

105TH CONGRESS
2D SESSION

H. R. 4174

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

JUNE 25, 1998

Mr. KASICH 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 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. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
4 **POSED RESCISSIONS AND TARGETED TAX**
5 **BENEFITS.**

6 (a) IN GENERAL.—Section 1012 of the Congressional
7 Budget and Impoundment Control Act of 1974 (2 U.S.C.
8 683) is amended to read as follows:

1 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
2 RESCISSIONS

3 “SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET
4 AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—
5 The President may propose, at the time and in the manner
6 provided in subsection (b), the rescission of any budget
7 authority provided in an appropriation Act or repeal of
8 any targeted tax benefit provided in any revenue Act.
9 Funds made available for obligation under this procedure
10 may not be proposed for rescission again under this sec-
11 tion.

12 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

13 “(1) The President may transmit to Congress a
14 special message proposing to rescind amounts of
15 budget authority or to repeal any targeted tax bene-
16 fit and include with with that special message a
17 draft bill that, if enacted, would only rescind that
18 budget authority or repeal that targeted tax benefit.
19 That bill shall clearly identify the amount of budget
20 authority that is proposed to be rescinded for each
21 program, project, or activity to which that budget
22 authority relates or the targeted tax benefit pro-
23 posed to be repealed, as the case may be. It shall in-
24 clude a Deficit Reduction Account. The President
25 may place in the Deficit Reduction Account an

1 amount not to exceed the total rescissions in that
2 bill. A targeted tax benefit may only be proposed to
3 be repealed under this section during the 20-cal-
4 endar-day period (excluding Saturdays, Sundays,
5 and legal holidays) commencing on the day after the
6 date of enactment of the provision proposed to be re-
7 pealed.

8 “(2) In the case of an appropriation Act that
9 includes accounts within the jurisdiction of more
10 than one subcommittee of the Committee on Appro-
11 priations, the President in proposing to rescind
12 budget authority under this section shall send a sep-
13 arate special message and accompanying draft bill
14 for accounts within the jurisdiction of each such sub-
15 committee.

16 “(3) Each special message shall specify, with
17 respect to the budget authority proposed to be re-
18 scinded, the following—

19 “(A) the amount of budget authority which
20 he proposes to be rescinded;

21 “(B) any account, department, or estab-
22 lishment of the Government to which such
23 budget authority is available for obligation, and
24 the specific project or governmental functions
25 involved;

1 “(C) the reasons why the budget authority
2 should be rescinded;

3 “(D) to the maximum extent practicable,
4 the estimated fiscal, economic, and budgetary
5 effect (including the effect on outlays and re-
6 ceipts in each fiscal year) of the proposed re-
7 scission; and

8 “(E) all facts, circumstances, and consider-
9 ations relating to or bearing upon the proposed
10 rescission and the decision to effect the pro-
11 posed rescission, and to the maximum extent
12 practicable, the estimated effect of the proposed
13 rescission upon the objects, purposes, and pro-
14 grams for which the budget authority is pro-
15 vided.

16 Each special message shall specify, with respect to
17 the proposed repeal of targeted tax benefits, the in-
18 formation required by subparagraphs (C), (D), and
19 (E), as it relates to the proposed repeal.

20 “(c) PROCEDURES FOR EXPEDITED CONSIDER-
21 ATION.—

22 “(1)(A) Before the close of the second legisla-
23 tive day of the House of Representatives after the
24 date of receipt of a special message transmitted to
25 Congress under subsection (b), the majority leader

1 or minority leader of the House of Representatives
2 shall introduce (by request) the draft bill accom-
3 panying that special message. If the bill is not intro-
4 duced as provided in the preceding sentence, then,
5 on the third legislative day of the House of Rep-
6 resentatives after the date of receipt of that special
7 message, any Member of that House may introduce
8 the bill.

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

21 “(C)(i) During consideration under this para-
22 graph, any Member of the House of Representatives
23 may move to strike any proposed rescission or re-
24 scissions of budget authority or any proposed repeal

1 of a target tax benefit, as applicable, if supported by
2 49 other Members.

3 “(ii) It shall not be in order for a Member of
4 the House of Representatives to move to strike any
5 proposed rescission under clause (i) unless the
6 amendment reduces the appropriate Deficit Reduc-
7 tion Account if the program, project, or account to
8 which the proposed rescission applies was identified
9 in the Deficit Reduction Account in the special mes-
10 sage under subsection (b).

11 “(D) A vote on final passage of the bill shall be
12 taken in the House of Representatives on or before
13 the close of the 10th legislative day of that House
14 after the date of the introduction of the bill in that
15 House. If the bill is passed, the Clerk of the House
16 of Representatives shall cause the bill to be en-
17 grossed, certified, and transmitted to the Senate
18 within one calendar day of the day on which the bill
19 is passed.

20 “(2)(A) A motion in the House of Representa-
21 tives to proceed to the consideration of a bill under
22 this section shall be highly privileged and not debat-
23 able. An amendment to the motion shall not be in
24 order, nor shall it be in order to move to reconsider

1 the vote by which the motion is agreed to or dis-
2 agreed to.

3 “(B) Debate in the House of Representatives
4 on a bill under this section shall not exceed 4 hours,
5 which shall be divided equally between those favoring
6 and those opposing the bill. A motion further to
7 limit debate shall not be debatable. It shall not be
8 in order to move to recommit a bill under this sec-
9 tion or to move to reconsider the vote by which the
10 bill is agreed to or disagreed to.

11 “(C) Appeals from decisions of the Chair relat-
12 ing to the application of the Rules of the House of
13 Representatives to the procedure relating to a bill
14 under this section shall be decided without debate.

15 “(D) Except to the extent specifically provided
16 in the preceding provisions of this subsection, con-
17 sideration of a bill under this section shall be gov-
18 erned by the Rules of the House of Representatives.
19 It shall not be in order in the House of Representa-
20 tives to consider any rescission bill introduced pursu-
21 ant to the provisions of this section under a suspen-
22 sion of the rules or under a special rule.

23 “(3)(A) A bill transmitted to the Senate pursu-
24 ant to paragraph (1)(D) shall be referred to its
25 Committee on Appropriations or Committee on Fi-

1 nance, as applicable. That committee shall report
2 the bill without substantive revision and with or
3 without recommendation. The bill shall be reported
4 not later than the seventh legislative day of the Sen-
5 ate after it receives the bill. A committee failing to
6 report the bill within such period shall be automati-
7 cally discharged from consideration of the bill, and
8 the bill shall be placed upon the appropriate cal-
9 endar.

10 “(B)(i) During consideration under this para-
11 graph, any Member of the Senate may move to
12 strike any proposed rescission or rescissions of budg-
13 et authority or any proposed repeal of a targeted tax
14 benefit, as applicable, if supported by 14 other Mem-
15 bers.

16 “(ii) It shall not be in order for a Member of
17 the House or Senate to move to strike any proposed
18 rescission under clause (i) unless the amendment re-
19 duces the appropriate Deficit Reduction Account
20 (pursuant to section 314) if the program, project, or
21 account to which the proposed rescission applies was
22 identified in the Deficit Reduction Account in the
23 special message under subsection (b).

24 “(4)(A) A motion in the Senate to proceed to
25 the consideration of a bill under this section shall be

1 privileged and not debatable. An amendment to the
2 motion shall not be in order, nor shall it be in order
3 to move to reconsider the vote by which the motion
4 is agreed to or disagreed to.

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

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

24 “(D) A motion in the Senate to further limit
25 debate on a bill under this section is not debatable.

1 A motion to recommit a bill under this section is not
2 in order.

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

13 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
14 GATION.—(1) Any amount of budget authority proposed
15 to be rescinded in a special message transmitted to Con-
16 gress under subsection (b) shall be made available for obli-
17 gation on the day after the date on which either House
18 rejects the bill transmitted with that special message.

19 “(2) Any targeted tax benefit proposed to be repealed
20 under this section as set forth in a special message trans-
21 mitted to Congress under subsection (b) shall be deemed
22 repealed unless, during the period described in that sub-
23 section, either House rejects the bill transmitted with that
24 special message.

25 “(f) DEFINITIONS.—For purposes of this section—

1 “(1) the term ‘appropriation Act’ means any
2 general or special appropriation Act, and any Act or
3 joint resolution making supplemental, deficiency, or
4 continuing appropriations;

5 “(2) the term ‘legislative day’ means, with re-
6 spect to either House of Congress, any day of ses-
7 sion; and

8 “(3) The term ‘targeted tax benefit’ means any
9 provision which has the practical effect of providing
10 a benefit in the form of a different treatment to a
11 particular taxpayer or a limited class of taxpayers,
12 whether or not such provision is limited by its terms
13 to a particular taxpayer or a class of taxpayers.
14 Such term does not include any benefit provided to
15 a class of taxpayers distinguished on the basis of
16 general demographic conditions such as income,
17 number of dependents, or marital status.”.

18 (b) EXERCISE OF RULEMAKING POWERS.—Section
19 904 of the Congressional Budget Act of 1974 (2 U.S.C.
20 621 note) is amended—

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

23 (2) in subsection (d), by striking “section
24 1017” and inserting “sections 1012 and 1017”.

25 (c) CONFORMING AMENDMENTS.—

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

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

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

9 (B) in subsection (e)(1), by striking “or a
10 reservation” and by striking “or each such res-
11 ervation”.

12 (3) Section 1015(a) of such Act (2 U.S.C. 686)
13 is amended by striking “is to establish a reserve or”,
14 by striking “the establishment of such a reserve or”,
15 and by striking “reserve or” each other place it ap-
16 pears.

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

19 (A) in subsection (a), by striking “rescis-
20 sion bill introduced with respect to a special
21 message or”;

22 (B) in subsection (b)(1), by striking “re-
23 scission bill or”, by striking “bill or” the second
24 place it appears, by striking “rescission bill with

1 respect to the same special message or”, and by
2 striking “, and the case may be,”;

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

5 (D) in subsection (e), by striking “rescis-
6 sion” each place it appears and by striking “bill
7 or” each place it appears;

8 (E) in subsection (d)(1), by striking “re-
9 scission bill or” and by striking “, and all
10 amendments thereto (in the case of a rescission
11 bill)”;

12 (F) in subsection (d)(2)—

13 (i) by striking the first sentence;

14 (ii) by amending the second sentence
15 to read as follows: “Debate on any debat-
16 able motion or appeal in connection with
17 an impoundment resolution shall be limited
18 to 1 hour, to be equally divided between,
19 and controlled by, the mover and the man-
20 ager of the resolution, except that in the
21 event that the manager of the resolution is
22 in favor of any such motion or appeal, the
23 time in opposition thereto shall be con-
24 trolled by the minority leader or his des-
25 ignee.”;

1 (iii) by striking the third sentence;

2 and

3 (iv) in the fourth sentence, by striking

4 “rescission bill or” and by striking

5 “amendment, debatable motion,” and by

6 inserting “debatable motion”;

7 (G) in paragraph (d)(3), by striking the

8 second and third sentences; and

9 (H) by striking paragraphs (4), (5), (6),

10 and (7) of paragraph (d).

11 (d) CLERICAL AMENDMENTS.—The item relating to

12 section 1012 in the table of sections for subpart B of title

13 X of the Congressional Budget and Impoundment Control

14 Act of 1974 is amended to read as follows:

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

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