

APPENDIX D--EXCERPTS FROM OTHER TITLES; INCLUDING TITLE 2, UNITED STATES CODE

EXCERPTS FROM TITLE 2--THE CONGRESS

CHAPTER 17B--IMPOUNDMENT CONTROL--Sections 681-688

2 UNITED STATES CODE 681 DISCLAIMER

§ 681. Disclaimer

“Nothing contained in this Act, or in any amendments made by this Act, shall be construed as--

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.”

2 UNITED STATES CODE 682 DEFINITIONS

§ 682. Definitions

“For purposes of sections 682 to 688 of this title--

(1) “deferral of budget authority” includes--

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) “Comptroller General” means the Comptroller General of the United States;

(3) “rescission bill” means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 683 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) “impoundment resolution” means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 684 of this title; and

(5) continuity of a session of Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 683 of this title, and the 25-day periods referred to in sections 687 and 688(b)(1) of this title. If a special message is transmitted under section 683 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 683 of this title (with respect to such message) shall commence on the day after such first day.”

2 UNITED STATES CODE 683 RESCISSION OF BUDGET AUTHORITY

§ 683. Rescission of budget authority

“(a) Transmittal of special message

Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying--

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) Requirement to make available for obligation

Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved. Funds made available for obligation under this procedure may not be proposed for rescission again.”

2 UNITED STATES CODE 684 PROPOSED DEFERRALS OF BUDGET AUTHORITY

§ 684. Proposed Deferrals of budget authority

“(a) Transmittal of special message. Whenever the President, the Director of OMB, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying--

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority, including specific elements of legal authority, invoked to justify such proposed deferral, and to the

maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) Consistency with legislative policy

Deferrals shall be permissible only--

(1) to provide for contingencies;

(2) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(3) as specifically provided by law.

No officer or employee of the United States may defer any budget authority for any other purpose.

(c) Exception

The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 683 of this title.”

2 UNITED STATES CODE 685 TRANSMISSION OF MESSAGES; PUBLICATION

§ 685. Transmission of messages; publication

“(a) Delivery to House and Senate. (Text omitted here; for detail refer to U.S.C. title 2)

(b) Delivery to Comptroller General. (Text omitted here, for detail refer to U.S.C. title 2)

(c) Transmission of supplementary messages. (Text omitted here, for detail refer to U.S.C. title 2)

(d) Printing in Federal Register. (Text omitted here, for detail refer to U.S.C. title 2)

(e) Cumulative reports of proposed rescissions, reservations, and deferrals of budget authority. (Text omitted here, for detail refer to U.S.C. title 2).”

2 UNITED STATES CODE 686 REPORTS BY COMPTROLLER GENERAL

§ 686. Reports by Comptroller General

“(a) Failure to transmit special message. (Text omitted here, for detail refer to U.S.C. title 2)

(b) Incorrect classification of special message. (Text omitted here, for detail refer to U.S.C. title 2)

2 UNITED STATES CODE 687 SUITS BY COMPTROLLER GENERAL

§ 687. Suits by Comptroller General

“If, under this chapter, budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.”

2 UNITED STATES CODE 688 PROCEDURE IN HOUSE OF REPRESENTATIVES AND SENATE

§ 688. Procedure in House of Representatives and Senate

“(a) Referral. (Text omitted, for detail refer to United States Code, Title 2.)

(b) Discharge of committee. (Text omitted, for detail refer to United States Code, Title 2)

(c) Floor consideration in the House. (Text omitted, for detail refer to United States Code, Title 2)

(d) Floor consideration in the Senate. (Text omitted, for detail refer to United States Code, Title 2).”

EXCERPTS FROM SELECTED TITLES AND SECTIONS OF UNITED STATES CODE

TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

5 UNITED STATES CODE 1304 LOYALTY INVESTIGATIONS; REPORTS;
REVOLVING FUND

§ 1304(e). Loyalty investigations; reports; revolving fund

“(1) A revolving fund is available, to the Office (i.e. Office of Personnel Management) without fiscal year limitation, for financing investigations, training, and such other functions as the Office is authorized or required to perform on a reimbursable basis. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

(2) The capital of the fund consists of the aggregate of--

(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized, and

(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Office from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

(3) The fund shall be credited with--

(A) advances and reimbursements from available funds of the Office or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Office as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

(B) receipts from sales or exchanges of property, and payments for loss of or damage to property, accounted for under the fund.

(4) Any unobligated and unexpended balances in the fund which the Office determines to be in excess of amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts .

(5) The Office shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Office and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

(6) The Comptroller General of the U.S. shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the committees on Post Office and Civil Service of the Senate and House at least every three years.”

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

18 UNITED STATES CODE 4124 PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS

§ 4124. Purchase of Prison-made Products by Federal Departments

“(a) The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

(b) Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the Administrator of General Services, and the President, or their representatives. Their decision shall be final and binding upon all parties.

(c) Each Federal department, agency, and institution subject to the requirements of subsection (a) shall separately report to the General Services Administration all of its acquisitions of products and services from Federal Prison Industries, and that reported information shall be entered in the Federal Procurement Data System referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act. Each report published by the Federal Procurement Data System that contains the information collected by the System shall include a statement to accompany the information reported by the department, agency, or institution under the preceding sentence as follows: "Under current law, sales by Federal Prison Industries are considered intragovernmental transfers. The purpose of reporting sales by Federal Prison Industries is to provide a complete overview of acquisitions by the Federal Government during the reporting period."

(d) Within 90 days after the date of enactment of this subsection, Federal Prison Industries shall publish a catalog of all products and services which it offers for sale. This catalog shall be updated periodically to the extent necessary to ensure that the information in the catalog is complete and accurate.”

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

33 UNITED STATES CODE 576 REVOLVING FUND; ESTABLISHMENT;
AVAILABILITY; REIMBURSEMENT; TRANSFER OF FUNDS; LIMITATION

§ 576. Revolving fund; establishment; availability; reimbursement; transfer of funds; limitation

“There is established a revolving fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of the plant and equipment of the Corps of Engineers used in civil works functions, including acquisition of plant and equipment, maintenance, repair, and purchase, operation, and maintenance of not to exceed four aircraft at any one time, temporary financing of services finally chargeable to appropriations for civil works functions, and the furnishing of facilities and services for military functions of the Department of the Army and other Government agencies and private persons, as authorized by law. In addition, the Secretary of the Army is authorized to provide capital for the fund by capitalizing the present inventories, plant and equipment of the civil works functions of the Corps of Engineers. The fund shall be credited with reimbursements or advances for the cost of equipment, facilities, and services furnished, at rates which shall include charges for overhead and related expenses, depreciation of plant and equipment, and accrued leave: Provided, that on July 1, 1953, (1) the fund shall assume the assets, liabilities, and obligations of the Plant accounts, as carried on the records of the Corps of Engineers as of June 30, 1953, under the appropriations for “Maintenance and improvement of existing river and harbor works,” “Flood control, general,” and “Flood control, Mississippi River and tributaries,” and (2) there shall be transferred from said appropriations to the fund amounts equivalent to the unexpended cash balances of the Plant accounts on June 30, 1953: Provided further, That the total capital of said fund shall not exceed \$140,000,000.”

TITLE 41--PUBLIC CONTRACTS

41 UNITED STATES CODE 11 NO CONTRACTS OR PURCHASES UNLESS
AUTHORIZED OR UNDER ADEQUATE APPROPRIATION; REPORT TO CONGRESS

§ 11. No contracts or purchases unless authorized or under adequate appropriation; report to Congress

“(a) No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the Department of Defense and in the Department of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year.

(b) The Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy shall immediately advise the Congress of the exercise of the authority granted in subsection (a) of this section, and shall report quarterly on

the estimated obligations incurred pursuant to the authority granted in subsection (a) of this section.”

TITLE 44--PUBLIC PRINTING AND DOCUMENTS

44 UNITED STATES CODE 501 GOVERNMENT PRINTING, BINDING, AND BLANK BOOK WORK TO BE DONE AT GOVERNMENT PRINTING OFFICE

§ 501. Government Printing, binding, and blank book-work to be done at Government Printing Office

“All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except--

(1) classes of work the joint committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

“Printing or binding may be done at the Government Printing Office only when authorized by law.”