 “(B) REPORTING AND DISCHARGE.—If a
5 committee to which a joint resolution of ap-
6 proval has been referred has not reported it at
7 the end of 10 calendar days after its introduc-
8 tion, that committee shall be discharged from
9 further consideration of the resolution and it
10 shall be placed on the calendar.

11 “(C) PROCEEDING TO CONSIDERATION.—
12 Notwithstanding Rule XXII of the Standing
13 Rules of the Senate, when a committee to which
14 a joint resolution of approval is referred has re-
15 ported the resolution, or when that committee is
16 discharged under subparagraph (B) from fur-
17 ther consideration of the resolution, it is at any
18 time thereafter in order to move to proceed to
19 the consideration of the joint resolution, and all
20 points of order against the joint resolution (and
21 against the motion to proceed to the consider-
22 ation of the joint resolution) are waived. The
23 motion to proceed shall be debatable for 4
24 hours evenly divided between proponents and
25 opponents of the joint resolution of approval.

1 The motion is not subject to amendment, or to
2 a motion to postpone, or to a motion to proceed
3 to the consideration of other business. A motion
4 to reconsider the vote by which the motion is
5 agreed to or disagreed to shall not be in order.
6 If a motion to proceed to the consideration of
7 a joint resolution of approval is agreed to, the
8 joint resolution shall remain the unfinished
9 business of the Senate until disposed of.

10 “(D) FLOOR CONSIDERATION.—There
11 shall be 10 hours of consideration on a joint
12 resolution of approval, to be divided evenly be-
13 tween the proponents and opponents of the
14 joint resolution. Of that 10 hours, there shall be
15 a total of 2 hours of debate on any debatable
16 motions in connection with the joint resolution,
17 to be divided evenly between the proponents
18 and opponents of the joint resolution.

19 “(E) AMENDMENTS.—No amendments
20 shall be in order with respect to a joint resolu-
21 tion of approval in the Senate.

22 “(F) MOTION TO RECONSIDER VOTE ON
23 PASSAGE.—A motion to reconsider a vote on
24 passage of a joint resolution of approval shall
25 not be in order.

1 “(G) APPEALS.—Points of order and ap-
2 peals from the decision of the Presiding Officer
3 shall be decided without debate.

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

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

14 “(B) PROCEEDING TO CONSIDERATION.—
15 After each committee to which a joint resolu-
16 tion of approval has been referred reports it to
17 the House or has been discharged from further
18 consideration thereof, it shall be in order to
19 move to proceed to consider the joint resolution
20 of approval in the House. All points of order
21 against the motion are waived. Such a motion
22 shall not be in order after the House has dis-
23 posed of a motion to proceed on the joint reso-
24 lution of approval. The previous question shall
25 be considered as ordered on the motion to its

1 adoption without intervening motion. The mo-
2 tion shall not be debatable. A motion to recon-
3 sider the vote by which the motion is disposed
4 of shall not be in order.

5 “(C) CONSIDERATION.—The joint resolu-
6 tion of approval shall be considered as read. All
7 points of order against the resolution and
8 against its consideration are waived. The pre-
9 vious question shall be considered as ordered on
10 the resolution to final passage without inter-
11 vening motion except 2 hours of debate evenly
12 divided and controlled by the sponsor of the res-
13 olution (or a designee) and an opponent. A mo-
14 tion to reconsider the vote on passage of the
15 resolution shall not be in order.

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

19 “(5) COORDINATION WITH ACTION BY OTHER
20 HOUSE.—

21 “(A) IN GENERAL.—If, before the passage
22 by one House of a joint resolution of approval
23 of that House, that House receives from the
24 other House a joint resolution of approval relat-
25 ing to the same proclamation described in sec-

1 tion 201(a) or Executive order described in sec-
2 tion 201(b)(2) or 202(b), then the following
3 procedures shall apply:

4 “(i) The joint resolution of the other
5 House shall not be referred to a com-
6 mittee.

7 “(ii) The procedure in the receiving
8 House shall be the same as if no joint res-
9 olution had been received from the other
10 House until the vote on passage, which
11 shall be treated as follows:

12 “(I) If the text of the joint reso-
13 lution of approval is identical to the
14 text of the joint resolution of approval
15 received from the other House, the
16 vote on final passage shall be on the
17 joint resolution of approval received
18 from the other House.

19 “(II) If the text of the joint reso-
20 lution is not identical to the text of
21 the joint resolution received from the
22 other House, then that House shall
23 vote on passage of its own resolution
24 and it shall be in order immediately
25 thereafter to make a privileged motion

1 to proceed to the consideration of the
2 measure from the other House, strike
3 all after the enacting clause, and in-
4 sert in lieu thereof the text of the res-
5 olution passed by that House. The
6 joint resolution as amended shall be
7 read a third time and engrossed and
8 passed as amended, and the motion to
9 reconsider shall be considered made
10 and laid upon the table. Such a mo-
11 tion shall be disposed of without inter-
12 vening action or debate.

13 “(B) TREATMENT OF LEGISLATION OF
14 OTHER HOUSE.—If one House fails to intro-
15 duce, consider, or enact a joint resolution of ap-
16 proval under this section with respect to procla-
17 mation under section 201(a) or Executive order
18 under section 201(b)(2) or 202(b), the joint
19 resolution of approval of the other House shall
20 be entitled to consideration under this section.

21 “(C) SPECIAL RULE FOR REVENUE MEAS-
22 URES.—In the case of a joint resolution of ap-
23 proval that is a revenue measure—

1 “(i) the provisions of subparagraphs
2 (A) and (B) shall not apply in the House
3 of Representatives; and

4 “(ii) the provisions of subparagraph
5 (A) shall apply in the Senate even if the
6 Senate has previously passed a joint reso-
7 lution of approval relating to the same
8 proclamation under section 201(a) or Ex-
9 ecutive order under section 201(b)(2) or
10 202(b).

11 “(6) RESOLUTION OF DIFFERENCES BETWEEN
12 THE HOUSES.—In the case of a difference between
13 the 2 Houses of Congress with respect to the text
14 of a joint resolution of approval passed by both
15 Houses:

16 “(A) HOUSE.—Debate in the House of
17 Representatives on amendments between the
18 Houses (or a conference report) on the joint
19 resolution of approval, including a motion to
20 concur with an amendment, shall be limited to
21 not more than 1 hour, which shall be divided
22 evenly between a proponent and an opponent. A
23 motion to further limit debate is not debatable.
24 It is not in order to move to reconsider the vote

1 by which the message or conference report is
2 agreed to or disagreed to.

3 “(B) SENATE.—During the consideration
4 in the Senate of a message between the Houses
5 (or a conference report) on the joint resolution
6 of approval and all amendments thereto, and
7 debatable motions in connection therewith, con-
8 sideration shall be limited to 10 hours, to be
9 evenly divided between, and controlled by, the
10 majority leader and minority leader or their
11 designees. Consideration of any debatable mo-
12 tion related to the message between Houses (or
13 conference report), including a motion to concur
14 with an amendment, shall be limited to 1 hour,
15 to be evenly divided between, and controlled by,
16 the mover and the manager of a message be-
17 tween Houses (or conference report). Points of
18 order and appeals shall be decided without de-
19 bate.

20 “(C) LIMITATION ON AMENDMENTS BE-
21 TWEEN THE HOUSES.—The only amendments
22 in order shall be amendments—

23 “(i) to add or remove one or more
24 proclamations declaring a national emer-
25 gency under section 201(a), Executive or-

1 ders issued under section 201(b)(2), or Ex-
2 ecutive orders issued under section 202(b);

3 “(ii) to strike a provision or provisions
4 of law from the list required by subsection
5 (a)(2); or

6 “(iii) to add to that list a provision or
7 provisions of law specified by the President
8 under section 201(b) in a proclamation or
9 Executive order that is the subject of the
10 joint resolution of approval.

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

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

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

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

1 respect to the procedure to be followed in the House
2 in the case of joint resolutions of approval described
3 in this section, and supersedes other rules only to
4 the extent that it is inconsistent with such other
5 rules; and

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

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

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

20 “(b) NATIONAL EMERGENCY DESCRIBED.—

21 “(1) IN GENERAL.—A national emergency de-
22 scribed in this subsection is a national emergency
23 pursuant to which the President proposes to exercise
24 emergency powers or authorities made available
25 under the International Emergency Economic Pow-

1 ers Act (50 U.S.C. 1701 et seq.), supplemented as
2 necessary by a provision of law specified in para-
3 graph (2).

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

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

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

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

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

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

1 “(d) REPORT ON EMERGENCIES.—The President
2 shall transmit to Congress, with any proclamation declar-
3 ing a national emergency under section 201(a) or any Ex-
4 ecutive order specifying emergency powers or authorities
5 under section 201(b)(2) or renewing a national emergency
6 under section 202(b), a report, in writing, that includes
7 the following:

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

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

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

23 “(4) In the case of a renewal of a national
24 emergency, a summary of the actions the President
25 or other officers have taken in the preceding one-

1 year period, including any reprogramming or trans-
2 fer of funds, to address the emergency.

3 “(e) PROVISION OF INFORMATION TO CONGRESS.—

4 The President shall provide to Congress such other infor-
5 mation as Congress may request in connection with any
6 national emergency in effect under title II.

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

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

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing:

24 “(c)(1) The authority granted to the President by
25 this section does not include the authority to impose duties

1 or tariff-rate quotas or (subject to paragraph (2)) other
2 quotas on articles entering the United States.

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

6 (d) CONFORMING AMENDMENTS.—

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

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

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

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

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

22 (e) EFFECTIVE DATE; APPLICABILITY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), this section and the amendments made by
25 this section shall take effect on the date of the en-

1 actment of this Act and apply with respect to na-
2 tional emergencies declared under section 201 of the
3 National Emergencies Act on or after that date.

4 (2) APPLICABILITY TO RENEWALS OF EXISTING
5 EMERGENCIES.—When a national emergency de-
6 clared under section 201 of the National Emer-
7 gencies Act before the date of the enactment of this
8 Act would expire or be renewed under section 202(d)
9 of that Act (as in effect on the day before such date
10 of enactment), that national emergency shall be sub-
11 ject to the requirements for renewal under section
12 202(b) of that 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 of this Act, is further amended
18 by adding 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 year for which the budget is submitted) attrib-
23 utable to the exercise of powers and authorities
24 made available by statute for use during the period
25 of a national emergency declared by the President

1 under section 201 of the National Emergencies Act
2 (50 U.S.C. 1621), currently active or in effect dur-
3 ing the applicable fiscal years.

4 “(B) Obligations and expenditures contained in
5 the report described in subparagraph (A) shall—

6 “(i) be organized by Treasury Appropria-
7 tion Fund Symbol or fund account and by pro-
8 gram, project, and activity; and

9 “(ii) include—

10 “(I) a description of each such pro-
11 gram, project, and activity;

12 “(II) the authorities under which such
13 funding actions are taken; and

14 “(III) the purpose and progress of
15 such obligations and expenditures toward
16 addressing the applicable national emer-
17 gency.

18 “(C) The report described in subparagraph (A)
19 shall include, with respect to any transfer, re-
20 programming, or repurposing of funds to address
21 the applicable national emergency—

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

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

1 “(iii) a description of programs, projects,
2 and activities affected by such transfer, re-
3 programming, or repurposing, including by a
4 reduction in funding.”.

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

8 Section 251(b)(2)(A) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 (2 U.S.C.
10 901(b)(2)(A)) is amended—

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

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

○