

116TH CONGRESS
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H. R. 5220

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 cancellations of items of new direct spending and limited tax benefits.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. NORMAN (for himself, Mr. BIGGS, Mr. PERRY, Mr. KEVIN HERN of Oklahoma, and Mr. JOHNSON of Ohio) 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 cancellations of items of new direct spending and limited tax benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “A Fast-Tracked Executive
3 Rescission Review (AFTER) of Appropriations Act of
4 2019”.

5 **SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED**
6 **RESCISSIONS AND DEFERRALS OF BUDGET**
7 **AUTHORITY AND OBLIGATION LIMITATIONS.**

8 Title X of the Congressional Budget and Impound-
9 ment Control Act of 1974 (2 U.S.C. 621 et seq.) is amend-
10 ed by striking all of part B (except for sections 1015,
11 1016, and 1013, which are transferred and redesignated
12 as sections 1017, 1018, and 1019, respectively) and part
13 C and by inserting after part A the following:

14 “PART B—CONGRESSIONAL CONSIDERATION OF PRO-
15 POSED RESCISSIONS AND DEFERRALS OF BUDGET
16 AUTHORITY AND OBLIGATION LIMITATIONS
17 “CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-
18 SIONS AND DEFERRALS OF BUDGET AUTHORITY AND
19 OBLIGATION LIMITATIONS

20 “SEC. 1011. (a) PROPOSED RESCISSIONS.—Within
21 10 days after the enactment of any bill or joint resolution
22 providing any funding, the President may propose, in the
23 manner provided in subsection (b), the rescission of all or
24 part of any dollar amount of such funding or the cancella-
25 tion of any item of new direct spending or any limited
26 tax benefit.

1 “(b) SPECIAL MESSAGE.—If the President proposes
2 that Congress rescind funding, the President shall trans-
3 mit a special message to Congress containing the informa-
4 tion specified in this subsection.

5 “(1) PACKAGING OF REQUESTED RESCIS-
6 SIONS.—For each piece of legislation that provides
7 funding, the President may request any number of
8 packages of rescissions and the rescissions in each
9 package shall apply only to funding contained in
10 that legislation. The President shall not include the
11 same rescission in both packages.

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

21 “(3) CONTENTS OF SPECIAL MESSAGE.—For
22 each request to rescind funding or cancel any item
23 of new direct spending or any limited tax benefit
24 under this part, the transmittal message shall—

25 “(A) specify—

1 “(i) the dollar amount to be re-
2 scinded, item of new direct spending, or
3 limited tax benefit to be canceled;

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

6 “(iii) the program, project, or activity
7 within the account (if applicable) from
8 which the rescission shall occur;

9 “(iv) the amount of funding, if any,
10 that would remain for the account, pro-
11 gram, project, or activity if the rescission
12 request is enacted; and

13 “(v) the reasons the President re-
14 quests the rescission or the cancellation;
15 and

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

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

22 “(ii) any supplemental appropriations,
23 transfers, or reprogrammings.

9 “(b) WITHHOLDING AVAILABLE ONLY ONCE PER
10 PROPOSED RESCISSION.—Except as provided in section
11 1019, the President may not invoke the authority to with-
12 hold funding granted by subsection (a) for any other pur-
13 pose.

17 “(1) the day on which the President determines
18 that the continued withholding or reduction no
19 longer advances the purpose of legislative consider-
20 ation of the approval bill;

24 “(3) the last day that the President determines
25 the obligation of the funding in question can no

1 longer be fully accomplished in a prudent manner
2 before its expiration.

3 “(d) DEFICIT REDUCTION.—

4 “(1) IN GENERAL.—Funds that are rescinded
5 or canceled under this part shall be dedicated only
6 to reducing the deficit or increasing the surplus.

7 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
8 RENT RESOLUTION ON THE BUDGET.—Not later
9 than 3 days of session after the date of enactment
10 of an approval bill as provided under this part, the
11 chairs of the Committees on the Budget of the Sen-
12 ate and the House of Representatives shall revise al-
13 locations and aggregates and other appropriate lev-
14 els under the appropriate concurrent resolution on
15 the budget to reflect the rescissions, and the Com-
16 mittees on Appropriations of the House of Rep-
17 resentatives and the Senate shall report revised sub-
18 allocations pursuant to section 302(b) of title III, as
19 appropriate.

20 “(3) ADJUSTMENTS TO STATUTORY LIMITS.—

21 Not later than 3 days after enactment of an ap-
22 proval bill provided under this section, the President
23 shall revise downward by the amount of the rescis-
24 sions applicable limits under the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 “PROCEDURES FOR EXPEDITED CONSIDERATION

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

3 “(1) INTRODUCTION OF APPROVAL BILL.—Any
4 Member of each House may (by request) introduce
5 an approval bill as defined in section 1015 not later
6 than the third day of session of that House after the
7 date of receipt of a special message transmitted to
8 the Congress under section 1011(b).

9 “(2) CONSIDERATION IN THE HOUSE OF REP-
10 REPRESENTATIVES.—

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

24 “(B) PROCEEDING TO CONSIDERATION.—

25 Not later than 3 legislative days after the ap-

1 proval bill is reported or a committee has been
2 discharged from further consideration thereof,
3 it shall be in order to move to proceed to con-
4 sider the approval bill in the House. Such a mo-
5 tion shall be in order only at a time designated
6 by the Speaker in the legislative schedule within
7 2 legislative days after the day on which the
8 proponent announces an intention to the House
9 to offer the motion provided that such notice
10 may not be given until the approval bill is re-
11 ported or a committee has been discharged
12 from further consideration thereof. Such a mo-
13 tion shall not be in order after the House has
14 disposed of a motion to proceed with respect to
15 that special message. The previous question
16 shall be considered as ordered on the motion to
17 its adoption without intervening motion. A mo-
18 tion to reconsider the vote by which the motion
19 is disposed of shall not be in order.

20 “(C) CONSIDERATION.—If the motion to
21 proceed is agreed to, the House shall imme-
22 diately proceed to consider the approval bill in
23 the House without intervening motion. The ap-
24 proval bill shall be considered as read. All
25 points of order against the approval bill and

1 against its consideration are waived. The pre-
2 vious question shall be considered as ordered on
3 the approval bill to its passage without inter-
4 vening motion except 2 hours of debate equally
5 divided and controlled by the proponent and an
6 opponent and one motion to limit debate on the
7 bill. A motion to reconsider the vote on passage
8 of the approval bill shall not be in order.

9 “(3) CONSIDERATION IN THE SENATE.—

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

22 “(B) MOTION TO PROCEED.—Not later
23 than 3 session days after the approval bill is re-
24 ported in the Senate or the committee has been
25 discharged thereof, it shall be in order for any

1 Senator to move to proceed to consider the ap-
2 proval bill in the Senate. The motion shall be
3 decided without debate and the motion to re-
4 consider shall be deemed to have been laid on
5 the table. Such a motion shall not be in order
6 after the Senate has disposed of a prior motion
7 to proceed with respect to the approval bill.

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

1 commit the approval bill is not in order. A mo-
2 tion to reconsider the vote by which the ap-
3 proval bill is agreed to or disagreed to is not in
4 order.

5 “(4) AMENDMENTS PROHIBITED.—No amend-
6 ment to, or motion to strike a provision from, an ap-
7 proval bill considered under this section shall be in
8 order in either the Senate or the House of Rep-
9 resentatives.

10 “(5) COORDINATION WITH ACTION BY OTHER
11 HOUSE.—

12 “(A) IN GENERAL.—If, before passing the
13 approval bill, one House receives from the other
14 a bill—

15 “(i) the approval bill of the other
16 House shall not be referred to a com-
17 mittee; and

18 “(ii) the procedure in the receiving
19 House shall be the same as if no approval
20 bill had been received from the other
21 House until the vote on passage, when the
22 bill received from the other House shall
23 supplant the approval bill of the receiving
24 House.

1 “(B) This paragraph shall not apply to the
2 House of Representatives.

3 “(b) LIMITATION.—Subsection (a) shall apply only to
4 an approval bill, as such term is defined in section
5 1015(2), introduced pursuant to subsection (a)(1).

6 “(c) EXTENDED TIME PERIOD.—If Congress ad-
7 journs at the end of a Congress prior to the expiration
8 of the periods described in sections 1012(c)(2) and 1014
9 and an approval bill was then pending in either House
10 of Congress or a committee thereof, or an approval bill
11 had not yet been introduced with respect to a special mes-
12 sage, or before the applicable 10-day period specified in
13 section 1011(a) has expired, then within the first 3 days
14 of session, the President shall transmit to Congress an ad-
15 ditional special message containing all of the information
16 in the previous, pending special message and an approval
17 bill may be introduced within the first 5 days of session
18 of the next Congress and shall be treated as an approval
19 bill under this part, and the time periods described in sec-
20 tions 1012(c)(2) and 1014 shall commence on the day of
21 introduction of that approval bill.

22 “(d) APPROVAL BILL PROCEDURE.—In order for an
23 approval bill to be considered under the procedures set
24 forth in this part, the bill must meet the definition of an
25 approval bill and must be introduced no later than the

1 third day of session following the beginning of the period
2 described in section 1013(a)(1) or the fifth day in the case
3 of subsection (c).

4 “(e) CBO ESTIMATE.—Upon receipt of a special
5 message under section 1101 proposing to rescind all or
6 part of any funding or cancel any item of new direct
7 spending or limited tax benefit, CBO shall prepare and
8 submit to the appropriate committees of the House of
9 Representatives and the Senate an estimate of the reduc-
10 tion in budget authority or change in receipts which would
11 result from the enactment of the proposed rescissions or
12 cancellations.

13 “TREATMENT OF RESCISSIONS AND CANCELLATIONS

14 “SEC. 1014. Rescissions and cancellations proposed
15 by the President under this part shall take effect only
16 upon enactment of the applicable approval bill. If an ap-
17 proval bill is not enacted into law within 30 days from
18 the enactment of the appropriation measure or new direct
19 spending or limited tax benefit to which the approval bill
20 relates, then the approval bill shall not be eligible for expe-
21 dited consideration under the provisions of this part.

22 “DEFINITIONS

23 “SEC. 1015. As used in this part:

24 “(1) APPROPRIATION MEASURE.—The term
25 ‘appropriation measure’ means an Act referred to in
26 section 105 of title 1, United States Code, including

1 any general or special appropriation Act, or any Act
2 making supplemental, deficiency, or continuing ap-
3 propriations, that has been enacted into law pursu-
4 ant to article I, section 7, of the Constitution of the
5 United States.

6 “(2) CANCEL.—The term ‘cancel’ or ‘cancell-
7 tion’ means—

8 “(A) with respect to any dollar amount of
9 discretionary budget authority, to rescind;

10 “(B) with respect to any item of new direct
11 spending—

12 “(i) that is budget authority provided
13 by law (other than an appropriation law),
14 to prevent such budget authority from hav-
15 ing legal force or effect;

16 “(ii) that is entitlement authority, to
17 prevent the specific legal obligation of the
18 United States from having legal force or
19 effect; or

20 “(iii) through the food stamp pro-
21 gram, to prevent the specific provision of
22 law that results in an increase in budget
23 authority or outlays for that program from
24 having legal force or effect; and

1 “(C) with respect to a limited tax benefit,
2 to prevent the specific provision of law that pro-
3 vides such benefit from having legal force or ef-
4 fect.

5 “(3) DIRECT SPENDING.—The term ‘direct
6 spending’ means—

7 “(A) budget authority provided by law
8 (other than an appropriation law);

9 “(B) entitlement authority; and

10 “(C) the food stamp program.

11 “(4) APPROVAL BILL.—The term ‘approval bill’
12 means a bill which only approves rescissions of fund-
13 ing, items of new direct spending, or limited tax ben-
14 efits in a special message transmitted by the Presi-
15 dent under this part and—

16 “(A) the title of which is as follows: ‘A bill
17 approving the proposed cancellations or rescis-
18 sions transmitted by the President on _____’,
19 the blank space being filled in with the date of
20 transmission of the relevant special message
21 and the public law number to which the mes-
22 sage relates; and

23 “(B) which provides only the following
24 after the enacting clause: ‘That the Congress
25 approves the proposed cancellations or rescis-

sions _____’, the blank space being filled in with the list of the cancellations or rescissions contained in the President’s special message, ‘as transmitted by the President in a special message on _____’, the blank space being filled in with the appropriate date, ‘regarding _____.’, the blank space being filled in with the public law number to which the special message relates.

“(5) RESCIND OR RESCISSION.—The terms ‘rescind’ or ‘rescission’ mean to permanently cancel or prevent budget authority or outlays available under an obligation limit from having legal force or effect.

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

“(7) COMPTROLLER GENERAL.—The term ‘Comptroller General’ means the Comptroller General of the United States.

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

“(A) withholding or delaying the obligations or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

1 “(B) any other type of executive action or
2 inaction which effectively precludes the obliga-
3 tion or expenditure of budget authority, includ-
4 ing authority to obligate by contract in advance
5 of appropriations as specifically authorized by
6 law.

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

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

16 “(ii) represented separately in any table,
17 chart, or explanatory text included in the state-
18 ment of managers or the governing committee
19 report accompanying such law; or

20 “(iii) represented by the product of the es-
21 timated procurement cost and the total quantity
22 of items specified in an appropriation measure
23 or included in the statement of managers or the
24 governing committee report accompanying such
25 law.

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

2 “(i) direct spending;

3 “(ii) budget authority in an appropriation
4 measure which funds direct spending provided
5 for in other law;

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

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

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

22 “(11) LIMITED TAX BENEFIT.—

23 “(A) The term ‘limited tax benefit’
24 means—

1 “(i) any revenue-losing provision
2 which provides a Federal tax deduction,
3 credit, exclusion, or preference to 100 or
4 fewer beneficiaries under the Internal Rev-
5 enue Code of 1986 in any fiscal year for
6 which the provision is in effect; and

7 “(ii) any Federal tax provision which
8 provides temporary or permanent transi-
9 tional relief for 10 or fewer beneficiaries in
10 any fiscal year from a change to the Inter-
11 nal Revenue Code of 1986.

12 “(B) A provision shall not be treated as
13 described in subparagraph (A)(i) if the effect of
14 that provision is that—

15 “(i) all persons in the same industry
16 or engaged in the same type of activity re-
17 ceive the same treatment;

18 “(ii) all persons owning the same type
19 of property, or issuing the same type of in-
20 vestment, receive the same treatment; or

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

23 “(I) in the case of businesses and
24 associations, the size or form of the
25 business or association involved;

1 “(II) in the case of individuals,
2 general demographic conditions, such
3 as income, marital status, number of
4 dependents, or tax return filing sta-
5 tus;

6 “(III) the amount involved; or

7 “(IV) a generally-available elec-
8 tion under the Internal Revenue Code
9 of 1986.

10 “(C) A provision shall not be treated as
11 described in subparagraph (A)(ii) if—

12 “(i) it provides for the retention of
13 prior law with respect to all binding con-
14 tracts or other legally enforceable obliga-
15 tions in existence on a date contempora-
16 neous with congressional action specifying
17 such date; or

18 “(ii) it is a technical correction to pre-
19 viously enacted legislation that is estimated
20 to have no revenue effect.

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

22 “(i) all businesses and associations
23 which are related within the meaning of
24 sections 707(b) and (a) of the Internal

1 Revenue Code of 1986 shall be treated as
2 a single beneficiary;

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

5 “(iii) all holders of the same bond
6 issue shall be treated as a single bene-
7 ficiary; and

8 “(iv) if a corporation, partnership, as-
9 sociation, trust or estate is the beneficiary
10 of a provision, the shareholders of the cor-
11 poration, the partners of the partnership,
12 the members of the association, or the
13 beneficiaries of the trust or estate shall not
14 also be treated as beneficiaries of such pro-
15 vision.

16 “(E) For purposes of this paragraph, the
17 term ‘revenue-losing provision’ means any pro-
18 vision which results in a reduction in Federal
19 tax revenues for any one of the two following
20 periods—

21 “(i) the first fiscal year for which the
22 provision is effective; or

23 “(ii) the period of the 5 fiscal years
24 beginning with the first fiscal year for
25 which the provision is effective.

1 “(F) The terms used in this paragraph
2 shall have the same meaning as those terms
3 have generally in the Internal Revenue Code of
4 1986, unless otherwise expressly provided.”.

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

6 (a) EXERCISE OF RULEMAKING POWERS.—Section
7 904 of the Congressional Budget Act of 1974 (2 U.S.C.
8 621 note) is amended—

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

11 (2) in subsection (d), by striking “section
12 1017” and inserting “section 1013”.

13 (b) CLERICAL AMENDMENTS.—(1) The last sentence
14 of section 1(a) of the Congressional Budget and Impound-
15 ment Control Act of 1974 is amended to read as follows:
16 “Sections 1011 through 1016 of part B of title X may
17 be cited as ‘A Fast-Tracked Executive Rescission Review
18 (AFTER) of Appropriations Act of 2019’.”.

19 (2) Section 1017 of such Act (as redesignated) is
20 amended by striking “section 1012 or 1013” each place
21 it appears and inserting “section 1011 or 1019” and sec-
22 tion 1018 (as redesignated) is amended by striking “cal-
23 endar” and “of continuous session”.

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

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

“Sec. 1015. Definitions.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this Act shall apply to funding as defined in section
 9 1015(8) of the Congressional Budget Act and Impound-
 10 ment Control of 1974 or any new item of direct spending
 11 or limited tax benefit in any Act enacted after the date
 12 of enactment of this Act.

13 **SEC. 4. APPROVAL MEASURES CONSIDERED.**

14 Section 314 of the Congressional Budget Act of 1974
 15 is amended—

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

19 “(b) ADJUSTMENTS FOR RESCISSIONS.—(1) When-
 20 ever an approval bill passes the House of Representatives,
 21 the Committee on the Budget shall immediately reduce the

1 applicable allocations under section 302(a) by the total
2 amount of reductions in budget authority and in outlays
3 resulting from such approval bill.

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

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

○