



SECTION BY SECTION ANALYSIS: CONGRESSIONAL POWER OF THE PURSE ACT

September 9, 2025

Sec. 1. Short title. This section sets the short title of the Act as the Congressional Power of the Purse Act.

TITLE I – STRENGTHENING CONGRESSIONAL CONTROL AND REVIEW TO PREVENT IMPOUNDMENT

Sec. 101. Prohibition on Fast-Track Procedures under the Impoundment Control Act of 1974. This section eliminates through January 20, 2029 fast-track procedures for consideration of a President’s request to rescind or defer money under the Impoundment Control Act of 1974 (ICA).

Sec. 102. Strengthening congressional control. This section expounds upon the existing requirements under the ICA to ensure budget authority is made available for obligation. This section requires that budget authority proposed for rescission or deferral pursuant to sections 1012 or 1013 of the ICA be made available in time to be obligated (as is already required under the ICA), no later than 90 calendar days before those funds under the budget authority would expire. This section would include a corresponding requirement that appropriated funds be released to agencies through the administrative apportionment processes in time for the agencies to obligate their appropriations (as is already required under current law), no later than 90 calendar days before those appropriated funds would expire.

Sec. 103. Strengthening congressional review. This section would require agencies with apportioned funding to notify the appropriate congressional committees if an apportionment of an appropriation is not made within the required statutory time period. This section also requires notification if the approved apportionment conditions the availability of an appropriation on further action or may otherwise hinder the agency’s ability to prudently obligate its appropriations or carry out its program, project, or activity.

Sec. 104. Updated authorities for and reporting by the Comptroller General. This section requires that GAO shall review and report on compliance with the ICA without regard to whether a withholding or deferral is ongoing and extends GAO’s review and compliance monitoring to the new congressional control provisions added to the ICA in section 101. This section also requires the

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Executive Branch to provide GAO with timely information, documentation, views, and access to employees for interview, if requested by the Comptroller General.

Sec. 105. Advance congressional notification and litigation. This section shortens the waiting period for GAO to initiate an action to release withheld budget authority from 25 session days following congressional notification to 15 calendar days following congressional notification. This section further creates an exception to the required 15-calendar day wait for appropriate circumstances. This section also expands the legal suits that may be brought by the Comptroller General under the ICA, to include suits to compel the production of information, documentation, views, or access to interview employees withheld by a department, agency, or office in violation of the requirements of the ICA. This new litigation authority is not intended to curtail any existing litigation authorities under the ICA.

Sec. 106. Penalties for failure to comply with the Impoundment Control Act of 1974. This section requires the Executive Branch to provide a report to the Congress and the Comptroller General in the event of any violations of the ICA, including in response to any reports by GAO that identify a failure to transmit a special message under section 1015 and legal decisions by GAO that find the Executive Branch has violated the ICA. This section would also explicitly create criminal penalties and authorize discipline for responsible officials. This reporting requirement and the penalties for violating the ICA are modeled on the reporting requirement and penalties for certain violations of the Antideficiency Act, another bedrock statute of fiscal law and congressional control.

Sec. 107. Clarification of treatment of GAO report as special message. This section removes the expedited congressional procedures for considering a rescission when GAO finds that the Executive Branch has illegally impounded funds.

Sec. 108. Congressional designations. This section eliminates the requirement for the President to subsequently designate appropriations provided through duly enacted statutes as being for an emergency or for overseas contingency operations, after the enactment of the Act providing such appropriations.

TITLE II – STRENGTHENING TRANSPARENCY AND REPORTING

SUBTITLE A – FUNDS MANAGEMENT AND REPORTING TO THE CONGRESS

Sec. 211. Expired balance reporting in the President’s budget. This section requires the Executive Branch to report, as part of the President’s budget submission, expired balances by appropriation for the preceding 3 years, along with explanations for balances that exceed certain thresholds.

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Sec. 212. Cancelled balance reporting in the President's budget. This section requires the Executive Branch to report as part of the President's budget submission, cancelled balances by appropriation for the preceding 3 years, along with explanations for balances that exceed certain thresholds. This section also requires certain reporting on expenditures from appropriations available for an indefinite time period.

Sec. 213. Lapse in appropriations -- reporting in the President's budget. This section requires agencies to maintain a detailed accounting of their funding actions taken during a lapse in appropriations and report this information to Congress for any lapses in appropriations that last 5 or more days. The report required by this section provides information on obligations by program, project, and activity and an explanation of the agency's legal judgment that an Antideficiency Act exception authorized the obligations during the lapse. This section also requires disclosure to Congress of any disbursements made during a lapse in appropriations.

Sec. 214. Transfer and other repurposing authority reporting in the President's budget. This section adds a one-time reporting requirement for the Executive Branch for the budget for fiscal year 2027 to provide a compilation of transfer authorities as well as authorities to repurpose funding that are provided in laws other than appropriations acts, as well as an explanation of any use of such authorities in the 3 preceding fiscal years.

Sec. 215. Authorizing cancellations in indefinite accounts by appropriation. This section adds authority to allow for cancellation by appropriation within an indefinite Treasury account in the event such an appropriation has not been used for two years and the head of the agency determines they are no longer needed to fulfill their statutory purpose (which is the existing standard for cancellations of indefinite funding at the account level). This section applies only to appropriations that are available without fiscal year limitation.

Sec. 216. National Emergencies Act declaration spending reporting in the President's budget. This section requires the President to include, as part of the annual budget submission to Congress, a report on the proposed, planned, or actual obligations and expenditures of funds attributable to the exercise of powers and authorities made available by statute by declarations of a national emergency. These obligations and expenditures shall be reported by the appropriations account and by the program, project, and activity, including a description of each of these items as well as the authorities under which such actions are taken, and their purpose and progress toward addressing the national emergency. Further, the report shall include the amount of each transfer, repurposing, and reprogramming to address the emergency; the authority authorizing each; and a description of programs, projects, and activities affected, including by a reduction in funding. The report shall cover obligations and expenditures anticipated for the fiscal year for which the budget is submitted and actual and estimated obligations and expenditures for the prior and the current fiscal year, respectively, for each Presidentially declared national emergency currently active or in effect during applicable fiscal years for which funding actions are proposed, planned, or have taken place for the covered fiscal years.

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SUBTITLE B – EMPOWERING CONGRESSIONAL REVIEW THROUGH NONPARTISAN CONGRESSIONAL AGENCIES AND TRANSPARENCY INITIATIVES

Sec. 221. Requirement to respond to requests for information from the Comptroller General for budget and appropriations law decisions. This section requires executive agencies and the D.C. government to respond to GAO’s written requests for information, documentation, and views relating to a decision or opinion on budget or appropriations law not later than 20 days after the agency receives the request, unless such request provides a later deadline. This section requires the Comptroller General to notify Congress of any failure to provide GAO with the information it requests, and it authorizes the Comptroller General to bring a lawsuit against the Administration to compel the production of information, documentation, or views withheld in violation of this section.

Sec. 222. Reporting requirements for Antideficiency Act violations. Section 145 of OMB Circular A-11 sets out the reporting requirements for Antideficiency Act violation reports, which includes a summary of the cause of the violation, identification of the position of the officials responsible for the violation, and descriptions of the actions the agency has taken to prevent the recurrence of such violation.

This section amends the reporting requirements in the Antideficiency Act to codify and mandate compliance with this existing practice. This section also ensures the long-standing requirement that the Antideficiency Act violation reports are required when GAO finds that a violation occurred. This section further amends the Antideficiency Act to require the Comptroller General to report to Congress upon finding a violation of the Antideficiency Act that the relevant agency has failed to report.

This language mirrors a requirement in section 1015 of the ICA, which requires the Comptroller General to report reserves or deferrals that the President has not properly reported to Congress. GAO’s practice under section 1015 is to investigate possible violations of the ICA on its own initiative when the possible violation comes to its attention, either because concerned individuals contacted GAO or when it learns of them through its audits and investigations or through publicly available information. It is the intent that GAO should carry out its authority in the same way that it does its authority under section 1015 of the ICA by proactively investigating possible violations of the Antideficiency Act when such issues come to its attention.

Sec. 223. Department of Justice reporting to the Congress for Antideficiency Act violations. This section amends the reporting requirements in the Antideficiency Act to ensure that the Department of Justice is appropriately reviewing all reports of Antideficiency Act violations and investigating to the extent necessary to determine whether there are reasonable grounds to believe that the responsible officer or employee knowingly and willfully violated the Antideficiency Act. This section further requires the Department of Justice to provide annual updates to Congress and the Comptroller General on the number of reports the Department has reviewed by agency as well as the status of investigations undertaken.

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Sec. 224. Treatment of requests for information from Members of Congress.

Clarifies that requests from Members of Congress are requests from Congress for the purposes of the Freedom of Information Act.

Sec. 225. Suits by Comptroller General for Antideficiency Act violations. This section expands the suits that may be brought by the Comptroller General to include suits to compel compliance with the Antideficiency Act. This new litigation authority is not intended to curtail any existing litigation authorities under the Antideficiency Act or ICA.

Sec. 226. Inspector General for the Office of Management and Budget. This section creates an inspector general position at the Office of Management and Budget.

Sec. 227. Publication of budget or appropriations law opinions of the Department of Justice Office of Legal Counsel. This section requires prompt public disclosure of Office of Legal Counsel opinions relating to budget and appropriations law, subject to certain exceptions. This section sets a schedule for public disclosure, pursuant to which new opinions must be published within 30 days of their issuance and pre-existing opinions must be published within 1 year (for decisions issued since 1993), 2 years (for decisions issued between 1981 and 1993), 3 years (for decisions issued between 1969 and 1981), or 4 years (for all other opinions). This section also provides exceptions pursuant to which OLC may withhold opinions containing classified information, opinions relating to the appointment of a specific individual not confirmed to office, and opinions exempted from disclosure by statute.

TITLE III – REPUBLIC ACT

Sec. 301. Short title. This section sets the short title of the title as the REPUBLIC Act.

SUBTITLE A – CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES

Sec. 311. Congressional review of national emergencies. This section amends the National Emergencies Act to limit the President's ability to exercise statutory emergency authorities indefinitely, without meaningful review or approval by Congress. It provides that an emergency declared by the President shall automatically cease after 45 days unless Congress expressly approves the declaration. This will require both Houses affirmatively to approve of an emergency, flipping the current default that resulted from the Supreme Court's decision in *INS v. Chadha* in which both Houses must affirmatively disapprove of an emergency with sufficient votes to override a veto.

Sec. 312. Reporting requirements. Requires the President to include with national emergency proclamations a description of the circumstances necessitating the declaration of a national emergency, the estimated duration of the national emergency, a summary of the actions the President intends to take, the total expenditures estimated that are directly attributable to the emergency, and if applicable a

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summary of the actions the President has taken in the preceding one-year period for the renewal of the emergency.

Sec. 313. Exclusion of certain national emergencies invoking International Emergency Economic Powers Act. This section excludes emergencies under the International Emergency Economic Powers Act (IEEPA) from the requirements in this title.

Sec. 314. Conforming amendments. This section makes a conforming amendment.

Sec. 315. Effective date; applicability. This section specifies that the national emergency provisions apply to any national emergency declared after enactment. Renewals of existing national emergencies would also be subject to the requirements of this title.

SUBTITLE B – LIMITATIONS ON EMERGENCY AUTHORITIES

Sec. 321. Presidential war powers under Communications Act of 1934. This section limits the President’s powers under the Communications Act of 1934. The Communications Act of 1934 authorizes the President to prioritize certain communications in the interests of national security or defense. This section limits that authority to instances when there is a declared national emergency.

Sec. 322. Disclosure to Congress of presidential emergency action documents. This section requires the President to provide to Congress all presidential emergency action documents in existence and update Congress when such documents are revised or new documents are created. Emergency action documents include documents designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental processes; a Presidential Policy Directive that triggers any change in policies, procedures, or operations of the government upon the declaration by the President of an emergency; or any document, briefing, or plan that triggers any change in operations of the government upon the declaration by the President of an emergency.

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