

106TH CONGRESS
1ST SESSION

H. R. 3442

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. STENHOLM (for himself, Mr. MINGE, Mr. ANDREWS, Mr. PETERSON of Minnesota, Mr. SANDLIN, Mr. HALL of Texas, Mr. BERRY, Mr. BOYD, and Mr. TANNER) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, 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 the expedited consideration of certain proposed rescissions of budget authority.

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 Rescissions
5 Act of 1999”.

1 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
2 **POSED RESCISSIONS.**

3 (a) IN GENERAL.—Part B of title X of the Congres-
4 sional Budget and Impoundment Control Act of 1974 (2
5 U.S.C. 681 et seq.) is amended by redesignating sections
6 1013 through 1017 as sections 1014 through 1018, re-
7 spectively, and by inserting after section 1012 the fol-
8 lowing new section:

9 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
10 RESCISSIONS

11 “SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET
12 AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—
13 The President may propose, at the time and in the manner
14 provided in subsection (b), the rescission of any budget
15 authority provided in an appropriation Act or repeal of
16 any targeted tax benefit provided in any revenue Act. If
17 the President proposes a rescission of budget authority,
18 he may also propose to reduce the appropriate discre-
19 tionary spending limit set forth in section 251(c) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 by an amount that does not exceed the amount of
22 the proposed rescission. Funds made available for obliga-
23 tion under this procedure may not be proposed for rescis-
24 sion again under this section.

25 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

1 “(1) The President may transmit to Congress a
2 special message proposing to rescind amounts of
3 budget authority or to repeal any targeted tax ben-
4 efit and include with that special message a draft
5 bill that, if enacted, would only rescind that budget
6 authority or repeal that targeted tax benefit unless
7 the President also proposes a reduction in the appro-
8 priate discretionary spending limit set forth in sec-
9 tion 251(c) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985. That bill shall clearly
11 identify the amount of budget authority that is pro-
12 posed to be rescinded for each program, project, or
13 activity to which that budget authority relates. A
14 targeted tax benefit may only be proposed to be re-
15 pealed under this section during the 10-legislative-
16 day period commencing on the day after the date of
17 enactment of the provision proposed to be repealed.

18 “(2) In the case of an appropriation Act that
19 includes accounts within the jurisdiction of more
20 than one subcommittee of the Committee on Appro-
21 priations, the President in proposing to rescind
22 budget authority under this section shall send a sep-
23 arate special message and accompanying draft bill
24 for accounts within the jurisdiction of each each sub-
25 committee.

1 “(3) Each special message shall specify, with
2 respect to the budget authority proposed to be re-
3 scinded, the following:

4 “(A) The amount of budget authority
5 which he proposes to be rescinded.

6 “(B) Any account, department, or estab-
7 lishment of the Government to which such
8 budget authority is available for obligation, and
9 the specific project or governmental functions
10 involved.

11 “(C) The reasons why the budget authority
12 should be rescinded.

13 “(D) To the maximum extent practicable,
14 the estimated fiscal, economic, and budgetary
15 effect (including the effect on outlays and re-
16 ceipts in each fiscal year) of the proposed re-
17 scission.

18 “(E) All facts, circumstances, and consid-
19 erations relating to or bearing upon the pro-
20 posed rescission and the decision to effect the
21 proposed rescission, and to the maximum extent
22 practicable, the estimated effect of the proposed
23 rescission upon the objects, purposes, and pro-
24 grams for which the budget authority is pro-
25 vided.

1 “(F) A reduction in the appropriate discre-
2 tionary spending limit set forth in section
3 251(c) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985, if proposed by the
5 President.

6 “(4) Each special message shall specify, with
7 respect to the limited tax benefits proposed to be re-
8 scinded, the following:

9 “(A) The limited tax benefit proposed to
10 be rescinded.

11 “(B) The reasons for the rescission.

12 “(C) To the maximum extent practicable,
13 the estimated fiscal, economic, and budgetary
14 effect of the rescission.

15 “(D) All facts, circumstances, and consid-
16 erations relating to or bearing upon the rescis-
17 sion, and to the maximum extent practicable,
18 the estimated effect of the rescission upon the
19 objects and purposes for which the rescinded
20 benefit was provided.

21 “(c) IDENTIFICATION OF TARGETED TAX BENE-
22 FITS.—

23 “(1) STATEMENT BY JOINT TAX COMMITTEE.—

24 The Joint Committee on Taxation shall review any
25 bill or joint resolution that includes any amendment

1 to the Internal Revenue Code of 1986 that is being
2 prepared for filing by a committee of conference of
3 the two Houses, and shall identify whether such bill
4 or resolution contains any targeted tax benefits. The
5 Joint Committee on Taxation shall provide to the
6 committee of conference a statement identifying any
7 such targeted tax benefits or declaring that the bill
8 or resolution does not contain any targeted tax bene-
9 fits. Any such statement shall be made available to
10 any Member of Congress by the Joint Committee on
11 Taxation immediately upon request.

12 “(2) STATEMENT INCLUDED IN LEGISLA-
13 TION.—(A) Notwithstanding any other rule of the
14 House of Representatives or any rule or precedent of
15 the Senate, any bill or joint resolution that includes
16 any amendment to the Internal Revenue Code of
17 1986 reported by a committee of conference of the
18 two Houses may include, as a separate section of
19 such bill or joint resolution, the information con-
20 tained in the statement of the Joint Committee on
21 Taxation, but only in the manner set forth in sub-
22 paragraph (B).

23 “(B) The separate section permitted under sub-
24 paragraph (A) shall read as follows: ‘Section
25 1013(a) of the Congressional Budget and Impound-

1 ment Control Act of 1974 shall _____ apply to
2 _____.’, with the blank spaces being filled in
3 with—

4 “(i) in any case in which the Joint Com-
5 mittee on Taxation identifies targeted tax bene-
6 fits in the statement required under paragraph
7 (1), the word ‘only’ in the first blank space and
8 a list of all of the specific provisions of the bill
9 or joint resolution identified by the Joint Com-
10 mittee on Taxation in such statement in the
11 second blank space; or

12 “(ii) in any case in which the Joint Com-
13 mittee on Taxation declares that there are no
14 targeted tax benefits in the statement required
15 under paragraph (1), the word ‘not’ in the first
16 blank space and the phrase ‘any provision of
17 this Act’ in the second blank space.

18 “(3) PRESIDENT’S AUTHORITY.—If any revenue
19 bill or joint resolution is signed into law pursuant to
20 Article I, section 7, of the Constitution of the United
21 States—

22 “(A) with a separate section described in
23 paragraph (2)(B), then the President may use
24 the authority granted in section 1013(a) only to
25 propose to rescind any targeted tax benefit in

1 that law, if any, identified in such separate sec-
2 tion; or

3 “(B) without a separate section described
4 in paragraph (2)(B), then the President may
5 use the authority granted in section 1013(a) to
6 propose to rescind any targeted tax benefit in
7 that law that meets the definition in subsection
8 (g)(4).

9 “(4) CONGRESSIONAL IDENTIFICATIONS OF
10 TARGETED TAX BENEFITS.—There shall be no judi-
11 cial review of the congressional identification under
12 paragraphs (1) and (2) of a targeted tax benefit in
13 a conference report.

14 “(d) PROCEDURES FOR EXPEDITED CONSIDER-
15 ATION.—

16 “(1)(A) Before the close of the second legisla-
17 tive day of the House of Representatives after the
18 date of receipt of a special message transmitted to
19 Congress under subsection (b), the majority leader
20 or minority leader of the House of Representatives
21 shall introduce (by request) the draft bill accom-
22 panying that special message. If the bill is not intro-
23 duced as provided in the preceding sentence, then,
24 on the third legislative day of the House of Rep-
25 resentatives after the date of receipt of that special

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

3 “(B) The bill shall be referred to the Com-
4 mittee on Appropriations or the Committee on Ways
5 and Means of the House of Representatives, as ap-
6 plicable. The committee shall report the bill without
7 substantive revision and with or without rec-
8 ommendation. The bill shall be reported not later
9 than the seventh legislative day of that House after
10 the date of receipt of that special message. If that
11 committee fails to report the bill within that period,
12 that committee shall be automatically discharged
13 from consideration of the bill, and the bill shall be
14 placed on the appropriate calendar.

15 “(C) During consideration under this para-
16 graph, any Member of the House of Representatives
17 may move to strike any proposed rescission or re-
18 scissions of budget authority or any proposed repeal
19 of a targeted tax benefit, as applicable, if supported
20 by 49 other Members.

21 “(D) A vote on final passage of the bill shall be
22 taken in the House of Representatives on or before
23 the close of the 10th legislative day of that House
24 after the date of the introduction of the bill in that
25 House. If the bill is passed, the Clerk of the House

1 of Representatives shall cause the bill to be en-
2 grossed, certified, and transmitted to the Senate
3 within one calendar day of the day on which the bill
4 is passed.

5 “(2)(A) A motion in the House of Representa-
6 tives to proceed to the consideration of a bill under
7 this section shall be highly privileged and not debat-
8 able. An amendment to the motion shall not be in
9 order, nor shall it be in order to move to reconsider
10 the vote by which the motion is agreed to or dis-
11 agreed to.

12 “(B) Debate in the House of Representatives
13 on a bill under this section shall not exceed 4 hours,
14 which shall be divided equally between those favoring
15 and those opposing the bill. A motion further to
16 limit debate shall not be debatable. It shall not be
17 in order to move to recommit a bill under this sec-
18 tion or to move to reconsider the vote by which the
19 bill is agreed to or disagreed to.

20 “(C) Appeals from decisions of the Chair relat-
21 ing to the application of the Rules of the House of
22 Representatives to the procedure relating to a bill
23 under this section shall be decided without debate.

24 “(D) Except to the extent specifically provided
25 in the preceding provisions of this subsection, con-

1 sideration of a bill under this section shall be gov-
2 erned by the Rules of the House of Representatives.
3 It shall not be in order in the House of Representa-
4 tives to consider any rescission bill introduced pursu-
5 ant to the provisions of this section under a suspen-
6 sion of the rules or under a special rule.

7 “(3)(A) A bill transmitted to the Senate pursu-
8 ant to paragraph (1)(D) shall be referred to its
9 Committee on Appropriations or Committee on Fi-
10 nance, as applicable. That committee shall report
11 the bill without substantive revision and with or
12 without recommendation. The bill shall be reported
13 not later than the seventh legislative day of the Sen-
14 ate after it receives the bill. A committee failing to
15 report the bill within such period shall be automati-
16 cally discharged from consideration of the bill, and
17 the bill shall be placed upon the appropriate cal-
18 endar.

19 “(B) During consideration under this para-
20 graph, any Member of the Senate may move to
21 strike any proposed rescission or rescissions of budg-
22 et authority or any proposed repeal of a targeted tax
23 benefit, as applicable, if supported by 14 other Mem-
24 bers.

1 “(4)(A) A motion in the Senate to proceed to
2 the consideration of a bill under this section shall be
3 privileged and not debatable. An amendment to the
4 motion shall not be in order, nor shall it be in order
5 to move to reconsider the vote by which the motion
6 is agreed to or disagreed to.

7 “(B) Debate in the Senate on a bill under this
8 section, and all debatable motions and appeals in
9 connection therewith (including debate pursuant to
10 subparagraph (C)), shall not exceed 10 hours. The
11 time shall be equally divided between, and controlled
12 by, the majority leader and the minority leader or
13 their designees.

14 “(C) Debate in the Senate or any debatable mo-
15 tion or appeal in connection with a bill under this
16 section shall be limited to not more than 1 hour, to
17 be equally divided between, and controlled by, the
18 mover and the manager of the bill, except that in
19 the event the manager of the bill is in favor of any
20 such motion or appeal, the time in opposition there-
21 to, shall be controlled by the minority leader or his
22 designee. Such leaders, or either of them, may, from
23 time under their control of the passage of a bill,
24 allot additional time to any Senator during the con-
25 sideration of any debatable motion or appeal.

1 “(D) A motion in the Senate to further limit
2 debate on a bill under this section is not debatable.
3 A motion to recommit a bill under this section is not
4 in order.

5 “(e) AMENDMENT AND DIVISIONS PROHIBITED.—
6 Except as otherwise provided by this section, no amend-
7 ment to a bill considered under this section shall be in
8 order in either the House of Representatives or the Sen-
9 ate. It shall not be in order to demand a division of the
10 question in the House of Representatives (or in a Com-
11 mittee of the Whole) or in the Senate. No motion to sus-
12 pend the application of this subsection shall be in order
13 in either House, nor shall it be in order in either House
14 to suspend the application of this subsection by unanimous
15 consent.

16 “(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
17 GATION.—

18 “(1) Any amount of budget authority proposed
19 to be rescinded in a special message transmitted to
20 Congress under subsection (b) shall be made avail-
21 able for obligation on the day after the date on
22 which either House rejects the bill transmitted with
23 that special message.

24 “(2) Any targeted tax benefit proposed to be re-
25 pealed under this section as set forth in a special

1 message transmitted by the President shall not be
2 deemed repealed unless the bill transmitted with
3 that special message is enacted into law.

4 “(g) DEFINITIONS.—For purposes of this section:

5 “(1) The term ‘appropriation Act’ means any
6 general or special appropriation Act, and any Act or
7 joint resolution making supplemental, deficiency, or
8 continuing appropriations.

9 “(2) The term ‘legislative day’ means, with re-
10 spect to either House of Congress, any day of ses-
11 sion.

12 “(3) The term ‘rescind’ means, with respect to
13 a targeted tax benefit, to prevent the specific provi-
14 sion of law that provides such benefit from having
15 legal force or effect, and, with respect to an appro-
16 priation Act, to reduce the amount of budget author-
17 ity appropriated in that Act, and reducing budget
18 authority shall include reducing obligation limita-
19 tions set forth in that Act.

20 “(4)(A) The term ‘targeted tax benefit’
21 means—

22 “(i) any revenue-losing provision which
23 provides a Federal tax deduction, credit, exclu-
24 sion, or preference to 100 or fewer beneficiaries
25 under the Internal Revenue Code of 1986 in

1 any fiscal year for which the provision is in ef-
2 fect; or

3 “(ii) any Federal tax provision which pro-
4 vides temporary or permanent transitional relief
5 for 10 or fewer beneficiaries in any fiscal year
6 from a change to the Internal Revenue Code of
7 1986.

8 “(B) A provision shall not be treated as de-
9 scribed in subparagraph (A)(i) if the effect of that
10 provision is that—

11 “(i) all persons in the same industry or en-
12 gaged in the same type of activity receive the
13 same treatment;

14 “(ii) all persons owning the same type of
15 property, or issuing the same type of invest-
16 ment, receive the same treatment; or

17 ““(iii) any difference in the treatment of
18 persons is based solely on—

19 “(I) in the case of businesses and as-
20 sociations, the size or form of the business
21 or association involved;

22 “(II) in the case of individuals, gen-
23 eral demographic conditions, such as in-
24 come, marital status, number of depend-
25 ents, or tax return filing status;

1 “(III) the amount involved; or

2 “(IV) a generally-available election
3 under the Internal Revenue Code of 1986.

4 “(C) A provision shall not be treated as de-
5 scribed in subparagraph (A)(ii) if—

6 “(i) it provides for the retention of prior
7 law with respect to all binding contracts or
8 other legally enforceable obligations in existence
9 on a date contemporaneous with congressional
10 action specifying such date; or

11 “(ii) it is a technical correction to pre-
12 viously enacted legislation that is estimated to
13 have no revenue effect.

14 “(D) For purposes of subparagraph (A)—

15 “(i) all businesses and associations which
16 are related within the meaning of sections
17 707(b) and 1563(a) of the Internal Revenue
18 Code of 1986 shall be treated as a single bene-
19 ficiary;

20 “(ii) all qualified plans of an employer
21 shall be treated as a single beneficiary;

22 “(iii) all holders of the same bond issue
23 shall be treated as a single beneficiary; and

24 “(iv) if a corporation, partnership, associa-
25 tion, trust, or estate is the beneficiary of a pro-

1 vision, the shareholders of the corporation, the
2 partners of the partnership, the members of the
3 association, or the beneficiaries of the trust or
4 estate shall not also be treated as beneficiaries
5 of such provision.

6 “(E) For purposes of this paragraph, the term
7 ‘revenue-losing provision’ means any provision which
8 results in a reduction in Federal tax revenues for
9 any one of the two following periods—

10 “(i) the first fiscal year for which the pro-
11 vision is effective; or

12 “(ii) the period of the 5 fiscal years begin-
13 ning with the first fiscal year for which the pro-
14 vision is effective.

15 “(F) The terms used in this paragraph shall
16 have the same meaning as those terms have gen-
17 erally in the Internal Revenue Code of 1986, unless
18 otherwise expressly provided.

19 “(5) The term ‘beneficiary’ means any taxpayer
20 or any corporation, partnership, institution, organi-
21 zation, item of property, State, or civil subdivision
22 within one or more States. Any partnership, limited
23 partnership, trust, or S corporation, and any sub-
24 sidiary or affiliate of the same parent corporation,
25 shall be deemed and counted as a single beneficiary

1 regardless of the number of partners, limited part-
 2 ners, beneficiaries, shareholders, or affiliated cor-
 3 porate entities.”.

4 (b) EXERCISE OF RULEMAKING POWERS.—Section
 5 904 of the Congressional Budget Act of 1974 (2 U.S.C.
 6 621 note) is amended—

7 (1) in subsection (a), by striking “and 1017”
 8 and inserting “1012, and 1017”; and

9 (2) in subsection (d), by striking “section
 10 1017” and inserting “sections 1012 and 1017”.

11 (c) CONFORMING AMENDMENTS.—

12 (1) Section 1011 of the Congressional Budget
 13 Act of 1974 (2 U.S.C. 682(5)) is amended by re-
 14 pealing paragraphs (3) and (5) and by redesignating
 15 paragraph (4) as paragraph (3).

16 (2) Section 1014 of such Act (2 U.S.C. 685) is
 17 amended—

18 (A) in subsection (b)(1), by striking “or
 19 the reservation”; and

20 (B) in subsection (e)(1), by striking “or a
 21 reservation” and by striking “or each such res-
 22 ervation”.

23 (3) Section 1015(a) of such Act (2 U.S.C. 686)
 24 is amended by striking “is to establish a reserve or”,
 25 by striking “the establishment of such a reserve or”,

1 and by striking “reserve or” each other place it ap-
2 pears.

3 (4) Section 1017 of such Act (2 U.S.C. 687) is
4 amended—

5 (A) in subsection (a), by striking “rescis-
6 sion bill introduced with respect to a special
7 message or”;

8 (B) in subsection (b)(1), by striking “re-
9 scission bill or”, by striking “bill or” the second
10 place it appears, by striking “rescission bill with
11 respect to the same special message or”, and by
12 striking “, and the case may be,”;

13 (C) in subsection (b)(2), by striking “bill
14 or” each place it appears;

15 (D) in subsection (c), by striking “rescis-
16 sion” each place it appears and by striking “bill
17 or” each place it appears;

18 (E) in subsection (d)(1), by striking “re-
19 scission bill or” and by striking “, and all
20 amendments thereto (in the case of a rescission
21 bill)”;

22 (F) in subsection (d)(2)—

23 (i) by striking the first sentence;

24 (ii) by amending the second sentence
25 to read as follows: “Debate on any debat-

1 able motion or appeal in connection with
 2 an impoundment resolution shall be limited
 3 to 1 hour, to be equally divided between,
 4 and controlled by, the mover and the man-
 5 ager of the resolution, except that in the
 6 event that the manager of the resolution is
 7 in favor of any such motion or appeal, the
 8 time in opposition thereto shall be con-
 9 trolled by the minority leader or his des-
 10 ignee.”;

11 (iii) by striking the third sentence;
 12 and

13 (iv) in the fourth sentence, by striking
 14 “rescission bill or” and by striking
 15 “amendment, debatable motion,” and by
 16 inserting ‘debatable motion’;

17 (G) in paragraph (d)(3), by striking the
 18 second and third sentences; and

19 (H) by striking paragraphs (4), (5), (6),
 20 and (7) of paragraph (d).

21 (d) COMPTROLLER GENERAL.—Section 1017 of such
 22 Act (2 U.S.C. 687) (as redesignated) is amended—

23 (1) by inserting “or a limited tax benefit is re-
 24 quired to be implemented and is not implemented,”

1 before “the Comptroller General is hereby expressly
2 empowered”;

3 (2) by inserting “or such limited tax benefit to
4 be implemented” before “, and such court is hereby
5 expressly empowered”; and

6 (3) by inserting “or to implement such limited
7 tax benefit” after “to make such budget authority
8 available for obligation”.

9 (e) CLERICAL AMENDMENTS.—The item relating to
10 section 1012 in the table of sections for subpart B of title
11 X of the Congressional Budget and Impoundment Control
12 Act of 1974 is amended to read as follows:

“Sec. 1012. Expedited consideration of certain proposed rescissions and targeted
tax benefits.”.

13 **SEC. 3. JUDICIAL REVIEW.**

14 (a) EXPEDITED REVIEW.—

15 (1) Any Member of Congress may bring an ac-
16 tion, in the United States District Court for the Dis-
17 trict of Columbia, for declaratory judgment and in-
18 junctive relief on the ground that any provision of
19 this title violates the Constitution.

20 (2) A copy of any complaint in an action
21 brought under paragraph (1) shall be promptly de-
22 livered to the Secretary of the Senate and the Clerk
23 of the House of Representatives, and each House of

1 Congress shall have the right to intervene in such
2 action.

3 (3) Any action brought under paragraph (1)
4 shall be heard and determined by a three-judge
5 court in accordance with section 2284 of title 28,
6 United States Code. Nothing in this section or in
7 any other law shall infringe upon the right of the
8 House of Representatives to intervene in an action
9 brought under paragraph (1) without the necessity
10 of adopting a resolution to authorize such interven-
11 tion.

12 (b) APPEAL TO SUPREME COURT.—Notwithstanding
13 any other provision of law, any order of the United States
14 District Court for the District of Columbia which is issued
15 pursuant to an action brought under paragraph (1) of sub-
16 section (a) shall be reviewable by appeal directly to the
17 Supreme Court of the United States. Any such appeal
18 shall be taken by a notice of appeal filed within 10 days
19 after such order is entered; and the jurisdictional state-
20 ment shall be filed within 30 days after such order is en-
21 tered. No stay of an order issued pursuant to an action
22 brought under paragraph (1) of subsection (a) shall be
23 issued by a single Justice of the Supreme Court.

24 (c) EXPEDITED CONSIDERATION.—It shall be the
25 duty of the District Court for the District of Columbia

1 and the Supreme Court of the United States to advance
2 on the docket and to expedite to the greatest possible ex-
3 tent the disposition of any matter brought under sub-
4 section (a).

○