

Union Calendar No. 263

112TH CONGRESS
2^D SESSION

H. R. 3521

[Report No. 112-364, Parts I and II]

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2011

Mr. RYAN of Wisconsin (for himself and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 17, 2012

Reported from the Committee on the Budget with amendments

[Omit the part struck through in brackets and insert the part printed in italic]

JANUARY 17, 2012

Referral to the Committee on Rules extended for a period ending not later than February 3, 2012

FEBRUARY 2, 2012

Additional sponsors: Mr. CONNOLLY of Virginia, Mr. BUCHANAN, Mr. COSTA, Mr. MANZULLO, Mr. WELCH, Mr. PAULSEN, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mrs. BLACK, Mr. STUTZMAN, Mr. SHULER, Ms. CASTOR of Florida, Mr. HENSARLING, Mr. DUNCAN of South Carolina, Mr. MCCLINTOCK, Mr. RIBBLE, Mr. KINZINGER of Illinois, Mr. AKIN, Mr. JOHNSON of Illinois, Mr. MULVANEY, Mr. SHERMAN, Ms. BASS of California, Mr. CICILLINE, Mr. HUELSKAMP, Mr. LANCE, Mr. PENCE, Mr. COOPER, Mr. FLORES, Mr. BERG, Mr. GERLACH, Mr. CUELLAR, Ms. JENKINS, Mr. UPTON, Mr. LOEBSACK, and Mr. POLIS

FEBRUARY 2, 2012

Deleted sponsor: Mr. HONDA (added December 2, 2011; deleted December 13, 2011)

FEBRUARY 2, 2012

Reported from the Committee on Rules with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, 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 “*Expedited Legislative*
 5 *Line-Item Veto and Rescissions Act of 2011*”.

6 **SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED**
 7 **RESCISSIONS AND DEFERRALS OF BUDGET**
 8 **AUTHORITY AND OBLIGATION LIMITATIONS.**

9 **[(a) IN GENERAL.—]** Title X of the Congressional
 10 Budget and Impoundment Control Act of 1974 (2 U.S.C.
 11 621 et seq.) is amended by striking all of part B (except
 12 for sections 1015, 1016, and 1013, which are *transferred*
 13 *and* redesignated as sections 1017, 1018, and 1019, re-
 14 spectively) and part C *and by inserting after part A the*
 15 *following:*

16 **“PART B—CONGRESSIONAL CONSIDERATION OF PRO-**
 17 **POSED RESCISSIONS AND DEFERRALS OF BUDGET**
 18 **AUTHORITY AND OBLIGATION LIMITATIONS**

19 **“CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-**
 20 **SIONS AND DEFERRALS OF BUDGET AUTHORITY AND**
 21 **OBLIGATION LIMITATIONS**

22 **“SEC. 1011. (a) PROPOSED RESCISSIONS.—**Within
 23 45 days after the enactment of any bill or joint resolution
 24 providing any funding, the President may propose, in the

1 manner provided in subsection (b), the rescission of all or
2 part of any dollar amount of such funding.

3 “(b) SPECIAL MESSAGE.—If the President proposes
4 that Congress rescind funding, the President shall trans-
5 mit a special message to Congress containing the informa-
6 tion specified in this subsection.

7 “(1) PACKAGING OF REQUESTED RESCIS-
8 SIONS.—For each piece of legislation that provides
9 funding, the President shall request at most 2 pack-
10 ages of rescissions and the rescissions in each pack-
11 age shall apply only to funding contained in that leg-
12 islation. The President shall not include the same re-
13 scission in both packages.

14 “(2) TRANSMITTAL.—The President shall de-
15 liver each message requesting a package of rescis-
16 sions to the Secretary of the Senate if the Senate is
17 not in session and to the Clerk of the House of Rep-
18 resentatives if the House is not in session. The
19 President shall make a copy of the transmittal mes-
20 sages publicly available, and shall publish in the Fed-
21 eral Register a notice of the message and informa-
22 tion on how it can be obtained.

23 “(3) CONTENTS OF SPECIAL MESSAGE.—For
24 each request to rescind funding under this part, the
25 transmittal message shall—

1 “(A) specify—

2 “(i) the dollar amount to be re-
3 scinded;

4 “(ii) the agency, bureau, and account
5 from which the rescission shall occur;

6 “(iii) the program, project, or activity
7 within the account (if applicable) from
8 which the rescission shall occur;

9 “(iv) the amount of funding, if any,
10 that would remain for the account, pro-
11 gram, project, or activity if the rescission
12 request is enacted;

13 “(v) the reasons the President re-
14 quests the rescission;

15 “(vi) to the maximum extent prac-
16 ticable, the estimated fiscal, economic, and
17 budgetary effect (including the effect on
18 outlays and receipts in each fiscal year) of
19 the proposed rescission;

20 “(vii) to the maximum extent prac-
21 ticable, all facts, circumstances, and con-
22 siderations relating to or bearing upon the
23 proposed rescission and the decision to
24 propose the rescission, and the estimated

1 effect of the proposed rescission upon the
2 objects, purposes, or programs; and

3 “(viii) if a second special message is
4 transmitted pursuant to subsection (b)(2);
5 a detailed explanation of why the proposed
6 rescissions are not substantially similar to
7 any other proposed rescission in such other
8 message; and

9 “(B) designate each separate rescission re-
10 quest by number; and include proposed legisla-
11 tive text of an approval bill to accomplish the
12 requested rescissions which may not include—

13 “(i) any changes in existing law, other
14 than the rescission of funding; or

15 “(ii) any supplemental appropriations,
16 transfers, or reprogrammings.

17 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
18 AUTHORITY

19 “SEC. 1012. (a) PRESIDENTIAL AUTHORITY TO
20 WITHHOLD FUNDING.—Notwithstanding any other provi-
21 sion of law and if the President proposes a rescission of
22 funding under this part, the President may, subject to the
23 time limits provided in subsection (c), temporarily with-
24 hold that funding from obligation.

25 “(b) WITHHOLDING AVAILABLE ONLY ONCE PER
26 PROPOSED RESCISSION.—Except as provided in section

1 1019, the President may not invoke the authority to with-
2 hold funding granted by subsection (a) for any other pur-
3 pose.

4 “(c) TIME LIMITS.—The President shall make avail-
5 able for obligation any funding withheld under subsection
6 (a) on the earliest of—

7 “(1) the day on which the President determines
8 that the continued withholding or reduction no
9 longer advances the purpose of legislative consider-
10 ation of the approval bill;

11 “(2) the 45th day following the date of enact-
12 ment of the appropriations measure to which the ap-
13 proval bill relates; or

14 “(3) the last day that the President determines
15 the obligation of the funding in question can no
16 longer be fully accomplished in a prudent manner
17 before its expiration.

18 “(d) DEFICIT REDUCTION.—

19 “(1) IN GENERAL.—Funds that are rescinded
20 under this part shall be dedicated only to reducing
21 the deficit or increasing the surplus.

22 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
23 RENT RESOLUTION ON THE BUDGET.—Not later
24 than 5 days after the date of enactment of an ap-
25 proval bill as provided under this part, the chairs of

1 the Committees on the Budget of the Senate and the
2 House of Representatives shall revise allocations and
3 aggregates and other appropriate levels under the
4 appropriate concurrent resolution on the budget to
5 reflect the rescissions, and the Committees on Ap-
6 propriations of the House of Representatives and the
7 Senate shall report revised suballocations pursuant
8 to section 302(b) of title III, as appropriate.

9 ~~“(3) ADJUSTMENTS TO STATUTORY LIMITS.—~~

10 After enactment of an approval bill provided under
11 this section, the President shall revise downward by
12 the amount of the rescissions applicable limits under
13 the Balanced Budget and Emergency Deficit Control
14 Act of 1985.

15 ~~“PROCEDURES FOR EXPEDITED CONSIDERATION~~

16 ~~“SEC. 1013. (a) EXPEDITED CONSIDERATION.—~~

17 ~~“(1) REFERRAL OF SPECIAL MESSAGE.—Any~~
18 ~~special message received by the Congress pursuant~~
19 ~~to section 1011(b) shall be referred to the Commit-~~
20 ~~tees on Appropriations and the Committees on the~~
21 ~~Budget of the House of Representatives and the~~
22 ~~Senate.~~

23 ~~“(2) INTRODUCTION OF APPROVAL BILL.—The~~
24 ~~majority leader or minority leader of the House of~~
25 ~~Representatives or his designee shall (by request) in-~~
26 ~~troduce an approval bill as defined in section 1015~~

1 not later than the third day or, if the House is not
2 in session during that period, the next day of session
3 after the date of receipt of a special message trans-
4 mitted to the Congress under section 1011(b). If the
5 bill is not introduced as provided in the preceding
6 sentence in the House, then, on the first day the
7 House is in session following the period during
8 which the leaders may introduce the message, any
9 Member of that House may introduce the bill.

10 “(3) CONSIDERATION IN THE HOUSE OF REP-
11 RESENTATIVES.—

12 “(A) REFERRAL AND REPORTING.—(i)

13 Each committee of referral of the House of
14 Representatives shall report an approval bill
15 without amendment not later than the fifth day
16 after the date of its referral. If the committee
17 fails to report the bill within that period or the
18 House of Representatives has adopted a concur-
19 rent resolution providing for adjournment sine
20 die at the end of a Congress, such committee
21 shall be automatically discharged from further
22 consideration of the bill and it shall be placed
23 on the appropriate calendar.

24 “(ii) As soon as practicable after such ap-
25 proval bill is referred to the Committee on Ap-

1 appropriations, CBO shall prepare, and submit to
2 the Committees on Appropriations and the
3 Committees on the Budget of the House of
4 Representatives and the Senate, an estimate of
5 the reduction in budget authority which would
6 result from the enactment of that bill.

7 “(B) PROCEEDING TO CONSIDERATION.—

8 Within three days after an approval bill is re-
9 ported by or discharged from the Committee on
10 Appropriations of the House of Representatives
11 or if the House has adopted a concurrent reso-
12 lution providing for adjournment sine die at the
13 end of a Congress, it shall be in order for any
14 Member to announce his intention to move to
15 proceed to consider the approval bill in the
16 House. The motion to proceed shall be in order
17 only during a time designated by the Speaker
18 within the legislative schedule for the next two
19 days or the next day on which the House is in
20 session. Such a motion shall not be in order
21 after the House of Representatives has disposed
22 of a prior motion to proceed with respect to
23 that approval bill. The previous question shall
24 be considered as ordered on the motion to pro-
25 ceed without intervening motion. A motion to

1 reconsider the vote by which the motion to pro-
2 ceed is disposed of shall not be in order.

3 “(C) HOUSE CONSIDERATION.—If the mo-
4 tion to proceed is agreed to, the House shall
5 immediately proceed to consider the approval
6 bill in the House without intervening motion,
7 order, or other business, and the approval bill
8 shall remain the unfinished business of the
9 House until disposed of. The approval bill shall
10 be considered as read. All points of order
11 against the approval bill or its consideration are
12 waived. The previous question shall be consid-
13 ered as ordered on an approval bill to its pas-
14 sage, without intervening motion, except 4
15 hours of debate equally divided and controlled
16 by the proponent and an opponent and one mo-
17 tion to further limit debate on the bill. A mo-
18 tion to reconsider the vote on passage of the bill
19 shall not be in order.

20 “(4) CONSIDERATION IN THE SENATE.—

21 “(A) REFERRAL.—An approval bill re-
22 ceived in the Senate shall be referred to the
23 Committee on Appropriations.

24 “(B) COMMITTEE ACTION.—The Com-
25 mittee on Appropriations shall report without

1 amendment the bill referred to it under this
2 subsection not later than 5 days after the refer-
3 ral. The committee may order the bill reported
4 favorably, unfavorably, or without recommenda-
5 tion. If the Committee on Appropriations has
6 not reported the bill by the end of the 5-day pe-
7 riod, the Committee shall be automatically dis-
8 charged from further consideration of the bill
9 and it shall be placed on the appropriate cal-
10 endar.

11 “(C) MOTION TO PROCEED.—On the fol-
12 lowing day, 3 subsequent days, or, if the Senate
13 is not in session during that period, the next
14 day of session, it shall be in order for any Sen-
15 ator to move to proceed to consider the bill in
16 the Senate. The motion shall be decided without
17 debate and the motion to reconsider shall be
18 deemed to have been laid on the table. Such a
19 motion shall not be in order after the Senate
20 has disposed of a prior motion to proceed with
21 respect to that approval bill.

22 “(D) CONSIDERATION.—If a motion to
23 proceed to the consideration of the approval bill
24 is agreed to, the Senate shall immediately pro-
25 ceed to consideration of the approval bill with-

1 out intervening motion, order, or other busi-
 2 ness, and the approval bill shall remain the un-
 3 finished business of the Senate until disposed
 4 of. Consideration on the bill in the Senate
 5 under this subsection, and all debatable motions
 6 and appeals in connection therewith, shall not
 7 exceed 10 hours, equally divided and controlled
 8 in the usual form. All points of order against
 9 the approval bill or its consideration are waived.
 10 Consideration in the Senate on any debatable
 11 motion or appeal in connection with the ap-
 12 proval bill shall be limited to not more than 1
 13 hour, to be equally divided and controlled in the
 14 usual form. A motion to postpone, or a motion
 15 to proceed to the consideration of other busi-
 16 ness, or a motion to recommit the approval bill
 17 is not in order. A motion to reconsider the vote
 18 by which the approval bill is agreed to or dis-
 19 agreed to is not in order.

20 “(b) AMENDMENTS PROHIBITED.—No amendment to
 21 an approval bill considered under this section shall be in
 22 order in either the Senate or the House of Representa-
 23 tives.

24 “TREATMENT OF RESCISSIONS

25 “SEC. 1014. Rescissions proposed by the President
 26 under this part shall take effect only upon enactment of

1 the applicable approval bill. If an approval bill is not en-
 2 acted into law within 45 days from the enactment of the
 3 appropriation measure to which the approval bill relates,
 4 then the approval bill shall not be eligible for expedited
 5 consideration under the provisions of this Act.

6 “DEFINITIONS

7 “SEC. 1015. As used in this part:

8 “(1) APPROPRIATION MEASURE.—The term
 9 ‘appropriation measure’ means an Act referred to in
 10 section 105 of title 1, United States Code, including
 11 any general or special appropriation Act, or any Act
 12 making supplemental, deficiency, or continuing ap-
 13 propriations, that has been enacted into law pursu-
 14 ant to article I, section 7, of the Constitution of the
 15 United States.

16 “(2) APPROVAL BILL.—The term ‘approval bill’
 17 means a bill which only approves rescissions of fund-
 18 ing in a special message transmitted by the Presi-
 19 dent under this part and—

20 “(A) the title of which is as follows: ‘A bill
 21 approving the proposed rescissions transmitted
 22 by the President on _____’, the blank space
 23 being filled in with the date of transmission of
 24 the relevant special message and the public law
 25 number to which the message relates; and

1 “(B) which provides only the following
2 after the enacting clause: ‘That the Congress
3 approves the proposed rescissions _____’; the
4 blank space being filled in with the list of the
5 rescissions contained in the President’s special
6 message; ‘as transmitted by the President in a
7 special message on _____’; the blank space
8 being filled in with the appropriate date; ‘re-
9 garding _____’; the blank space being filled
10 in with the public law number to which the spe-
11 cial message relates.

12 “(3) DAY.—The term ‘day’ means a standard
13 24-hour period beginning at midnight and a number
14 of days shall be calculated by excluding Sundays,
15 legal holidays, and any day during which neither
16 chamber of Congress is in session.

17 “(4) RESCIND OR RESCISSION.—The terms ‘re-
18 scind’ or ‘rescission’ **[means]** *mean* to permanently
19 cancel or prevent budget authority or outlays avail-
20 able under an obligation limit from having legal
21 force or effect.

22 “(5) CONGRESSIONAL BUDGET OFFICE.—The
23 term ‘CBO’ means the Director of the Congressional
24 Budget Office.

1 “(6) COMPTROLLER GENERAL.—The term
2 ‘Comptroller General’ means the Comptroller Gen-
3 eral of the United States.

4 “(7) DEFERRAL OF BUDGET AUTHORITY.—The
5 term ‘deferral of budget authority’ includes—

6 “(A) withholding or delaying the obliga-
7 tions or expenditure of budget authority
8 (whether by establishing reserves or otherwise)
9 provided for projects or activities; or

10 “(B) any other type of Executive action or
11 inaction which effectively precludes the obliga-
12 tion or expenditure of budget authority, includ-
13 ing authority to obligate by contract in advance
14 of appropriations as specifically authorized by
15 law.

16 “(8) FUNDING.—(A) Except as provided in sub-
17 paragraph (B), the term ‘funding’ means all or part
18 of the dollar amount of budget authority or obliga-
19 tion limit—

20 “(i) specified in an appropriation measure;
21 or the dollar amount of budget authority or ob-
22 ligation limit required to be allocated by a spe-
23 cific proviso in an appropriation measure for
24 which a specific dollar figure was not included;

1 “(ii) represented separately in any table,
2 chart, or explanatory text included in the state-
3 ment of managers or the governing committee
4 report accompanying such law; or

5 “(iii) represented by the product of the es-
6 timated procurement cost and the total quantity
7 of items specified in an appropriation measure
8 or included in the statement of managers or the
9 governing committee report accompanying such
10 law.

11 “(B) The term ‘funding’ does not include—

12 “(i) direct spending;

13 “(ii) budget authority in an appropriation
14 measure which funds direct spending provided
15 for in other law;

16 “(iii) any existing budget authority can-
17 celed in an appropriation measure; or

18 “(iv) any restriction or condition in an ap-
19 propriation measure or the accompanying state-
20 ment of managers or committee reports on the
21 expenditure of budget authority for an account,
22 program, project, or activity, or on activities in-
23 volving such expenditure.

24 “(9) WITHHOLD.—The terms ‘withhold’ and
25 ‘withholding’ apply to any executive action or inae-

1 tion that precludes the obligation of funding at a
 2 time when it would otherwise have been available to
 3 an agency for obligation. The terms do not include
 4 administrative or preparatory actions undertaken
 5 prior to obligation in the normal course of imple-
 6 menting budget laws.

7 ~~["EXPIRATION~~

8 ~~"SEC. 1016. This title shall have no force or effect~~
 9 ~~on or after December 31, 2015.】~~

10 *"EXPIRATION*

11 *"SEC. 1016. On December 15, 2015, the amendments*
 12 *made by the Expedited Legislative Line-Item Veto and Re-*
 13 *scissions Act of 2011 shall be replaced by the provisions of*
 14 *part B of the Impoundment Control Act of 1974 as in effect*
 15 *immediately before the date of enactment of the Expedited*
 16 *Legislative Line-Item Veto and Rescissions Act of 2011."*

17 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) **EXERCISE OF RULEMAKING POWERS.**—Section
 19 904 of the Congressional Budget Act of 1974 (2 U.S.C.
 20 ~~621~~ note) is amended—

21 (1) in subsection (a), by striking “1017” and
 22 inserting “1013”; and

23 (2) in subsection (d), by striking “section
 24 1017” and inserting “section 1013”.

25 (b) **CLERICAL AMENDMENTS.**—(1) The last sentence
 26 of section 1(a) of the Congressional Budget and Impound-

1 ment Control Act of 1974 is amended to read as follows:
 2 “Sections 1011 through 1016 of part B of title X may
 3 be cited as the ‘*Expedited Legislative Line-Item Veto and*
 4 *Rescissions Act of 2011*.’”.

5 (2) Section 1017 of such Act (as redesignated) is
 6 amended by striking “section 1012 or 1013” each place
 7 it appears and inserting “section 1011 or 1019” and *in*
 8 *section 1018 (as redesignated) is amended by striking “cal-*
 9 *endar” and “of continuous session”.*

10 (3) Section 1019(e) of such Act (as redesignated) is
 11 amended by striking “1012” and inserting “1011”.

12 (4) TABLE OF CONTENTS.—The table of contents set
 13 forth in section 1(b) of the Congressional Budget and Im-
 14 poundment Control Act of 1974 is amended by striking
 15 the items relating to parts B and C (including all of the
 16 items relating to the sections therein) of title X and insert-
 17 ing the following:

“PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND
 DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITATIONS

“Sec. 1011: Congressional consideration of proposed rescissions and deferrals
 of budget authority and obligation limitations.

“Sec. 1012: Grants of and limitations on presidential authority.

“Sec. 1013: Procedures for expedited consideration.

“Sec. 1014: Treatment of rescissions.

“Sec. 1015: Definitions.

“Sec. 1016: Expiration.

“Sec. 1017: Reports by Comptroller General.

“Sec. 1018: Suits by Comptroller General.

“Sec. 1019: Proposed deferrals of budget authority.”.

18 (c) EFFECTIVE DATE.—The amendments made by
 19 this Act shall apply to funding as defined in section

1 1015(8) of the Congressional Budget Act and Impound-
2 ment Control of 1974 in any Act enacted after the date
3 of enactment of this Act.

4 **SEC. 4. APPROVAL MEASURES CONSIDERED.**

5 Section 314 of the Congressional Budget Act of 1974
6 is amended—

7 (1) by redesignating subsections (b) through (e)
8 as subsections (e) through (f) and by inserting after
9 subsection (a) the following new subsection:

10 “(b) ADJUSTMENTS FOR RESCISSIONS.—(1) When-
11 ever an approval bill passes the House of Representatives,
12 the Committee on the Budget shall immediately reduce the
13 applicable allocations under section 302(a) by the total
14 amount of reductions in budget authority and in outlays
15 resulting from such approval bill.

16 “(2) As used in this subsection, the term ‘approval
17 bill’ has the meaning given to such term in section 1015.”;
18 and

19 (2) in subsection (d) (as redesignated), by in-
20 serting “or (b)” after “subsection (a)”.

21 **SECTION 1. SHORT TITLE.**

22 **This Act may be cited as the “Expedited**
23 **Legislative Line-Item Veto and Rescissions**
24 **Act of 2012”.**

1 SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED
2 RESCISSIONS AND DEFERRALS OF BUDGET
3 AUTHORITY AND OBLIGATION LIMITATIONS.

4 Title X of the Congressional Budget and
5 Impoundment Control Act of 1974 (2 U.S.C.
6 621 et seq.) is amended by striking all of part
7 B (except for sections 1015, 1016, and 1013,
8 which are transferred and redesignated as
9 sections 1017, 1018, and 1019, respectively)
10 and part C and by inserting after part A the
11 following:

12 “PART B—CONGRESSIONAL CONSIDERATION OF
13 PROPOSED RESCISSIONS AND DEFERRALS OF
14 BUDGET AUTHORITY AND OBLIGATION LIM-
15 TATIONS

16 “CONGRESSIONAL CONSIDERATION OF PROPOSED
17 RESCISSIONS AND DEFERRALS OF BUDGET AU-
18 THORITY AND OBLIGATION LIMITATIONS

19 “SEC. 1011. (a) PROPOSED RESCISSIONS.—
20 Within 45 days after the enactment of any bill
21 or joint resolution providing any funding, the
22 President may propose, in the manner pro-
23 vided in subsection (b), the rescission of all or
24 part of any dollar amount of such funding.

25 “(b) SPECIAL MESSAGE.—If the President
26 proposes that Congress rescind funding, the

1 **President shall transmit a special message to**
2 **Congress containing the information speci-**
3 **fied in this subsection.**

4 **“(1) PACKAGING OF REQUESTED RESCIS-**
5 **SIONS.—For each piece of legislation that**
6 **provides funding, the President shall re-**
7 **quest at most 2 packages of rescissions**
8 **and the rescissions in each package shall**
9 **apply only to funding contained in that**
10 **legislation. The President shall not in-**
11 **clude the same rescission in both pack-**
12 **ages.**

13 **“(2) TRANSMITTAL.—The President**
14 **shall deliver each message requesting a**
15 **package of rescissions to the Secretary of**
16 **the Senate if the Senate is not in session**
17 **and to the Clerk of the House of Rep-**
18 **resentatives if the House is not in ses-**
19 **sion. The President shall make a copy of**
20 **the transmittal message publicly avail-**
21 **able, and shall publish in the Federal**
22 **Register a notice of the message and in-**
23 **formation on how it can be obtained.**

24 **“(3) CONTENTS OF SPECIAL MESSAGE.—**
25 **For each request to rescind funding**

1 **under this part, the transmittal message**
2 **shall—**

3 **“(A) specify—**

4 **“(i) the dollar amount to be**
5 **rescinded;**

6 **“(ii) the agency, bureau, and**
7 **account from which the rescission**
8 **shall occur;**

9 **“(iii) the program, project, or**
10 **activity within the account (if ap-**
11 **plicable) from which the rescis-**
12 **sion shall occur;**

13 **“(iv) the amount of funding, if**
14 **any, that would remain for the ac-**
15 **count, program, project, or activ-**
16 **ity if the rescission request is en-**
17 **acted;**

18 **“(v) the reasons the President**
19 **requests the rescission;**

20 **“(vi) to the maximum extent**
21 **practicable, the estimated fiscal,**
22 **economic, and budgetary effect**
23 **(including the effect on outlays**
24 **and receipts in each fiscal year)**
25 **of the proposed rescission;**

1 “(vii) to the maximum extent
2 practicable, all facts, cir-
3 cumstances, and considerations
4 relating to or bearing upon the
5 proposed rescission and the deci-
6 sion to propose the rescission,
7 and the estimated effect of the
8 proposed rescission upon the ob-
9 jects, purposes, or programs; and

10 “(viii) if a second special mes-
11 sage is transmitted pursuant to
12 paragraph (2), a detailed expla-
13 nation of why the proposed re-
14 scissions are not substantially
15 similar to any other proposed re-
16 scission in such other message;
17 and

18 “(B) designate each separate re-
19 scission request by number; and in-
20 clude proposed legislative text of an
21 approval bill to accomplish the re-
22 quested rescissions which may not in-
23 clude—

1 “(i) any changes in existing
2 law, other than the rescission of
3 funding; or

4 “(ii) any supplemental appro-
5 priations, transfers, or
6 reprogrammings.

7 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
8 AUTHORITY

9 “SEC. 1012. (a) PRESIDENTIAL AUTHORITY TO
10 WITHHOLD FUNDING.—Notwithstanding any
11 other provision of law and if the President
12 proposes a rescission of funding under this
13 part, the President may, subject to the time
14 limits provided in subsection (c), temporarily
15 withhold that funding from obligation.

16 “(b) WITHHOLDING AVAILABLE ONLY ONCE
17 PER PROPOSED RESCISSION.—Except as pro-
18 vided in section 1019, the President may not
19 invoke the authority to withhold funding
20 granted by subsection (a) for any other pur-
21 pose.

22 “(c) TIME LIMITS.—The President shall
23 make available for obligation any funding
24 withheld under subsection (a) on the earliest
25 of—

1 “(1) the day on which the President
2 determines that the continued with-
3 holding or reduction no longer advances
4 the purpose of legislative consideration
5 of the approval bill;

6 “(2) the 45th day following the date of
7 enactment of the appropriations measure
8 to which the approval bill relates; or

9 “(3) the last day that the President
10 determines the obligation of the funding
11 in question can no longer be fully accom-
12 plished in a prudent manner before its
13 expiration.

14 “(d) DEFICIT REDUCTION.—

15 “(1) IN GENERAL.—Funds that are re-
16 scinded under this part shall be dedi-
17 cated only to reducing the deficit or in-
18 creasing the surplus.

19 “(2) ADJUSTMENT OF LEVELS IN THE
20 CONCURRENT RESOLUTION ON THE BUDGET.—
21 Not later than 5 days after the date of en-
22 actment of an approval bill as provided
23 under this part, the chairs of the Commit-
24 tees on the Budget of the Senate and the
25 House of Representatives shall revise al-

1 locations and aggregates and other ap-
2 propriate levels under the appropriate
3 concurrent resolution on the budget to
4 reflect the rescissions, and the Commit-
5 tees on Appropriations of the House of
6 Representatives and the Senate shall re-
7 port revised suballocations pursuant to
8 section 302(b) of title III, as appropriate.

9 “(3) ADJUSTMENTS TO STATUTORY LIM-
10 ITS.—After enactment of an approval bill
11 provided under this section, the Presi-
12 dent shall revise downward by the
13 amount of the rescissions applicable lim-
14 its under the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 “PROCEDURES FOR EXPEDITED CONSIDERATION

17 “SEC. 1013. (a) EXPEDITED CONSIDER-
18 ATION.—

19 “(1) INTRODUCTION OF APPROVAL BILL.—
20 The majority leader of each House or a
21 designee shall (by request) introduce an
22 approval bill as defined in section 1015
23 not later than the fifth day of session of
24 that House after the date of receipt of a
25 special message transmitted to the Con-
26 gress under section 1011(b).

1 **“(2) CONSIDERATION IN THE HOUSE OF**
2 **REPRESENTATIVES.—**

3 **“(A) REFERRAL AND REPORTING.—**

4 **Any committee of the House of Rep-**
5 **resentatives to which an approval bill**
6 **is referred shall report it to the**
7 **House without amendment not later**
8 **than the fifth legislative day after the**
9 **date of its introduction. If a com-**
10 **mittee fails to report the bill within**
11 **that period or the House has adopted**
12 **a concurrent resolution providing for**
13 **adjournment sine die at the end of a**
14 **Congress, such committee shall be**
15 **automatically discharged from fur-**
16 **ther consideration of the bill and it**
17 **shall be placed on the appropriate**
18 **calendar.**

19 **“(B) PROCEEDING TO CONSIDER-**
20 **ATION.—Not later than 5 legislative**
21 **days after the approval bill is re-**
22 **ported or a committee has been dis-**
23 **charged from further consideration**
24 **thereof, it shall be in order to move to**
25 **proceed to consider the approval bill**

1 in the House. Such a motion shall be
2 in order only at a time designated by
3 the Speaker in the legislative sched-
4 ule within two legislative days after
5 the day on which the proponent an-
6 nounces an intention to the House to
7 offer the motion provided that such
8 notice may not be given until the ap-
9 proval bill is reported or a committee
10 has been discharged from further
11 consideration thereof. Such a motion
12 shall not be in order after the House
13 has disposed of a motion to proceed
14 with respect to that special message.
15 The previous question shall be con-
16 sidered as ordered on the motion to
17 its adoption without intervening mo-
18 tion. A motion to reconsider the vote
19 by which the motion is disposed of
20 shall not be in order.

21 “(C) CONSIDERATION.—If the mo-
22 tion to proceed is agreed to, the
23 House shall immediately proceed to
24 consider the approval bill in the
25 House without intervening motion.

1 **The approval bill shall be considered**
2 **as read. All points of order against**
3 **the approval bill and against its con-**
4 **sideration are waived. The previous**
5 **question shall be considered as or-**
6 **dered on the approval bill to its pas-**
7 **sage without intervening motion ex-**
8 **cept 2 hours of debate equally di-**
9 **vided and controlled by the pro-**
10 **ponent and an opponent and one mo-**
11 **tion to limit debate on the bill. A mo-**
12 **tion to reconsider the vote on passage**
13 **of the approval bill shall not be in**
14 **order.**

15 **“(3) CONSIDERATION IN THE SENATE.—**

16 **“(A) REFERRAL.—The approval bill**
17 **introduced in the Senate shall be re-**
18 **ferred to the committees having juris-**
19 **isdiction over the provisions of law**
20 **contained in the approval bill.**

21 **“(B) COMMITTEE ACTION.—Each**
22 **committee of referral of the Senate**
23 **shall report without amendment the**
24 **approval bill referred to it under this**
25 **subsection not later than the fifth ses-**

1 **sion day after introduction. If a com-**
2 **mittee fails to report the approval bill**
3 **within that period or the Senate has**
4 **adopted a concurrent resolution pro-**
5 **viding for adjournment sine die at**
6 **the end of a Congress, the Committee**
7 **shall be automatically discharged**
8 **from further consideration of the ap-**
9 **proval bill and it shall be placed on**
10 **the appropriate calendar.**

11 **“(C) MOTION TO PROCEED.—Not**
12 **later than 5 session days after the ap-**
13 **proval bill is reported in the Senate**
14 **or committees have been discharged**
15 **thereof, it shall be in order for any**
16 **Senator to move to proceed to con-**
17 **sider the approval bill in the Senate.**
18 **The motion shall be decided without**
19 **debate and the motion to reconsider**
20 **shall be deemed to have been laid on**
21 **the table. Such a motion shall not be**
22 **in order after the Senate has dis-**
23 **posed of a prior motion to proceed**
24 **with respect to the approval bill.**

1 **“(D) CONSIDERATION.—If a motion**
2 **to proceed to the consideration of the**
3 **approval bill is agreed to, the Senate**
4 **shall immediately proceed to consid-**
5 **eration of the approval bill without**
6 **intervening motion, order, or other**
7 **business, and the approval bill shall**
8 **remain the unfinished business of the**
9 **Senate until disposed of. Consider-**
10 **ation on the bill in the Senate under**
11 **this subsection, and all debatable mo-**
12 **tions and appeals in connection**
13 **therewith, shall not exceed 10 hours.**
14 **All points of order against the ap-**
15 **proval bill or its consideration are**
16 **waived. Consideration in the Senate**
17 **on any debatable motion or appeal in**
18 **connection with the approval bill**
19 **shall be limited to not more than 1**
20 **hour. A motion to postpone, or a mo-**
21 **tion to proceed to the consideration**
22 **of other business, or a motion to re-**
23 **commit the approval bill is not in**
24 **order. A motion to reconsider the**
25 **vote by which the approval bill is**

1 **agreed to or disagreed to is not in**
2 **order.**

3 **“(4) AMENDMENTS PROHIBITED.—No**
4 **amendment to, or motion to strike a pro-**
5 **vision from, an approval bill considered**
6 **under this section shall be in order in ei-**
7 **ther the Senate or the House of Rep-**
8 **resentatives.**

9 **“(5) COORDINATION WITH ACTION BY**
10 **OTHER HOUSE.—**

11 **“(A) IN GENERAL.—If, before pass-**
12 **ing the approval bill, one House re-**
13 **ceives from the other a bill—**

14 **“(i) the approval bill of the**
15 **other House shall not be referred**
16 **to a committee; and**

17 **“(ii) the procedure in the re-**
18 **ceiving House shall be the same**
19 **as if no approval bill had been re-**
20 **ceived from the other House until**
21 **the vote on passage, when the bill**
22 **received from the other House**
23 **shall supplant the approval bill of**
24 **the receiving House.**

1 **“(B) This paragraph shall not**
2 **apply to the House of Representatives**
3 **if the approval bill received from the**
4 **Senate is a revenue measure or an**
5 **appropriation measure.**

6 **“(b) LIMITATION.—Subsection (a) shall**
7 **apply only to an approval bill introduced pur-**
8 **suant to subsection (a)(1).**

9 **“(c) CBO ESTIMATE.—Upon receipt of a**
10 **special message under section 1101 proposing**
11 **to rescind all or part of any dollar amount,**
12 **CBO shall prepare and submit to the appro-**
13 **priate committees of the House of Representa-**
14 **tives and the Senate an estimate of the reduc-**
15 **tion in budget authority which would result**
16 **from the enactment of the proposed rescissions.**

17 **“TREATMENT OF RESCISSIONS**

18 **“SEC. 1014. Rescissions proposed by the**
19 **President under this part shall take effect**
20 **only upon enactment of the applicable ap-**
21 **proval bill. If an approval bill is not enacted**
22 **into law within 45 days from the enactment**
23 **of the appropriation measure to which the ap-**
24 **proval bill relates, then the approval bill shall**
25 **not be eligible for expedited consideration**
26 **under the provisions of this Act.**

1 **“DEFINITIONS**

2 **“SEC. 1015. As used in this part:**

3 **“(1) APPROPRIATION MEASURE.—The**
4 **term ‘appropriation measure’ means an**
5 **Act referred to in section 105 of title 1,**
6 **United States Code, including any gen-**
7 **eral or special appropriation Act, or any**
8 **Act making supplemental, deficiency, or**
9 **continuing appropriations, that has been**
10 **enacted into law pursuant to article I,**
11 **section 7, of the Constitution of the**
12 **United States.**

13 **“(2) APPROVAL BILL.—The term ‘ap-**
14 **proval bill’ means a bill which only ap-**
15 **proves rescissions of funding in a special**
16 **message transmitted by the President**
17 **under this part and—**

18 **“(A) the title of which is as fol-**
19 **lows: ‘A bill approving the proposed**
20 **rescissions transmitted by the Presi-**
21 **dent on _____’, the blank space being**
22 **filled in with the date of transmission**
23 **of the relevant special message and**
24 **the public law number to which the**
25 **message relates; and**

1 “(B) which provides only the fol-
2 lowing after the enacting clause:
3 “**That the Congress approves the pro-**
4 **posed rescissions _____**’, the blank
5 space being filled in with the list of
6 the rescissions contained in the Presi-
7 dent’s special message, ‘as trans-
8 mitted by the President in a special
9 message on _____’, the blank space
10 being filled in with the appropriate
11 date, ‘regarding _____.’, the blank
12 space being filled in with the public
13 law number to which the special mes-
14 sage relates.

15 “(3) **DAY.**—Except as used in section
16 1013, the term ‘day’ means a standard 24-
17 hour period beginning at midnight and a
18 number of days shall be calculated by ex-
19 cluding Sundays, legal holidays, and any
20 day during which neither chamber of
21 Congress is in session.

22 “(4) **RESCIND OR RESCISSION.**—The
23 terms ‘rescind’ or ‘rescission’ mean to
24 permanently cancel or prevent budget
25 authority or outlays available under an

1 **obligation limit from having legal force**
2 **or effect.**

3 **“(5) CONGRESSIONAL BUDGET OFFICE.—**
4 **The term ‘CBO’ means the Director of the**
5 **Congressional Budget Office.**

6 **“(6) COMPTROLLER GENERAL.—The**
7 **term ‘Comptroller General’ means the**
8 **Comptroller General of the United States.**

9 **“(7) DEFERRAL OF BUDGET AUTHORITY.—**
10 **The term ‘deferral of budget authority’**
11 **includes—**

12 **“(A) withholding or delaying the**
13 **obligations or expenditure of budget**
14 **authority (whether by establishing**
15 **reserves or otherwise) provided for**
16 **projects or activities; or**

17 **“(B) any other type of Executive**
18 **action or inaction which effectively**
19 **precludes the obligation or expendi-**
20 **ture of budget authority, including**
21 **authority to obligate by contract in**
22 **advance of appropriations as specifi-**
23 **cally authorized by law.**

24 **“(8) FUNDING.—(A) Except as provided**
25 **in subparagraph (B), the term ‘funding’**

1 means all or part of the dollar amount of
2 budget authority or obligation limit—

3 “(i) specified in an appropriation
4 measure, or the dollar amount of
5 budget authority or obligation limit
6 required to be allocated by a specific
7 proviso in an appropriation measure
8 for which a specific dollar figure was
9 not included;

10 “(ii) represented separately in
11 any table, chart, or explanatory text
12 included in the statement of man-
13 agers or the governing committee re-
14 port accompanying such law; or

15 “(iii) represented by the product
16 of the estimated procurement cost
17 and the total quantity of items speci-
18 fied in an appropriation measure or
19 included in the statement of man-
20 agers or the governing committee re-
21 port accompanying such law.

22 “(B) The term ‘funding’ does not in-
23 clude—

24 “(i) direct spending;

1 “(ii) budget authority in an appro-
2 piation measure which funds direct
3 spending provided for in other law;

4 “(iii) any existing budget author-
5 ity canceled in an appropriation
6 measure; or

7 “(iv) any restriction or condition
8 in an appropriation measure or the
9 accompanying statement of managers
10 or committee reports on the expendi-
11 ture of budget authority for an ac-
12 count, program, project, or activity,
13 or on activities involving such ex-
14 penditure.

15 “(9) WITHHOLD.—The terms ‘withhold’
16 and ‘withholding’ apply to any executive
17 action or inaction that precludes the obli-
18 gation of funding at a time when it would
19 otherwise have been available to an agen-
20 cy for obligation. The terms do not in-
21 clude administrative or preparatory ac-
22 tions undertaken prior to obligation in
23 the normal course of implementing budg-
24 et laws.

1 **“EXPIRATION**

2 **“SEC. 1016. On December 15, 2015, the**
3 **amendments made by the Expedited Legisla-**
4 **tive Line-Item Veto and Rescissions Act of**
5 **2012 shall be replaced by the provisions of**
6 **part B of the Impoundment Control Act of**
7 **1974 as in effect immediately before the date**
8 **of enactment of the Expedited Legislative**
9 **Line-Item Veto and Rescissions Act of 2012.”.**

10 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

11 **(a) EXERCISE OF RULEMAKING POWERS.—**
12 **Section 904 of the Congressional Budget Act**
13 **of 1974 (2 U.S.C. 621 note) is amended—**

14 **(1) in subsection (a), by striking**
15 **“1017” and inserting “1013”; and**

16 **(2) in subsection (d), by striking “sec-**
17 **tion 1017” and inserting “section 1013”.**

18 **(b) CLERICAL AMENDMENTS.—(1) The last**
19 **sentence of section 1(a) of the Congressional**
20 **Budget and Impoundment Control Act of 1974**
21 **is amended to read as follows: “Sections 1011**
22 **through 1016 of part B of title X may be cited**
23 **as the ‘Expedited Legislative Line-Item Veto**
24 **and Rescissions Act of 2012’.”.**

1 **(2) Section 1017 of such Act (as redesign-**
2 **ated) is amended by striking “section 1012 or**
3 **1013” each place it appears and inserting “sec-**
4 **tion 1011 or 1019” and section 1018 (as red-**
5 **esignated) is amended by striking “calendar”**
6 **and “of continuous session”.**

7 **(3) Section 1019(c) of such Act (as redesign-**
8 **ated) is amended by striking “1012” and in-**
9 **serting “1011”.**

10 **(4) TABLE OF CONTENTS.—The table of con-**
11 **tents set forth in section 1(b) of the Congres-**
12 **sional Budget and Impoundment Control Act**
13 **of 1974 is amended by striking the items relat-**
14 **ing to parts B and C (including all of the items**
15 **relating to the sections therein) of title X and**
16 **inserting the following:**

“PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-
SIONS AND DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION
LIMITATIONS

“Sec. 1011. Congressional consideration of proposed rescis-
sions and deferrals of budget authority and obli-
gation limitations.

“Sec. 1012. Grants of and limitations on presidential authority.

“Sec. 1013. Procedures for Expedited Consideration.

“Sec. 1014. Treatment of rescissions.

“Sec. 1015. Definitions.

“Sec. 1016. Expiration.”.

17 **(c) EFFECTIVE DATE.—The amendments**
18 **made by this Act shall apply to funding as de-**
19 **finied in section 1015(8) of the Congressional**
20 **Budget Act and Impoundment Control of 1974**

1 in any Act enacted after the date of enactment
2 of this Act.

3 SEC. 4. APPROVAL MEASURES CONSIDERED.

4 Section 314 of the Congressional Budget
5 Act of 1974 is amended—

6 (1) by redesignating subsections (b)
7 through (e) as subsections (c) through (f)
8 and by inserting after subsection (a) the
9 following new subsection:

10 “(b) ADJUSTMENTS FOR RESCISSIONS.—(1)
11 Whenever an approval bill passes the House
12 of Representatives, the Committee on the
13 Budget shall immediately reduce the applica-
14 ble allocations under section 302(a) by the
15 total amount of reductions in budget author-
16 ity and in outlays resulting from such ap-
17 proval bill.

18 “(2) As used in this subsection, the term
19 ‘approval bill’ has the meaning given to such
20 term in section 1015.”; and

21 (2) in subsection (d) (as redesignated),
22 by inserting “or (b)” after “subsection
23 (a)”.

Union Calendar No. 263

112TH CONGRESS
2^D SESSION

H. R. 3521

[Report No. 112-364, Parts I and II]

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes.

FEBRUARY 2, 2012

Reported from the Committee on Rules with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed