

112TH CONGRESS
2D SESSION

S. 2086

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 SENATE OF THE UNITED STATES

FEBRUARY 9, 2012

Mrs. McCASKILL introduced the following bill; which was read twice and referred to the Committee on the Budget

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 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 Impound-
 5 ment Control Act of 1974 (2 U.S.C. 621 et seq.) is amend-
 6 ed by striking all of part B (except for sections 1015,
 7 1016, and 1013, which are transferred and redesignated
 8 as sections 1017, 1018, and 1019, respectively) and part
 9 C and by inserting after part A 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 10 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; and

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

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

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

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

15 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
 16 AUTHORITY

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

23 “(b) WITHHOLDING AVAILABLE ONLY ONCE PER
 24 PROPOSED RESCISSION.—Except as provided in section
 25 1019, the President may not invoke the authority to with-

1 hold funding granted by subsection (a) for any other pur-
2 pose.

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

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

10 “(2) the 60th day following the date of enact-
11 ment of the appropriations measure to which the ap-
12 proval bill relates; or

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

17 “(d) DEFICIT REDUCTION.—

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

21 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
22 RENT RESOLUTION ON THE BUDGET.—Not later
23 than 3 days of session after the date of enactment
24 of an approval bill as provided under this part, the
25 chairs of the Committees on the Budget of the Sen-

ate 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.—

Not later than 3 days 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) INTRODUCTION OF APPROVAL BILL.—The

majority leader of each House or a designee shall (by request) introduce an approval bill as defined in section 1015 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

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

1 “(A) REFERRAL AND REPORTING.—Any
2 committee of the House of Representatives to
3 which an approval bill is referred shall report it
4 to the House without amendment not later than
5 the third legislative day after the date of its in-
6 troduction. If a committee fails to report the
7 bill within that period or the House has adopt-
8 ed a concurrent resolution providing for ad-
9 journment sine die at the end of a Congress,
10 such committee shall be automatically dis-
11 charged from further consideration of the bill
12 and it shall be placed on the appropriate cal-
13 endar.

14 “(B) PROCEEDING TO CONSIDERATION.—
15 Not later than 3 legislative days after the ap-
16 proval bill is reported or a committee has been
17 discharged from further consideration thereof,
18 it shall be in order to move to proceed to con-
19 sider the approval bill in the House. Such a mo-
20 tion shall be in order only at a time designated
21 by the Speaker in the legislative schedule within
22 two legislative days after the day on which the
23 proponent announces an intention to the House
24 to offer the motion provided that such notice
25 may not be given until the approval bill is re-

1 ported or a committee has been discharged
2 from further consideration thereof. Such a mo-
3 tion shall not be in order after the House has
4 disposed of a motion to proceed with respect to
5 that special message. The previous question
6 shall be considered as ordered on the motion to
7 its adoption without intervening motion. A mo-
8 tion to reconsider the vote by which the motion
9 is disposed of shall not be in order.

10 “(C) CONSIDERATION.—If the motion to
11 proceed is agreed to, the House shall imme-
12 diately proceed to consider the approval bill in
13 the House without intervening motion. The ap-
14 proval bill shall be considered as read. All
15 points of order against the approval bill and
16 against its consideration are waived. The pre-
17 vious question shall be considered as ordered on
18 the approval bill to its passage without inter-
19 vening motion except 2 hours of debate equally
20 divided and controlled by the proponent and an
21 opponent and one motion to limit debate on the
22 bill. A motion to reconsider the vote on passage
23 of the approval bill shall not be in order.

24 “(3) CONSIDERATION IN THE SENATE.—

1 “(A) COMMITTEE ACTION.—The appro-
2 priate committee of the Senate shall report
3 without amendment the approval bill as defined
4 in section 1015(2) not later than the third ses-
5 sion day after introduction. If a committee fails
6 to report the approval bill within that period or
7 the Senate has adopted a concurrent resolution
8 providing for adjournment sine die at the end
9 of a Congress, the Committee shall be auto-
10 matically discharged from further consideration
11 of the approval bill and it shall be placed on the
12 appropriate calendar.

13 “(B) MOTION TO PROCEED.—Not later
14 than 3 session days after the approval bill is re-
15 ported in the Senate or the committee has been
16 discharged thereof, it shall be in order for any
17 Senator to move to proceed to consider the ap-
18 proval bill in the Senate. The motion shall be
19 decided without debate and the motion to re-
20 consider shall be deemed to have been laid on
21 the table. Such a motion shall not be in order
22 after the Senate has disposed of a prior motion
23 to proceed with respect to the approval bill.

24 “(C) CONSIDERATION.—If a motion to
25 proceed to the consideration of the approval bill

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

21 “(4) AMENDMENTS PROHIBITED.—No amend-
22 ment to, or motion to strike a provision from, an ap-
23 proval bill considered under this section shall be in
24 order in either the Senate or the House of Rep-
25 resentatives.

1 “(5) COORDINATION WITH ACTION BY OTHER
2 HOUSE.—

3 “(A) IN GENERAL.—If, before passing the
4 approval bill, one House receives from the other
5 a bill—

6 “(i) the approval bill of the other
7 House shall not be referred to a com-
8 mittee; and

9 “(ii) the procedure in the receiving
10 House shall be the same as if no approval
11 bill had been received from the other
12 House until the vote on passage, when the
13 bill received from the other House shall
14 supplant the approval bill of the receiving
15 House.

16 “(B) This paragraph shall not apply to the
17 House of Representatives.

18 “(b) LIMITATION.—Subsection (a) shall apply only to
19 an approval bill, as such term is defined in section
20 1015(2), introduced pursuant to subsection (a)(1).

21 “(c) EXTENDED TIME PERIOD.—If Congress ad-
22 journs at the end of a Congress prior to the expiration
23 of the periods described in sections 1012(c)(2) and 1014
24 and an approval bill was then pending in either House
25 of Congress or a committee thereof, or an approval bill

1 had not yet been introduced with respect to a special mes-
2 sage, or before the applicable 10-day period specified in
3 section 1011(a) has expired, then within the first 3 days
4 of session, the President shall transmit to Congress an ad-
5 ditional special message containing all of the information
6 in the previous, pending special message and an approval
7 bill may be introduced within the first five days of session
8 of the next Congress and shall be treated as an approval
9 bill under this part, and the time periods described in sec-
10 tions 1012(c)(2) and 1014 shall commence on the day of
11 introduction of that approval bill.

12 “(d) APPROVAL BILL PROCEDURE.—In order for an
13 approval bill to be considered under the procedures set
14 forth in this part, the bill must meet the definition of an
15 approval bill and must be introduced no later than the
16 third day of session following the beginning of the period
17 described in section 1013(a)(1) or the fifth day in the case
18 of subsection (c).

19 “(e) CBO ESTIMATE.—Upon receipt of a special
20 message under section 1101 proposing to rescind all or
21 part of any funding, CBO shall prepare and submit to the
22 appropriate committees of the House of Representatives
23 and the Senate an estimate of the reduction in budget au-
24 thority which would result from the enactment of the pro-
25 posed recisions.

1 “TREATMENT OF RESCISSIONS

2 “SEC. 1014. Rescissions proposed by the President
3 under this part shall take effect only upon enactment of
4 the applicable approval bill. If an approval bill is not en-
5 acted into law within 60 days from the enactment of the
6 appropriation measure to which the approval bill relates,
7 then the approval bill shall not be eligible for expedited
8 consideration under the provisions of this part.

9 “DEFINITIONS

10 “SEC. 1015. As used in this part:

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

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

23 “(A) the title of which is as follows: ‘A bill
24 approving the proposed rescissions transmitted
25 by the President on _____’, the blank space
26 being filled in with the date of transmission of

1 the relevant special message and the public law
 2 number to which the message relates; and

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

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

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

21 “(5) COMPTROLLER GENERAL.—The term
 22 ‘Comptroller General’ means the Comptroller Gen-
 23 eral of the United States.

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

1 “(A) withholding or delaying the obliga-
2 tions or expenditure of budget authority
3 (whether by establishing reserves or otherwise)
4 provided for projects or activities; or

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

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

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

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

24 “(iii) represented by the product of the es-
25 timated procurement cost and the total quantity

1 of items specified in an appropriation measure
2 or included in the statement of managers or the
3 governing committee report accompanying such
4 law.

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

6 “(i) direct spending;

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

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

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

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

1 “EXPIRATION

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

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

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

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

15 (2) in subsection (d), by striking “section
16 1017” and inserting “section 1013”.

17 (b) CLERICAL AMENDMENTS.—(1) The last sentence
18 of section 1(a) of the Congressional Budget and Impound-
19 ment Control Act of 1974 is amended to read as follows:

20 “Sections 1011 through 1016 of part B of title X
21 may be cited as the ‘Expedited Legislative Line-Item Veto
22 and Rescissions Act of 2012’.”.

23 (2) Section 1017 of such Act (as redesignated) is
24 amended by striking “section 1012 or 1013” each place
25 it appears and inserting “section 1011 or 1019” and sec-

tion 1018 (as redesignated) is amended 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) 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:

“PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RE-
SCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AND OB-
LIGATION 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”.

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

1 “(a) ADJUSTMENTS FOR RESCISSIONS.—(1) When-
2 ever an approval bill passes the House of Representatives,
3 the Committee on the Budget shall immediately reduce the
4 applicable allocations under section 302(a) by the total
5 amount of reductions in budget authority and in outlays
6 resulting from such approval bill.

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

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

○