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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Impoundment Control Act of 1974 to establish a private and congressional right of action for violations of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Impoundment Control Act of 1974 to establish a private and congressional right of action for violations of such Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Account-
5 ability in Appropriations Act”.

1 **SEC. 2. PRIVATE AND CONGRESSIONAL CIVIL ACTIONS FOR**
2 **IMPOUNDMENT CONTROL ACT VIOLATIONS.**

3 (a) APPLICATION.—Section 1001 of the Impound-
4 ment Control Act of 1974 (2 U.S.C. 681) is amended—

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

7 (2) by redesignating paragraph (4) as para-
8 graph (5); and

9 (3) inserting after paragraph (3) the following:

10 “(4) affecting or precluding in any way private
11 rights of action concerning any impoundment estab-
12 lished by provision of law other than this Act; or”.

13 (b) PRIVATE AND CONGRESSIONAL ACTIONS.—Such
14 Act is further amended by adding after section 1017 the
15 following:

16 “SUITS BY PRIVATE AGGRIEVED PARTIES

17 “SEC. 1018. (a) IN GENERAL.—Any person ag-
18 grieved by a violation of this title with respect to the with-
19 holding of budget authority that is required to be made
20 available under such title may institute a civil action in
21 a United States district court against the United States
22 and any Federal employee for preventive relief, including
23 an application in a United States district court for a per-
24 manent or temporary injunction, restraining order, or
25 other order.

1 “(b) RELIEF.—Such court is hereby expressly em-
2 powered to enter in such civil action, against any depart-
3 ment, agency, officer, or employee of the United States,
4 any decree, judgment, or order, which may be necessary
5 or appropriate to make such budget authority available for
6 obligation.

7 “ACTION BY CONGRESS

8 “SEC. 1019. (a) IN GENERAL.—

9 “(1) If the Comptroller General makes a report avail-
10 able to both Houses of Congress under section 1015(a)
11 of this Act, the House of Representatives shall initiate civil
12 actions if the resolution described in this section is adopt-
13 ed by the House.

14 “(2)(A) If a covered individual believes that the
15 President has failed to transmit a special message with
16 respect to a reserve or a deferral of budget authority, such
17 individual may submit a request (in writing) to the Comp-
18 troller General for a report to be issued under section
19 1015(a) with respect to such reserve or deferral. Such re-
20 quest shall include—

21 “(i) a description of the budget authority so re-
22 served or deferred and the reasons why such a re-
23 port is necessary; and

24 “(ii) the date by which such report shall be
25 issued by the Comptroller General, which shall be no

1 earlier than 90 calendar days after the submission
2 of the request.

3 “(B) If such a report is not issued by the date de-
4 scribed in clause (ii), the covered individual who submitted
5 the request under paragraph (A) may introduce a resolu-
6 tion as described in this section, except that the following
7 shall be substituted for section 1(c)(3) of the matter de-
8 scribed in subsection (b)(3) of this section: ‘(3) which is
9 the subject of a request made to the Comptroller General
10 by _____ on _____, but for which no report has been
11 made available by the Comptroller General to both Houses
12 of Congress under section 1015(a) of the Congressional
13 Budget and Impoundment Control Act of 1974.’ (The
14 blank spaces being filled in with the applicable name of
15 the covered individual and the date, respectively).

16 “(C) In this paragraph, the term ‘covered individual’
17 means the Speaker of the House of Representatives, the
18 majority or minority leader of the House, the chair or
19 ranking member of the Committee on the Budget of the
20 House, or the chair or ranking member of the Committee
21 on Oversight and Government Reform of the House.

22 “(b) RESOLUTION.—For the purpose of this section,
23 the term ‘resolution’ means a resolution that is introduced
24 in the House of Representatives not later than 45 calendar

1 days after the date on which the Comptroller General
2 makes such a report available and—

3 “(1) which does not have a preamble;

4 “(2) the title of which is ‘Providing for author-
5 ity to initiate litigation for actions inconsistent with
6 the Impoundment Control Act.’; and

7 “(3) the matter after the resolving clause is as
8 follows:

9 **“SEC. 1. CIVIL ACTIONS REGARDING IMPROPER DEFER-**
10 **RAL OF BUDGET AUTHORITY.**

11 ““(a) CIVIL ACTIONS.—The Speaker is directed to
12 initiate or intervene in one or more civil actions on behalf
13 of the House of Representatives in the United States Dis-
14 trict Court for the District of Columbia to require that
15 budget authority described in subsection (c) to be made
16 available for obligation.

17 ““(b) OGC.—The Office of the General Counsel of
18 the House of Representatives, at the direction of the
19 Speaker, shall represent the House in any civil action initi-
20 ated, or in which the House intervenes, pursuant to this
21 resolution, and may employ the services of outside counsel
22 and other experts for this purpose.

23 ““(c) BUDGET AUTHORITY.—Budget authority de-
24 scribed in this subsection is any budget authority that—

1 “(1) is required to be made available for obli-
2 gation;

3 “(2) is not made available for obligation on or
4 before the date on which this resolution is intro-
5 duced; and

6 “(3) which is the subject of a report made
7 available on ____ by the Comptroller General to
8 both Houses of Congress under section 1015(a) of
9 the Congressional Budget and Impoundment Control
10 Act of 1974.’. (The blank space being filled in with
11 the applicable date).

12 “(c) FAST TRACK CONSIDERATION IN HOUSE OF
13 REPRESENTATIVES.—

14 “(1) REFERRAL AND DISCHARGE.—Any com-
15 mittee of the House of Representatives to which a
16 resolution is referred under this section shall report
17 it to the House of Representatives without amend-
18 ment not later than 2 legislative days after the date
19 of introduction of the resolution. If a committee fails
20 to report the resolution within that period, the com-
21 mittee shall be discharged from further consider-
22 ation of the resolution and the resolution shall be re-
23 ferred to the appropriate calendar.

24 “(2) PROCEEDING TO CONSIDERATION.—After
25 each committee authorized to consider the resolution

1 reports it to the House of Representatives or has
2 been discharged from its consideration under para-
3 graph (1), it shall be in order to move to proceed to
4 consider the resolution in the House. All points of
5 order against the motion are waived. Such a motion
6 shall not be in order after the House has disposed
7 of a motion to proceed on the resolution. The pre-
8 vious question shall be considered as ordered on the
9 motion to its adoption without intervening motion.
10 The motion shall not be debatable. A motion to re-
11 consider the vote by which the motion is disposed of
12 shall not be in order.

13 “(3) CONSIDERATION.—The resolution shall be
14 considered as read. All points of order against the
15 resolution and against its consideration are waived.
16 The previous question shall be considered as ordered
17 on the resolution to its passage without intervening
18 motion except two hours of debate equally divided
19 and controlled by the proponent and an opponent. A
20 motion to reconsider the vote on passage of the reso-
21 lution shall not be in order.

22 “(d) TIMELY ACTION BY THE SPEAKER.—The
23 Speaker shall, in coordination with the Office of the Gen-
24 eral Counsel of the House of Representatives, initiate or
25 intervene in one or more civil actions as directed by a reso-

1 lution not later than 20 calendar days after passage of
2 such resolution.

3 “(e) APPLICATION.—Nothing contained in this sec-
4 tion shall be construed as to limit the authority of the Gov-
5 ernment Accountability Office to initiate its own process
6 for issuing a report under section 1015(a), or to limit the
7 authority of Members of Congress other than covered indi-
8 viduals to submit requests to the Comptroller General to
9 initiate such process.

10 “(f) RULES OF HOUSE OF REPRESENTATIVES.—This
11 section is enacted by Congress—

12 “(1) as an exercise of the rulemaking power of
13 the House of Representatives and as such it is
14 deemed a part of the rules of the House but applica-
15 ble only with respect to the procedure to be followed
16 in that House in the case of a resolution, and it su-
17 persedes other rules only to the extent that it is in-
18 consistent with such rules; and

19 “(2) with full recognition of the constitutional
20 right of the House to change the rules (so far as re-
21 lating to the procedure of the House) at any time,
22 in the same manner, and to the same extent as in
23 the case of any other rule of the House.”.

24 (c) CLERICAL AMENDMENT.—The table of contents
25 of the Congressional Budget and Impoundment Control

1 Act of 1974 set forth in section 1(b) of such Act is amend-
2 ed by inserting after the item relating to section 1017 the
3 following:

“Sec. 1018. Suits by private aggrieved parties.

“Sec. 1019. Action by Congress.”.