

FEBRUARY 1, 2012

**RULES COMMITTEE PRINT 112-12**  
**TEXT OF H.R. 3521, THE EXPEDITED LEGISLA-**  
**TIVE LINE-ITEM VETO AND RESCISSIONS ACT**  
**OF 2012**

[Showing the text of the bill as reported by the Committee on the Budget and ordered reported by the Committee on Rules.]

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Expedited Legislative  
3 Line-Item Veto and Resciissions Act of 2012”.

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

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

1 “PART B—CONGRESSIONAL CONSIDERATION OF PRO-  
2 POSED RESCISSIONS AND DEFERRALS OF BUDGET  
3 AUTHORITY AND OBLIGATION LIMITATIONS

4 “CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-  
5 SIONS AND DEFERRALS OF BUDGET AUTHORITY AND  
6 OBLIGATION LIMITATIONS

7 “SEC. 1011. (a) PROPOSED RESCISSIONS.—Within  
8 45 days after the enactment of any bill or joint resolution  
9 providing any funding, the President may propose, in the  
10 manner provided in subsection (b), the rescission of all or  
11 part of any dollar amount of such funding.

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

16 “(1) PACKAGING OF REQUESTED RESCIS-  
17 SIONS.—For each piece of legislation that provides  
18 funding, the President shall request at most 2 pack-  
19 ages of rescissions and the rescissions in each pack-  
20 age shall apply only to funding contained in that leg-  
21 islation. The President shall not include the same re-  
22 scission in both packages.

23 “(2) TRANSMITTAL.—The President shall de-  
24 liver each message requesting a package of rescis-  
25 sions to the Secretary of the Senate if the Senate is

1 not in session and to the Clerk of the House of Rep-  
2 resentatives if the House is not in session. The  
3 President shall make a copy of the transmittal mes-  
4 sage publicly available, and shall publish in the Fed-  
5 eral Register a notice of the message and informa-  
6 tion on how it can be obtained.

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

10 “(A) specify—

11 “(i) the dollar amount to be re-  
12 scinded;

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

15 “(iii) the program, project, or activity  
16 within the account (if applicable) from  
17 which the rescission shall occur;

18 “(iv) the amount of funding, if any,  
19 that would remain for the account, pro-  
20 gram, project, or activity if the rescission  
21 request is enacted;

22 “(v) the reasons the President re-  
23 quests the rescission;

24 “(vi) to the maximum extent prac-  
25 ticable, the estimated fiscal, economic, and

1 budgetary effect (including the effect on  
2 outlays and receipts in each fiscal year) of  
3 the proposed rescission;

4 “(vii) to the maximum extent prac-  
5 ticable, all facts, circumstances, and con-  
6 siderations relating to or bearing upon the  
7 proposed rescission and the decision to  
8 propose the rescission, and the estimated  
9 effect of the proposed rescission upon the  
10 objects, purposes, or programs; and

11 “(viii) if a second special message is  
12 transmitted pursuant to paragraph (2), a  
13 detailed explanation of why the proposed  
14 rescissions are not substantially similar to  
15 any other proposed rescission in such other  
16 message; and

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

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

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

1 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL  
2 AUTHORITY

3 “SEC. 1012. (a) PRESIDENTIAL AUTHORITY TO  
4 WITHHOLD FUNDING.—Notwithstanding any other provi-  
5 sion of law and if the President proposes a rescission of  
6 funding under this part, the President may, subject to the  
7 time limits provided in subsection (c), temporarily with-  
8 hold that funding from obligation.

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.

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

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;

21 “(2) the 45th day following the date of enact-  
22 ment of the appropriations measure to which the ap-  
23 proval bill relates; or

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 under this part shall be dedicated only to reducing  
6 the deficit or increasing the surplus.

7 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-  
8 RENT RESOLUTION ON THE BUDGET.—Not later  
9 than 5 days after the date of enactment of an ap-  
10 proval bill as provided under this part, the chairs of  
11 the Committees on the Budget of the Senate and the  
12 House of Representatives shall revise allocations and  
13 aggregates and other appropriate levels under the  
14 appropriate concurrent resolution on the budget to  
15 reflect the rescissions, and the Committees on Ap-  
16 propriations of the House of Representatives and the  
17 Senate shall report revised suballocations pursuant  
18 to section 302(b) of title III, as appropriate.

19 “(3) ADJUSTMENTS TO STATUTORY LIMITS.—  
20 After enactment of an approval bill provided under  
21 this section, the President shall revise downward by  
22 the amount of the rescissions applicable limits under  
23 the Balanced Budget and Emergency Deficit Control  
24 Act of 1985.

25 “PROCEDURES FOR EXPEDITED CONSIDERATION

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

1           “(1) INTRODUCTION OF APPROVAL BILL.—The  
2           majority leader of each House or a designee shall  
3           (by request) introduce an approval bill as defined in  
4           section 1015 not later than the fifth day of session  
5           of that House after the date of receipt of a special  
6           message transmitted to the Congress under section  
7           1011(b).

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

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

23           “(B) PROCEEDING TO CONSIDERATION.—  
24           Not later than 5 legislative days after the ap-  
25           proval bill is reported or a committee has been

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

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



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

8           “(3) CONSIDERATION IN THE SENATE.—

9                   “(A) REFERRAL.—The approval bill intro-  
10           duced in the Senate shall be referred to the  
11           committees having jurisdiction over the provi-  
12           sions of law contained in the approval bill.

13                   “(B) COMMITTEE ACTION.—Each com-  
14           mittee of referral of the Senate shall report  
15           without amendment the approval bill referred to  
16           it under this subsection not later than the fifth  
17           session day after introduction. If a committee  
18           fails to report the approval bill within that pe-  
19           riod or the Senate has adopted a concurrent  
20           resolution providing for adjournment sine die at  
21           the end of a Congress, the Committee shall be  
22           automatically discharged from further consider-  
23           ation of the approval bill and it shall be placed  
24           on the appropriate calendar.

1           “(C) MOTION TO PROCEED.—Not later  
2 than 5 session days after the approval bill is re-  
3 ported in the Senate or committees have been  
4 discharged thereof, it shall be in order for any  
5 Senator to move to proceed to consider the ap-  
6 proval bill in the Senate. The motion shall be  
7 decided without debate and the motion to re-  
8 consider shall be deemed to have been laid on  
9 the table. Such a motion shall not be in order  
10 after the Senate has disposed of a prior motion  
11 to proceed with respect to the approval bill.

12           “(D) CONSIDERATION.—If a motion to  
13 proceed to the consideration of the approval bill  
14 is agreed to, the Senate shall immediately pro-  
15 ceed to consideration of the approval bill with-  
16 out intervening motion, order, or other busi-  
17 ness, and the approval bill shall remain the un-  
18 finished business of the Senate until disposed  
19 of. Consideration on the bill in the Senate  
20 under this subsection, and all debatable motions  
21 and appeals in connection therewith, shall not  
22 exceed 10 hours. All points of order against the  
23 approval bill or its consideration are waived.  
24 Consideration in the Senate on any debatable  
25 motion or appeal in connection with the ap-

1           proval bill shall be limited to not more than 1  
2           hour. A motion to postpone, or a motion to pro-  
3           ceed to the consideration of other business, or  
4           a motion to recommit the approval bill is not in  
5           order. A motion to reconsider the vote by which  
6           the approval bill is agreed to or disagreed to is  
7           not in order.

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

13          “(5) COORDINATION WITH ACTION BY OTHER  
14          HOUSE.—

15                 “(A) IN GENERAL.—If, before passing the  
16                 approval bill, one House receives from the other  
17                 a bill—

18                         “(i) the approval bill of the other  
19                         House shall not be referred to a com-  
20                         mittee; and

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

1                   supplant the approval bill of the receiving  
2                   House.

3                   “(B) This paragraph shall not apply to the  
4                   House of Representatives if the approval bill re-  
5                   ceived from the Senate is a revenue measure or  
6                   an appropriation measure.

7                   “(b) LIMITATION.—Subsection (a) shall apply only to  
8                   an approval bill introduced pursuant to subsection (a)(1).

9                   “(c) CBO ESTIMATE.—Upon receipt of a special  
10                  message under section 1101 proposing to rescind all or  
11                  part of any dollar amount, CBO shall prepare and submit  
12                  to the appropriate committees of the House of Representa-  
13                  tives and the Senate an estimate of the reduction in budg-  
14                  et authority which would result from the enactment of the  
15                  proposed rescissions.

16   “TREATMENT OF RESCISSIONS

17                   “SEC. 1014. Rescissions proposed by the President  
18                   under this part shall take effect only upon enactment of  
19                   the applicable approval bill. If an approval bill is not en-  
20                   acted into law within 45 days from the enactment of the  
21                   appropriation measure to which the approval bill relates,  
22                   then the approval bill shall not be eligible for expedited  
23                   consideration under the provisions of this Act.

24   “DEFINITIONS

25                   “SEC. 1015. As used in this part:

1           “(1) APPROPRIATION MEASURE.—The term  
2           ‘appropriation measure’ means an Act referred to in  
3           section 105 of title 1, United States Code, including  
4           any general or special appropriation Act, or any Act  
5           making supplemental, deficiency, or continuing ap-  
6           propriations, that has been enacted into law pursu-  
7           ant to article I, section 7, of the Constitution of the  
8           United States.

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

13                 “(A) the title of which is as follows: ‘A bill  
14                 approving the proposed rescissions transmitted  
15                 by the President on \_\_\_\_\_’, the blank space  
16                 being filled in with the date of transmission of  
17                 the relevant special message and the public law  
18                 number to which the message relates; and

19                 “(B) which provides only the following  
20                 after the enacting clause: ‘That the Congress  
21                 approves the proposed rescissions \_\_\_\_\_’, the  
22                 blank space being filled in with the list of the  
23                 rescissions contained in the President’s special  
24                 message, ‘as transmitted by the President in a  
25                 special message on \_\_\_\_\_’, the blank space

1           being filled in with the appropriate date, ‘re-  
2           garding \_\_\_\_\_.’, the blank space being filled  
3           in with the public law number to which the spe-  
4           cial message relates.

5           “(3) DAY.—Except as used in section 1013, the  
6           term ‘day’ means a standard 24-hour period begin-  
7           ning at midnight and a number of days shall be cal-  
8           culated by excluding Sundays, legal holidays, and  
9           any day during which neither chamber of Congress  
10          is in session.

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

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

18          “(6) COMPTROLLER GENERAL.—The term  
19          ‘Comptroller General’ means the Comptroller Gen-  
20          eral of the United States.

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

23                  “(A) withholding or delaying the obliga-  
24                  tions or expenditure of budget authority

1 (whether by establishing reserves or otherwise)  
2 provided for projects or activities; or

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

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

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

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

22 “(iii) represented by the product of the es-  
23 timated procurement cost and the total quantity  
24 of items specified in an appropriation measure  
25 or included in the statement of managers or the

1 governing committee report accompanying such  
2 law.

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

4 “(i) direct spending;

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

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

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

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

24 “EXPIRATION

25 “SEC. 1016. On December 15, 2015, the amend-  
26 ments made by the Expedited Legislative Line-Item Veto



1 and Rescissions Act of 2012 shall be replaced by the provi-  
2 sions of part B of the Impoundment Control Act of 1974  
3 as in effect immediately before the date of enactment of  
4 the Expedited Legislative Line-Item Veto and Rescissions  
5 Act of 2012.”.

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

7 (a) EXERCISE OF RULEMAKING POWERS.—Section  
8 904 of the Congressional Budget Act of 1974 (2 U.S.C.  
9 621 note) is amended—

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

12 (2) in subsection (d), by striking “section  
13 1017” and inserting “section 1013”.

14 (b) CLERICAL AMENDMENTS.—(1) The last sentence  
15 of section 1(a) of the Congressional Budget and Impound-  
16 ment Control Act of 1974 is amended to read as follows:  
17 “Sections 1011 through 1016 of part B of title X may  
18 be cited as the ‘Expedited Legislative Line-Item Veto and  
19 Rescissions Act of 2012’.”.

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

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

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

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

14 **SEC. 4. APPROVAL MEASURES CONSIDERED.**

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

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

20           “(b) ADJUSTMENTS FOR RESCISSIONS.—(1) When-  
21 ever an approval bill passes the House of Representatives,

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

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

7 and

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

