

112TH CONGRESS
1ST SESSION

H. R. 3521

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.

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 Line-Item
5 Veto and Rescissions Act of 2011”.

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

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

10 “PART B—CONGRESSIONAL CONSIDERATION OF PRO-
11 POSED RESCISSIONS AND DEFERRALS OF BUDGET
12 AUTHORITY AND OBLIGATION LIMITATIONS

13 “CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-
14 SIONS AND DEFERRALS OF BUDGET AUTHORITY AND
15 OBLIGATION LIMITATIONS

16 “SEC. 1011. (a) PROPOSED RESCISSIONS.—Within
17 45 days after the enactment of any bill or joint resolution
18 providing any funding, the President may propose, in the
19 manner provided in subsection (b), the rescission of all or
20 part of any dollar amount of such funding.

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

25 “(1) PACKAGING OF REQUESTED RESCIS-
26 SIONS.—For each piece of legislation that provides

1 funding, the President shall request at most 2 pack-
2 ages of rescissions and the rescissions in each pack-
3 age shall apply only to funding contained in that leg-
4 islation. The President shall not include the same re-
5 scission in both packages.

6 “(2) TRANSMITTAL.—The President shall de-
7 liver each message requesting a package of rescis-
8 sions to the Secretary of the Senate if the Senate is
9 not in session and to the Clerk of the House of Rep-
10 resentatives if the House is not in session. The
11 President shall make a copy of the transmittal mes-
12 sage publicly available, and shall publish in the Fed-
13 eral Register a notice of the message and informa-
14 tion on how it can be obtained.

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

18 “(A) specify—

19 “(i) the dollar amount to be re-
20 scinded;

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

23 “(iii) the program, project, or activity
24 within the account (if applicable) from
25 which the rescission shall occur;

1 “(iv) the amount of funding, if any,
2 that would remain for the account, pro-
3 gram, project, or activity if the rescission
4 request is enacted;

5 “(v) the reasons the President re-
6 quests the rescission;

7 “(vi) to the maximum extent prac-
8 ticable, the estimated fiscal, economic, and
9 budgetary effect (including the effect on
10 outlays and receipts in each fiscal year) of
11 the proposed rescission;

12 “(vii) to the maximum extent prac-
13 ticable, all facts, circumstances, and con-
14 siderations relating to or bearing upon the
15 proposed rescission and the decision to
16 propose the rescission, and the estimated
17 effect of the proposed rescission upon the
18 objects, purposes, or programs; and

19 “(viii) if a second special message is
20 transmitted pursuant to subsection (b)(2),
21 a detailed explanation of why the proposed
22 rescissions are not substantially similar to
23 any other proposed rescission in such other
24 message; and

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

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

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

9 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
10 AUTHORITY

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

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

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

25 “(1) the day on which the President determines
26 that the continued withholding or reduction no

1 longer advances the purpose of legislative consider-
2 ation of the approval bill;

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

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

10 “(d) DEFICIT REDUCTION.—

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

14 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
15 RENT RESOLUTION ON THE BUDGET.—Not later
16 than 5 days after the date of enactment of an ap-
17 proval bill as provided under this part, the chairs of
18 the Committees on the Budget of the Senate and the
19 House of Representatives shall revise allocations and
20 aggregates and other appropriate levels under the
21 appropriate concurrent resolution on the budget to
22 reflect the rescissions, and the Committees on Ap-
23 propriations of the House of Representatives and the
24 Senate shall report revised suballocations pursuant
25 to section 302(b) of title III, as appropriate.

1 “(3) ADJUSTMENTS TO STATUTORY LIMITS.—
2 After enactment of an approval bill provided under
3 this section, the President shall revise downward by
4 the amount of the rescissions applicable limits under
5 the Balanced Budget and Emergency Deficit Control
6 Act of 1985.

7 “PROCEDURES FOR EXPEDITED CONSIDERATION

8 “SEC. 1013. (a) EXPEDITED CONSIDERATION.—

9 “(1) REFERRAL OF SPECIAL MESSAGE.—Any
10 special message received by the Congress pursuant
11 to section 1011(b) shall be referred to the Commit-
12 tees on Appropriations and the Committees on the
13 Budget of the House of Representatives and the
14 Senate.

15 “(2) INTRODUCTION OF APPROVAL BILL.—The
16 majority leader or minority leader of the House of
17 Representatives or his designee shall (by request) in-
18 troduce an approval bill as defined in section 1015
19 not later than the third day or, if the House is not
20 in session during that period, the next day of session
21 after the date of receipt of a special message trans-
22 mitted to the Congress under section 1011(b). If the
23 bill is not introduced as provided in the preceding
24 sentence in the House, then, on the first day the
25 House is in session following the period during

1 which the leaders may introduce the message, any
2 Member of that House may introduce the bill.

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

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

17 “(ii) As soon as practicable after such ap-
18 proval bill is referred to the Committee on Ap-
19 propriations, CBO shall prepare, and submit to
20 the Committees on Appropriations and the
21 Committees on the Budget of the House of
22 Representatives and the Senate, an estimate of
23 the reduction in budget authority which would
24 result from the enactment of that bill.

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

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

1 order, or other business, and the approval bill
2 shall remain the unfinished business of the
3 House until disposed of. The approval bill shall
4 be considered as read. All points of order
5 against the approval bill or its consideration are
6 waived. The previous question shall be consid-
7 ered as ordered on an approval bill to its pas-
8 sage, without intervening motion, except 4
9 hours of debate equally divided and controlled
10 by the proponent and an opponent and one mo-
11 tion to further limit debate on the bill. A mo-
12 tion to reconsider the vote on passage of the bill
13 shall not be in order.

14 “(4) CONSIDERATION IN THE SENATE.—

15 “(A) REFERRAL.—An approval bill re-
16 ceived in the Senate shall be referred to the
17 Committee on Appropriations.

18 “(B) COMMITTEE ACTION.—The Com-
19 mittee on Appropriations shall report without
20 amendment the bill referred to it under this
21 subsection not later than 5 days after the refer-
22 ral. The committee may order the bill reported
23 favorably, unfavorably, or without recommenda-
24 tion. If the Committee on Appropriations has
25 not reported the bill by the end of the 5-day pe-

1 riod, the Committee shall be automatically dis-
2 charged from further consideration of the bill
3 and it shall be placed on the appropriate cal-
4 endar.

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

16 “(D) CONSIDERATION.—If a motion to
17 proceed to the consideration of the approval bill
18 is agreed to, the Senate shall immediately pro-
19 ceed to consideration of the approval bill with-
20 out intervening motion, order, or other busi-
21 ness, and the approval bill shall remain the un-
22 finished business of the Senate until disposed
23 of. Consideration on the bill in the Senate
24 under this subsection, and all debatable motions
25 and appeals in connection therewith, shall not

1 exceed 10 hours, equally divided and controlled
2 in the usual form. All points of order against
3 the approval bill or its consideration are waived.
4 Consideration in the Senate on any debatable
5 motion or appeal in connection with the ap-
6 proval bill shall be limited to not more than 1
7 hour, to be equally divided and controlled in the
8 usual form. A motion to postpone, or a motion
9 to proceed to the consideration of other busi-
10 ness, or a motion to recommit the approval bill
11 is not in order. A motion to reconsider the vote
12 by which the approval bill is agreed to or dis-
13 agreed to is not in order.

14 “(b) AMENDMENTS PROHIBITED.—No amendment to
15 an approval bill considered under this section shall be in
16 order in either the Senate or the House of Representa-
17 tives.

18 “TREATMENT OF RESCISSIONS

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

1 “DEFINITIONS

2 “SEC. 1015. As used in this part:

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

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

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

21 “(B) which provides only the following
22 after the enacting clause: ‘That the Congress
23 approves the proposed rescissions _____’, the
24 blank space being filled in with the list of the
25 rescissions contained in the President’s special

1 message, ‘as transmitted by the President in a
2 special message on _____’, the blank space
3 being filled in with the appropriate date, ‘re-
4 garding _____.’, the blank space being filled
5 in with the public law number to which the spe-
6 cial message relates.

7 “(3) DAY.—The term ‘day’ means a standard
8 24-hour period beginning at midnight and a number
9 of days shall be calculated by excluding Sundays,
10 legal holidays, and any day during which neither
11 chamber of Congress is in session.

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

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

19 “(6) COMPTROLLER GENERAL.—The term
20 ‘Comptroller General’ means the Comptroller Gen-
21 eral of the United States.

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

24 “(A) withholding or delaying the obliga-
25 tions or expenditure of budget authority

1 (whether by establishing reserves or otherwise)
2 provided for projects or activities; or

3 “(B) any other type of Executive action or
4 inaction which effectively precludes the obliga-
5 tion or expenditure of budget authority, includ-
6 ing authority to obligate by contract in advance
7 of appropriations as specifically authorized by
8 law.

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

13 “(i) specified in an appropriation measure,
14 or the dollar amount of budget authority or ob-
15 ligation limit required to be allocated by a spe-
16 cific proviso in an appropriation measure for
17 which a specific dollar figure was not included;

18 “(ii) represented separately in any table,
19 chart, or explanatory text included in the state-
20 ment of managers or the governing committee
21 report accompanying such law; or

22 “(iii) represented by the product of the es-
23 timated procurement cost and the total quantity
24 of items specified in an appropriation measure
25 or included in the statement of managers or the

1 governing committee report accompanying such
2 law.

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

4 “(i) direct spending;

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

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

10 “(iv) any restriction or condition in an ap-
11 propriation measure or the accompanying state-
12 ment of managers or committee reports on the
13 expenditure of budget authority for an account,
14 program, project, or activity, or on activities in-
15 volving such expenditure.

16 “(9) WITHHOLD.—The terms ‘withhold’ and
17 ‘withholding’ apply to any executive action or inac-
18 tion that precludes the obligation of funding at a
19 time when it would otherwise have been available to
20 an agency for obligation. The terms do not include
21 administrative or preparatory actions undertaken
22 prior to obligation in the normal course of imple-
23 menting budget laws.

24 “EXPIRATION

25 “SEC. 1016. This title shall have no force or effect
26 on or after December 31, 2015.”.

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

2 (a) EXERCISE OF RULEMAKING POWERS.—Section
3 904 of the Congressional Budget Act of 1974 (2 U.S.C.
4 621 note) is amended—

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

7 (2) in subsection (d), by striking “section
8 1017” and inserting “section 1013”.

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

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

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

21 (4) TABLE OF CONTENTS.—The table of contents set
22 forth in section 1(b) of the Congressional Budget and Im-
23 poundment Control Act of 1974 is amended by striking
24 the items relating to parts B and C (including all of the
25 items relating to the sections therein) of title X and insert-
26 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.”.

1 (c) **EFFECTIVE DATE.**—The amendments made by
2 this Act shall apply to funding as defined in section
3 1015(8) of the Congressional Budget Act and Impound-
4 ment Control of 1974 in any Act enacted after the date
5 of enactment of this Act.

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

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

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

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

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

3 and

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

○