

111TH CONGRESS
2^D SESSION

H. R. 5454

To provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2010

Mr. SPRATT (for himself, Mr. MINNICK, Ms. BEAN, Mr. BOYD, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. CUELLAR, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. LARSEN of Washington, Mr. MATHE-SON, Mr. MOORE of Kansas, Mr. MURPHY of New York, Mr. OWENS, Mr. PETERS, Mr. POMEROY, Mr. QUIGLEY, Mr. RUPPERSBERGER, Mr. SCHRADER, and Mr. WELCH) (all by request): 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 provide an optional fast-track procedure the President may use when submitting rescission requests, 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. TITLE AND PURPOSES.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Reduce Unnecessary Spending Act of 2010”.

1 (b) PURPOSE.—This Act creates an optional fast-
2 track procedure the President may use when submitting
3 rescission requests, which would lead to an up-or-down
4 vote by Congress on the President’s package of rescissions,
5 without amendment.

6 **SEC. 2. RESCISSIONS OF FUNDING.**

7 (a) IN GENERAL.—Part C of the Impoundment Con-
8 trol Act of 1974 is amended to read as follows:

9 **“PART C—EXPEDITED CONSIDERATION OF**
10 **PROPOSED RESCISSIONS**

11 **“SEC. 1021. APPLICABILITY AND DISCLAIMER.**

12 “The rules, procedures, requirements, and definitions
13 in this part apply only to executive and legislative actions
14 explicitly taken under this part. They do not apply to ac-
15 tions taken under part B or to other executive and legisla-
16 tive actions not taken under this part.

17 **“SEC. 1022. DEFINITIONS.**

18 “As used in this part—

19 “(1) the terms ‘appropriation Act’, ‘budget au-
20 thority’, and ‘new budget authority’ have the same
21 meanings as in section 3 of the Congressional Budg-
22 et Act of 1974;

23 “(2) the terms ‘account’, ‘current year’, ‘CBO’,
24 and ‘OMB’ have the same meanings as in section
25 250 of the Balanced Budget and Emergency Deficit

1 Control Act of 1985 as in effect on September 30,
2 2002;

3 “(3) the term ‘days of session’ shall be cal-
4 culated by excluding weekends and national holidays;
5 and any day during which a chamber of Congress is
6 not in session shall not be counted as a day of ses-
7 sion of that chamber; and any day during which nei-
8 ther chamber is in session shall not be counted as
9 a day of session of Congress;

10 “(4) the term ‘entitlement law’ means the stat-
11 utory mandate or requirement of the United States
12 to incur a financial obligation unless that obligation
13 is explicitly conditioned on the appropriation in sub-
14 sequent legislation of sufficient funds for that pur-
15 pose, and the Supplemental Nutrition Assistance
16 Program;

17 “(5) the term ‘funding’ refers to new budget
18 authority and obligation limits except to the extent
19 that the funding is provided for entitlement law;

20 “(6) the term ‘rescind’ means to eliminate or
21 reduce the amount of enacted funding; and

22 “(7) the terms ‘withhold’ and ‘withholding’
23 apply to any executive action or inaction that pre-
24 cludes the obligation of funding at a time when it
25 would otherwise have been available to an agency for

1 obligation; and the term does not include adminis-
2 trative or preparatory actions undertaken prior to
3 obligation in the normal course of implementing
4 budget laws.

5 **“SEC. 1023. TIMING AND PACKAGING OF RESCISSION RE-**
6 **QUESTS.**

7 “(a) **TIMING.**—Whenever the President proposes that
8 Congress rescind funding under the procedures in this
9 part, OMB shall transmit a message to Congress con-
10 taining the information specified in section 1024, and the
11 message transmitting the proposal shall be sent to Con-
12 gress no later than 45 days of session of Congress after
13 the date of enactment of the funding.

14 “(b) **PACKAGING AND TRANSMITTAL OF REQUESTED**
15 **RESCISSIONS.**—Except as provided in subsection (c), for
16 each piece of legislation that provides funding, the Presi-
17 dent shall request at most one package of rescissions and
18 the rescissions in that package shall apply only to funding
19 contained in that legislation. OMB shall deliver each mes-
20 sage requesting a package of rescissions to the Clerk of
21 the House of Representatives if the House is not in session
22 and to the Secretary of the Senate if the Senate is not
23 in session. OMB shall make a copy of the transmittal mes-
24 sage publicly available, and shall publish in the Federal

1 Register a notice of the message and information on how
2 it can be obtained.

3 “(c) SPECIAL PACKAGING RULES.—After enactment
4 of—

5 “(1) a joint resolution making continuing ap-
6 propriations;

7 “(2) a supplemental appropriation bill; or

8 “(3) an omnibus appropriation bill,

9 covering some or all of the activities customarily funded
10 in more than one regular appropriation bill, the President
11 may propose as many as two packages rescinding funding
12 contained in that legislation, each within the 45-day period
13 specified in subsection (a). OMB shall not include the
14 same rescission in both packages, and, if the President
15 requests the rescission of more than one discrete amount
16 of funding under the jurisdiction of a single subcommittee,
17 OMB shall include each of those discrete amounts in the
18 same package.

19 **“SEC. 1024. REQUESTS TO RESCIND FUNDING.**

20 “For each request to rescind funding, the transmittal
21 message shall specify—

22 “(1) the dollar amount to be rescinded;

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

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

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

7 “(5) the reasons the President requests the re-
8 scission.

9 In addition, OMB shall designate each separate rescission
10 request by number and shall include proposed legislative
11 language to accomplish the requested rescission. The pro-
12 posed legislative language shall not include any changes
13 in existing law other than the rescission of funding, and
14 shall not include any supplemental appropriations, trans-
15 fers, or reprogrammings.

16 **“SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESI-**
17 **DENTIAL AUTHORITY.**

18 “(a) PRESIDENTIAL AUTHORITY TO WITHHOLD
19 FUNDING.—If the President proposes a rescission of fund-
20 ing under this part, then notwithstanding any other provi-
21 sion of law, OMB is hereby authorized, subject to the time
22 limits of subsection (c), to temporarily withhold that fund-
23 ing from obligation.

24 “(b) EXPEDITED PROCEDURES AVAILABLE ONLY
25 ONCE PER BILL.—The President may not invoke the pro-

1 cedures of this part, or the authority to withhold funding
2 granted by subsection (a), on more than one occasion for
3 any Act providing funding.

4 “(c) TIME LIMITS.—OMB shall make available for
5 obligation any funding withheld under subsection (a) on
6 the earliest of—

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

11 “(2) starting from the day on which OMB
12 transmitted a message to Congress requesting the
13 rescission of funding, 25 calendar days in which the
14 House of Representatives has been in session or 25
15 calendar days in which the Senate has been in ses-
16 sion, whichever occurs second; or

17 “(3) the last day after which the obligation of
18 the funding in question can no longer be fully ac-
19 complished in a prudent manner before its expira-
20 tion.

21 **“SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCIS-**
22 **SION REQUESTS.**

23 “(a) PREPARATION OF LEGISLATION TO CONSIDER
24 A PACKAGE OF EXPEDITED RESCISSION REQUESTS.—
25 When the House of Representatives receives a package of

1 expedited rescission requests, the Clerk shall prepare a
2 House bill that only rescinds the amounts requested. The
3 bill shall read as follows:

4 “‘There is hereby enacted the rescissions num-
5 bered [insert number or numbers] as set forth in the
6 Presidential message of [insert date] transmitted
7 under part C of the Impoundment Control Act of
8 1974 as amended.’.

9 The Clerk shall include in the bill each numbered rescis-
10 sion request listed in the Presidential package in question,
11 except that the Clerk shall omit a numbered rescission re-
12 quest if the Chairman of the House Budget Committee,
13 after consulting with the Senate Budget Committee, CBO,
14 GAO, and the House and Senate committees that have
15 jurisdiction over the funding, determines that the num-
16 bered rescission does not refer to funding or includes mat-
17 ter not permitted under a request to rescind funding.

18 “(b) INTRODUCTION AND REFERRAL OF LEGISLA-
19 TION TO ENACT A PACKAGE OF EXPEDITED RESCIS-
20 SIONS.—The majority leader or the minority leader of the
21 House of Representatives, or a designee, shall (by request)
22 introduce each bill prepared under subsection (a) not later
23 than 4 days of session of the House after its transmittal,
24 or, if no such bill is introduced within that period, any
25 member of the House may introduce the required bill in

1 the required form on the fifth or sixth day of session of
2 the House after its transmittal. When such an expedited
3 rescission bill is introduced in accordance with the prior
4 sentence, it shall be referred to the House committee of
5 jurisdiction. A copy of the introduced House bill shall be
6 transmitted to the Secretary of the Senate, who shall pro-
7 vide it to the Senate committee of jurisdiction.

8 “(c) HOUSE REPORT AND CONSIDERATION OF LEG-
9 ISLATION TO ENACT A PACKAGE OF EXPEDITED RESCIS-
10 SIONS.—The House committee of jurisdiction shall report
11 without amendment the bill referred to it under subsection
12 (b) not more than 5 days of session of the House after
13 the referral. The Committee may order the bill reported
14 favorably, unfavorably, or without recommendation. If the
15 Committee has not reported the bill by the end of the 5-
16 day period, the Committee shall be automatically dis-
17 charged from further consideration of the bill and it shall
18 be placed on the appropriate calendar.

19 “(d) HOUSE MOTION TO PROCEED.—After a bill to
20 enact an expedited rescission package has been reported
21 or the committee of jurisdiction has been discharged under
22 subsection (c), it shall be in order to move to proceed to
23 consider the bill in the House. A Member who wishes to
24 move to proceed to consideration of the bill must announce
25 that fact, and the motion to proceed shall be in order only

1 during a time designated by the Speaker within the legis-
2 lative schedule for the next calendar day of legislative ses-
3 sion or the one immediately following it. If the Speaker
4 does not designate such a time, then 3 or more calendar
5 days of legislative session after the bill has been reported
6 or discharged, it shall be in order for any Member to move
7 to proceed to consider the bill. A motion to proceed shall
8 not be in order after the House has disposed of a prior
9 motion to proceed with respect to that package of expe-
10 dited rescissions. The previous question shall be consid-
11 ered as ordered on the motion to proceed, without inter-
12 vening motion. A motion to reconsider the vote by which
13 the motion to proceed has been disposed of shall not be
14 in order. If 5 calendar days of legislative session have
15 passed since the bill was reported or discharged under this
16 subsection and no Member has made a motion to proceed,
17 the bill shall be removed from the calendar.

18 “(e) HOUSE CONSIDERATION.—A bill consisting of a
19 package of rescissions shall be considered as read. All
20 points of order against the bill are waived, except that a
21 point of order may be made that one or more numbered
22 rescissions included in the bill would enact language con-
23 taining matter not requested by the President or not per-
24 mitted under this Act as part of that package. If the Pre-
25 siding Officer sustains such a point of order, the num-

1 bered rescission or rescissions that would enact such lan-
2 guage are deemed to be automatically stripped from the
3 bill and consideration proceeds on the bill as modified. The
4 previous question shall be considered as ordered on the
5 bill to its passage without intervening motion, except that
6 4 hours of debate equally divided and controlled by a pro-
7 ponent and an opponent are allowed, as well as one motion
8 to further limit debate on the bill. A motion to reconsider
9 the vote on passage of the bill shall not be in order.

10 “(f) SENATE CONSIDERATION.—If the House of Rep-
11 resentatives approves a House bill enacting a package of
12 rescissions, that bill as passed by the House shall be sent
13 to the Senate and referred to the Senate committee of ju-
14 risdiction. That committee shall report without amend-
15 ment the bill referred to it under this subsection not later
16 than 3 days of session of the Senate after the referral.
17 The committee may order the bill reported favorably, un-
18 favorably, or without recommendation. If the committee
19 has not reported the bill by the end of the 3-day period,
20 the committee shall be automatically discharged from fur-
21 ther consideration of the bill and it shall be placed on the
22 appropriate calendar. On the following day and for 3 sub-
23 sequent calendar days in which the Senate is in session,
24 it shall be in order for any Senator to move to proceed
25 to consider the bill in the Senate. Upon such a motion

1 being made, it shall be deemed to have been agreed to
2 and the motion to reconsider shall be deemed to have been
3 laid on the table. Debate on the bill in the Senate under
4 this subsection, and all debatable motions and appeals in
5 connection therewith, shall not exceed 10 hours, equally
6 divided and controlled in the usual form. Debate in the
7 Senate on any debatable motion or appeal in connection
8 with such a bill shall be limited to not more than 1 hour,
9 to be equally divided and controlled in the usual form. A
10 motion to further limit debate on such a bill is not debat-
11 able. A motion to amend such a bill or strike a provision
12 from it is not in order. A motion to recommit such a bill
13 is not in order.

14 “(g) SENATE POINT OF ORDER.—It shall not be in
15 order for the Senate to employ the procedures in this part
16 while considering a bill approved by the House enacting
17 a package of rescissions under this part if any numbered
18 rescission in the bill would enact matter not requested by
19 the President or not permitted under this Act as part of
20 that package. If a point of order under this section is sus-
21 tained, consideration of the bill shall no longer be governed
22 by subsection (f); instead, consideration shall be governed
23 by the Standing Rules of the Senate and any other rules
24 applicable to Senate consideration of legislation.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents set forth in section 1(b) of the Congressional Budget
 3 and Impoundment Control Act of 1974 is amended by
 4 striking the items relating to part C of title 10 and insert-
 5 ing the following new items:

“PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

“Sec. 1021. Applicability and disclaimer.

“Sec. 1022. Definitions.

“Sec. 1023. Timing and packaging of rescission requests.

“Sec. 1024. Requests to rescind funding.

“Sec. 1025. Grants of and limitations on presidential authority.

“Sec. 1026. Congressional consideration of rescission requests.”.

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

7 (a) TEMPORARY WITHHOLDING.—In section 1013(c)
 8 of the Impoundment Control Act of 1974, strike “section
 9 1012.” and insert “section 1012 or section 1025.”

10 (b) RULEMAKING.—Section 904(a) of the Congres-
 11 sional Budget Act of 1974 is amended by striking “and
 12 1017” and inserting “1017, and 1026” and section
 13 904(d)(1) is amended by striking “or section 1017” and
 14 inserting “or section 1017 or 1026”.

15 **SEC. 4. EXPIRATION.**

16 Part C of the Impoundment Control Act of 1974 (as
 17 amended by this Act) shall expire on December 31, 2014.

18 **SEC. 5. AMENDMENTS TO PART A OF THE IMPOUNDMENT**
 19 **CONTROL ACT.**

20 Immediately after section 1001 of the Impoundment
 21 Control Act of 1974, insert the following:

1 **“SEC. 1002. RESCINDED FUNDS.**

2 “If budget authority is rescinded under part B or
3 funding is rescinded under part C, the amount so re-
4 scinded shall revert to the fund whence it came (general
5 fund, trust fund, special fund, revolving fund, and so on
6 as applicable), except to the extent legislation specifies
7 otherwise.

8 **“SEC. 1003. SEVERABILITY.**

9 “If the judicial branch of the United States finally
10 determines that one or more of the provisions of parts B
11 or C violate the Constitution of the United States, the re-
12 maining provisions of those parts shall continue in ef-
13 fect.”.

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