

115TH CONGRESS
2D SESSION

H. R. 5442

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

APRIL 9, 2018

Mr. NORMAN 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 “A Fast-Tracked Executive
5 Rescission Review (AFTERR) of Appropriations Act of
6 2018”.

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 (but in the case of an omnibus
3 appropriation measure 5 such packages) and the re-
4 scissions in each package shall apply only to funding
5 contained in that legislation. The President shall not
6 include the same rescission in both packages.

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

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

19 “(A) specify—

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

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

1 “(iii) the program, project, or activity
2 within the account (if applicable) from
3 which the rescission shall occur;

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

8 “(v) the reasons the President re-
9 quests the rescission; and

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

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

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

18 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
19 AUTHORITY

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

1 “(b) WITHHOLDING AVAILABLE ONLY ONCE PER
2 PROPOSED RESCISSION.—Except as provided in section
3 1019, the President may not invoke the authority to with-
4 hold funding granted by subsection (a) for any other pur-
5 pose.

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

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

13 “(2) the 30th day following the date of enact-
14 ment of the appropriations measure to which the ap-
15 proval bill relates; or

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

20 “(d) DEFICIT REDUCTION.—

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

24 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
25 RENT RESOLUTION ON THE BUDGET.—Not later

1 than 3 days of session after the date of enactment
2 of an approval bill as provided under this part, the
3 chairs of the Committees on the Budget of the Sen-
4 ate and the House of Representatives shall revise al-
5 locations and aggregates and other appropriate lev-
6 els under the appropriate concurrent resolution on
7 the budget to reflect the rescissions, and the Com-
8 mittees on Appropriations of the House of Rep-
9 resentatives and the Senate shall report revised sub-
10 allocations pursuant to section 302(b) of title III, as
11 appropriate.

12 “(3) ADJUSTMENTS TO STATUTORY LIMITS.—
13 Not later than 3 days after enactment of an ap-
14 proval bill provided under this section, the President
15 shall revise downward by the amount of the rescis-
16 sions applicable limits under the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 “PROCEDURES FOR EXPEDITED CONSIDERATION

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

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

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

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

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

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

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

1 “(3) CONSIDERATION IN THE SENATE.—

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

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

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

23 “(4) AMENDMENTS PROHIBITED.—No amend-
24 ment to, or motion to strike a provision from, an ap-
25 proval bill considered under this section shall be in

1 order in either the Senate or the House of Rep-
2 resentatives.

3 “(5) COORDINATION WITH ACTION BY OTHER
4 HOUSE.—

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

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

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

18 “(B) This paragraph shall not apply to the
19 House of Representatives.

20 “(b) LIMITATION.—Subsection (a) shall apply only to
21 an approval bill, as such term is defined in section
22 1015(2), introduced pursuant to subsection (a)(1).

23 “(c) EXTENDED TIME PERIOD.—If Congress ad-
24 journs at the end of a Congress prior to the expiration
25 of the periods described in sections 1012(c)(2) and 1014

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

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

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

1 thority which would result from the enactment of the pro-
2 posed rescissions.

3 “TREATMENT OF RESCISSIONS

4 “SEC. 1014. Rescissions proposed by the President
5 under this part shall take effect only upon enactment of
6 the applicable approval bill. If an approval bill is not en-
7 acted into law within 30 days from the enactment of the
8 appropriation measure to which the approval bill relates,
9 then the approval bill shall not be eligible for expedited
10 consideration under the provisions of this part.

11 “DEFINITIONS

12 “SEC. 1015. As used in this part:

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

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

25 “(A) the title of which is as follows: ‘A bill
26 approving the proposed rescissions transmitted

1 by the President on _____’, the blank space
2 being filled in with the date of transmission of
3 the relevant special message and the public law
4 number to which the message relates; and

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

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

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

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

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

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

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

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

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

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

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

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

8 “(i) direct spending;

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

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

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

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

1 prior to obligation in the normal course of imple-
2 menting budget laws.

3 “EXPIRATION

4 “SEC. 1016. On October 1, 2028, the amendments
5 made by A Fast-Track Executive Rescission Review
6 (AFTERR) of Appropriations Act of 2018 shall be re-
7 placed by the provisions of part B of the Impoundment
8 Control Act of 1974 as in effect immediately before the
9 date of enactment of A Fast-Track Executive Rescission
10 Review (AFTERR) of Appropriations Act of 2018.”.

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

12 (a) EXERCISE OF RULEMAKING POWERS.—Section
13 904 of the Congressional Budget Act of 1974 (2 U.S.C.
14 621 note) is amended—

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

17 (2) in subsection (d), by striking “section
18 1017” and inserting “section 1013”.

19 (b) CLERICAL AMENDMENTS.—(1) The last sentence
20 of section 1(a) of the Congressional Budget and Impound-
21 ment Control Act of 1974 is amended to read as follows:
22 “Sections 1011 through 1016 of part B of title X may
23 be cited as ‘A Fast-Track Executive Rescission Review
24 (AFTERR) of Appropriations Act of 2018’.”.

25 (2) Section 1017 of such Act (as redesignated) is
26 amended by striking “section 1012 or 1013” each place

1 it appears and inserting “section 1011 or 1019” and sec-
 2 tion 1018 (as redesignated) is amended by striking “cal-
 3 endar” and “of continuous session”.

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

6 (4) TABLE OF CONTENTS.—The table of contents set
 7 forth in section 1(b) of the Congressional Budget and Im-
 8 poundment Control Act of 1974 is amended by striking
 9 the items relating to parts B and C (including all of the
 10 items relating to the sections therein) of title X and insert-
 11 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.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this Act shall apply to funding as defined in section
 14 1015(8) of the Congressional Budget Act and Impound-
 15 ment Control of 1974 in any Act enacted after the date
 16 of enactment of this Act.

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

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

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

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

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

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

○