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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Expedited Line-Item Veto and Rescissions Act of 2011”.

SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISIONS AND DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITATIONS.

(a) In General.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1015, 1016, and 1013, which are redesignated as sections 1017, 1018, and 1019, respectively) and part C and inserting the following:

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

“CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISIONS AND DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITATIONS

“Sec. 1011. (a) Proposed Rescissions.—Within 45 days after the enactment of any bill or joint resolution providing any funding, the President may propose, in the manner provided in subsection (b), the rescission of all or part of any dollar amount of such funding.

“(b) Special Message.—If the President proposes that Congress rescind funding, the President shall transmit a special message to Congress containing the information specified in this subsection.

“(1) Packaging of Requested Rescissions.—For each piece of legislation that provides...
funding, the President shall request at most 2 packages of rescissions and the rescissions in each package shall apply only to funding contained in that legislation. The President shall not include the same rescission in both packages.

“(2) TRANSMITTAL.—The President shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. The President shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

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

“(A) specify—

“(i) the dollar amount to be rescinded;

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

“(iii) the program, project, or activity within the account (if applicable) from which the rescission shall occur;
“(iv) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted;

“(v) the reasons the President requests the rescission;

“(vi) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

“(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to propose the rescission, and the estimated effect of the proposed rescission upon the objects, purposes, or programs; and

“(viii) if a second special message is transmitted pursuant to subsection (b)(2), a detailed explanation of why the proposed rescissions are not substantially similar to any other proposed rescission in such other message; and
“(B) designate each separate rescission request by number; and include proposed legislative text of an approval bill to accomplish the requested rescissions which may not include—

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

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

“GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY

“Sec. 1012. (a) Presidential Authority To Withhold Funding.—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, the President may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

“(b) Withholding Available Only Once Per Proposed Rescission.—Except as provided in section 1019, the President may not invoke the authority to withhold funding granted by subsection (a) for any other purpose.

“(c) Time Limits.—The President shall make available for obligation any funding withheld under subsection (a) on the earliest of—

“(1) the day on which the President determines that the continued withholding or reduction no
longer advances the purpose of legislative consideration of the approval bill;

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

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

“(d) DEFICIT REDUCTION.—

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

“(2) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the rescissions, and the Committees on Appropriations of the House of Representatives and the Senate shall report revised suballocations pursuant to section 302(b) of title III, as appropriate.
“(3) Adjustments to statutory limits.—

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

“Procedures for expedited consideration

“Sec. 1013. (a) Expedited Consideration.—

“(1) Referral of special message.—Any special message received by the Congress pursuant to section 1011(b) shall be referred to the Committees on Appropriations and the Committees on the Budget of the House of Representatives and the Senate.

“(2) Introduction of approval bill.—The majority leader or minority leader of the House of Representatives or his designee shall (by request) introduce an approval bill as defined in section 1015 not later than the third day or, if the House is not in session during that period, the next day of session after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in the House, then, on the first day the House is in session following the period during
which the leaders may introduce the message, any
Member of that House may introduce the bill.

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

“(A) REFERRAL AND REPORTING.—(i)
Each committee of referral of the House of
Representatives shall report an approval bill
without amendment not later than the fifth day
after the date of its referral. If the committee
fails to report the bill within that period or the
House of Representatives has adopted a concur-
rent resolution providing for adjournment sine
die at the end of a Congress, such committee
shall be automatically discharged from further
consideration of the bill and it shall be placed
on the appropriate calendar.

“(ii) As soon as practicable after such ap-
proval bill is referred to the Committee on Ap-
propriations, CBO shall prepare, and submit to
the Committees on Appropriations and the
Committees on the Budget of the House of
Representatives and the Senate, an estimate of
the reduction in budget authority which would
result from the enactment of that bill.
“(B) Proceeding to Consideration.—
Within three days after an approval bill is re-
ported by or discharged from the Committee on
Appropriations of the House of Representatives
or if the House has adopted a concurrent reso-
lution providing for adjournment sine die at the
end of a Congress, it shall be in order for any
Member to announce his intention to move to
proceed to consider the approval bill in the
House. The motion to proceed shall be in order
only during a time designated by the Speaker
within the legislative schedule for the next two
days or the next day on which the House is in
session. Such a motion shall not be in order
after the House of Representatives has disposed
of a prior motion to proceed with respect to
that approval bill. The previous question shall
be considered as ordered on the motion to pro-
ceed without intervening motion. A motion to
reconsider the vote by which the motion to pro-
ceed is disposed of shall not be in order.

“(C) House Consideration.—If the mo-
tion to proceed is agreed to, the House shall
immediately proceed to consider the approval
bill in the House without intervening motion,
order, or other business, and the approval bill shall remain the unfinished business of the House until disposed of. The approval bill shall be considered as read. All points of order against the approval bill or its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage, without intervening motion, except 4 hours of debate equally divided and controlled by the proponent and an opponent and one motion to further limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

“(4) CONSIDERATION IN THE SENATE.—

“(A) REFERRAL.—An approval bill received in the Senate shall be referred to the Committee on Appropriations.

“(B) COMMITTEE ACTION.—The Committee on Appropriations shall report without amendment the bill referred to it under this subsection not later than 5 days after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation. If the Committee on Appropriations has not reported the bill by the end of the 5-day pe-
rior, the Committee shall be automatically dis-
charged from further consideration of the bill
and it shall be placed on the appropriate cal-
endar.

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

“(D) CONSIDERATION.—If a motion to
proceed to the consideration of the approval bill
is agreed to, the Senate shall immediately pro-
ceed to consideration of the approval bill with-
out intervening motion, order, or other busi-
ness, and the approval bill shall remain the un-
finished business of the Senate until disposed
of. Consideration on the bill in the Senate
under this subsection, and all debatable motions
and appeals in connection therewith, shall not
exceed 10 hours, equally divided and controlled in the usual form. All points of order against the approval bill or its consideration are waived. Consideration in the Senate on any debatable motion or appeal in connection with the approval bill shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the approval bill is not in order. A motion to reconsider the vote by which the approval bill is agreed to or disagreed to is not in order.

“(b) AMENDMENTS PROHIBITED.—No amendment to an approval bill considered under this section shall be in order in either the Senate or the House of Representatives.

“TREATMENT OF RESCISSIONS

“Sec. 1014. Rescissions proposed by the President under this part shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law within 45 days from the enactment of the appropriation measure to which the approval bill relates, then the approval bill shall not be eligible for expedited consideration under the provisions of this Act.
DEFINITIONS

SEC. 1015. As used in this part:

(1) Appropriation measure.—The term ‘appropriation measure’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been enacted into law pursuant to article I, section 7, of the Constitution of the United States.

(2) Approval bill.—The term ‘approval bill’ means a bill which only approves rescissions of funding in a special message transmitted by the President under this part and—

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

(B) which provides only the following after the enacting clause: ‘That the Congress approves the proposed rescissions _____’, the blank space being filled in with the list of the rescissions contained in the President’s special
message, ‘as transmitted by the President in a special message on ________’, the blank space being filled in with the appropriate date, ‘regarding ________’, the blank space being filled in with the public law number to which the special message relates.

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

“(4) RESCIND OR RESCISSION.—The terms ‘re-scind’ or ‘rescission’ means to permanently cancel or prevent budget authority or outlays available under an obligation limit from having legal force or effect.

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

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

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

“(A) withholding or delaying the obligations 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.

“(8) FUNDING.—(A) Except as provided in subparagraph (B), the term ‘funding’ means all or part of the dollar amount of budget authority or obligation limit—

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

“(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law; or

“(iii) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation measure or included in the statement of managers or the
governing committee report accompanying such law.

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

“(i) direct spending;

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

“(iii) any existing budget authority canceled in an appropriation measure; or

“(iv) any restriction or condition in an appropriation measure or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

“(9) WITHHOLD.—The terms ‘withhold’ and ‘withholding’ apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

“EXPIRATION

“SEC. 1016. This title shall have no force or effect on or after December 31, 2015.”.
SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

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

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

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

(b) CLERICAL AMENDMENTS.—(1) The last sentence of section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows: “Sections 1011 through 1016 of part B of title X may be cited as the ‘Expedited Line-Item Veto and Rescissions Act of 2011’.”.

(2) Section 1017 of such Act (as redesignated) is amended by striking “section 1012 or 1013” each place it appears and inserting “section 1011 or 1019” and by striking “calendar” and “of continuous session”.

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

(4) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the items relating to parts B and C (including all of the items relating to the sections therein) of title X and inserting the following:

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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.”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to funding as defined in section 2(1015(8)) of the Congressional Budget Act and Impoundment Control of 1974 in any Act enacted after the date of enactment of this Act.

SEC. 4. APPROVAL MEASURES CONSIDERED.

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

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

“(b) ADJUSTMENTS FOR RESCISSIONS.—(1) Whenever an approval bill passes the House of Representatives, the Committee on the Budget shall immediately reduce the applicable allocations under section 302(a) by the total amount of reductions in budget authority and in outlays resulting from such approval bill.”
“(2) As used in this subsection, the term ‘approval bill’ has the meaning given to such term in section 1015.”;

and

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

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