[116H5220]

(Original Signature of Member)

117TH CONGRESS 1ST SESSION



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

Mr. NORMAN introduced the following bill; which was referred to the Committee on _____

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,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as "A Fast-Tracked Executive
5 Rescission Review (AFTER) of Appropriations Act of
6 2021".

g:\VHLC\010421\010421.147.xml (784583l1) January 4, 2021 (12:05 p.m.)

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 or the cancella-
21	tion of any item of new direct spending or any limited
22	tax benefit.
23	"(b) Special Message.—If the President proposes

24 that Congress rescind funding, the President shall trans-25 mit a special message to Congress containing the informa-26 tion specified in this subsection.

"(1) 1 PACKAGING OF REQUESTED **RESCIS-**2 SIONS.—For each piece of legislation that provides 3 funding, the President may request any number of 4 packages of rescissions and the rescissions in each 5 package shall apply only to funding contained in 6 that legislation. The President shall not include the 7 same rescission in both packages.

8 "(2) TRANSMITTAL.—The President shall de-9 liver each message requesting a package of rescis-10 sions to the Secretary of the Senate if the Senate is 11 not in session and to the Clerk of the House of Rep-12 resentatives if the House is not in session. The 13 President shall make a copy of the transmittal mes-14 sage publicly available, and shall publish in the Fed-15 eral Register a notice of the message and information on how it can be obtained. 16

17 "(3) CONTENTS OF SPECIAL MESSAGE.—For
18 each request to rescind funding or cancel any item
19 of new direct spending or any limited tax benefit
20 under this part, the transmittal message shall—

21 "(A) specify—

22 "(i) the dollar amount to be re23 scinded, item of new direct spending, or
24 limited tax benefit to be canceled;

1	"(ii) the agency, bureau, and account
2	from which the rescission shall occur;
3	"(iii) the program, project, or activity
4	within the account (if applicable) from
5	which the rescission shall occur;
6	"(iv) the amount of funding, if any,
7	that would remain for the account, pro-
8	gram, project, or activity if the rescission
9	request is enacted; and
10	"(v) the reasons the President re-
11	quests the rescission or the cancellation;
12	and
13	"(B) designate each separate rescission re-
14	quest by number; and include proposed legisla-
15	tive text of an approval bill to accomplish the
16	requested rescissions which may not include—
17	"(i) any changes in existing law, other
18	than the rescission of funding; or
19	"(ii) any supplemental appropriations,
20	transfers, or reprogrammings.
21	"GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
22	AUTHORITY
23	"Sec. 1012. (a) Presidential Authority To
24	WITHHOLD FUNDING.—Notwithstanding any other provi-
25	sion of law and if the President proposes a rescission of
26	funding under this part, the President may, subject to the
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1 time limits provided in subsection (c), temporarily with-2 hold that funding from obligation.

3 "(b) WITHHOLDING AVAILABLE ONLY ONCE PER
4 PROPOSED RESCISSION.—Except as provided in section
5 1019, the President may not invoke the authority to with6 hold funding granted by subsection (a) for any other pur7 pose.

8 "(c) TIME LIMITS.—The President shall make avail-9 able for obligation any funding withheld under subsection 10 (a) on the earliest of the 30th legislative day following— 11 "(1) the day on which the President determines 12 that the continued withholding or reduction no 13 longer advances the purpose of legislative consider-

14 ation of the approval bill;

15 "(2) the 30th day following the date of enact16 ment of the appropriations measure to which the approval bill relates; or

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

22 "(d) DEFICIT REDUCTION.—

23 "(1) IN GENERAL.—Funds that are rescinded
24 or canceled under this part shall be dedicated only
25 to reducing the deficit or increasing the surplus.

1 "(2) Adjustment of levels in the concur-2 RENT RESOLUTION ON THE BUDGET.-Not later 3 than 3 days of session after the date of enactment 4 of an approval bill as provided under this part, the 5 chairs of the Committees on the Budget of the Sen-6 ate and the House of Representatives shall revise al-7 locations and aggregates and other appropriate lev-8 els under the appropriate concurrent resolution on 9 the budget to reflect the rescissions, and the Com-10 mittees on Appropriations of the House of Rep-11 resentatives and the Senate shall report revised sub-12 allocations pursuant to section 302(b) of title III, as 13 appropriate.

14 "(3) ADJUSTMENTS TO STATUTORY LIMITS.—
15 Not later than 3 days after enactment of an ap16 proval bill provided under this section, the President
17 shall revise downward by the amount of the rescis18 sions applicable limits under the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 "PROCEDURES FOR EXPEDITED CONSIDERATION

21 "SEC. 1013. (a) EXPEDITED CONSIDERATION.—

"(1) INTRODUCTION OF APPROVAL BILL.—Any
Member of each House may (by request) introduce
an approval bill as defined in section 1015 not later
than the third day of session of that House after the

1	date of receipt of a special message transmitted to
2	the Congress under section 1011(b).

3 "(2) CONSIDERATION IN THE HOUSE OF REP4 RESENTATIVES.—

"(A) REFERRAL AND REPORTING.—Any 5 6 committee of the House of Representatives to 7 which an approval bill is referred shall report it 8 to the House without amendment not later than 9 the third legislative day after the date of its in-10 troduction. If a committee fails to report the 11 bill within that period or the House has adopt-12 ed a concurrent resolution providing for ad-13 journment sine die at the end of a Congress, such committee shall be automatically dis-14 15 charged from further consideration of the bill 16 and it shall be placed on the appropriate cal-17 endar.

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

1 2 legislative days after the day on which the 2 proponent announces an intention to the House 3 to offer the motion provided that such notice 4 may not be given until the approval bill is reported or a committee has been discharged 5 6 from further consideration thereof. Such a mo-7 tion shall not be in order after the House has 8 disposed of a motion to proceed with respect to 9 that special message. The previous question 10 shall be considered as ordered on the motion to 11 its adoption without intervening motion. A mo-12 tion to reconsider the vote by which the motion 13 is disposed of shall not be in order.

14 "(C) CONSIDERATION.—If the motion to 15 proceed is agreed to, the House shall imme-16 diately proceed to consider the approval bill in 17 the House without intervening motion. The ap-18 proval bill shall be considered as read. All 19 points of order against the approval bill and 20 against its consideration are waived. The pre-21 vious question shall be considered as ordered on 22 the approval bill to its passage without inter-23 vening motion except 2 hours of debate equally 24 divided and controlled by the proponent and an 25 opponent and one motion to limit debate on the

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bill. A motion to reconsider the vote on passage
of the approval bill shall not be in order.

"(3) Consideration in the senate.—

4 "(A) COMMITTEE ACTION.—The appropriate committee of the Senate shall report 5 without amendment the approval bill as defined 6 7 in section 1015(2) not later than the third ses-8 sion day after introduction. If a committee fails 9 to report the approval bill within that period or 10 the Senate has adopted a concurrent resolution 11 providing for adjournment sine die at the end 12 of a Congress, the Committee shall be auto-13 matically discharged from further consideration 14 of the approval bill and it shall be placed on the 15 appropriate calendar.

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

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after the Senate has disposed of a prior motion to proceed with respect to the approval bill.

"(C) CONSIDERATION.—If a motion to 3 4 proceed to the consideration of the approval bill 5 is agreed to, the Senate shall immediately pro-6 ceed to consideration of the approval bill with-7 out intervening motion, order, or other busi-8 ness, and the approval bill shall remain the un-9 finished business of the Senate until disposed 10 of. Consideration on the bill in the Senate 11 under this subsection, and all debatable motions 12 and appeals in connection therewith, shall not 13 exceed 10 hours equally divided in the usual 14 form. All points of order against the approval 15 bill or its consideration are waived. Consider-16 ation in the Senate on any debatable motion or 17 appeal in connection with the approval bill shall 18 be limited to not more than 1 hour. A motion 19 to postpone, or a motion to proceed to the con-20 sideration of other business, or a motion to re-21 commit the approval bill is not in order. A mo-22 tion to reconsider the vote by which the ap-23 proval bill is agreed to or disagreed to is not in 24 order.

1	"(4) Amendments prohibited.—No amend-
2	ment to, or motion to strike a provision from, an ap-
3	proval bill considered under this section shall be in
4	order in either the Senate or the House of Rep-
5	resentatives.
6	"(5) Coordination with action by other
7	HOUSE.—
8	"(A) IN GENERAL.—If, before passing the
9	approval bill, one House receives from the other
10	a bill—
11	"(i) the approval bill of the other
12	House shall not be referred to a com-
13	mittee; and
14	"(ii) the procedure in the receiving
15	House shall be the same as if no approval
16	bill had been received from the other
17	House until the vote on passage, when the
18	bill received from the other House shall
19	supplant the approval bill of the receiving
20	House.
21	"(B) This paragraph shall not apply to the
22	House of Representatives.
23	"(b) LIMITATION.—Subsection (a) shall apply only to
24	an approval bill, as such term is defined in section
25	1015(2), introduced pursuant to subsection (a)(1).

1 "(c) EXTENDED TIME PERIOD.—If Congress adjourns at the end of a Congress prior to the expiration 2 of the periods described in sections 1012(c)(2) and 10143 4 and an approval bill was then pending in either House 5 of Congress or a committee thereof, or an approval bill had not yet been introduced with respect to a special mes-6 7 sage, or before the applicable 10-day period specified in 8 section 1011(a) has expired, then within the first 3 days 9 of session, the President shall transmit to Congress an ad-10 ditional special message containing all of the information in the previous, pending special message and an approval 11 12 bill may be introduced within the first 5 days of session 13 of the next Congress and shall be treated as an approval bill under this part, and the time periods described in sec-14 15 tions 1012(c)(2) and 1014 shall commence on the day of introduction of that approval bill. 16

17 "(d) APPROVAL BILL PROCEDURE.—In order for an 18 approval bill to be considered under the procedures set 19 forth in this part, the bill must meet the definition of an 20 approval bill and must be introduced no later than the 21 third day of session following the beginning of the period 22 described in section 1013(a)(1) or the fifth day in the case 23 of subsection (c).

24 "(e) CBO ESTIMATE.—Upon receipt of a special
25 message under section 1101 proposing to rescind all or

part of any funding or cancel any item of new direct
 spending or limited tax benefit, CBO shall prepare and
 submit to the appropriate committees of the House of
 Representatives and the Senate an estimate of the reduc tion in budget authority or change in receipts which would
 result from the enactment of the proposed rescissions or
 cancellations.

8 "TREATMENT OF RESCISSIONS AND CANCELLATIONS

9 "SEC. 1014. Rescissions and cancellations proposed 10 by the President under this part shall take effect only upon enactment of the applicable approval bill. If an ap-11 proval bill is not enacted into law within 30 days from 12 13 the enactment of the appropriation measure or new direct spending or limited tax benefit to which the approval bill 14 15 relates, then the approval bill shall not be eligible for expedited consideration under the provisions of this part. 16

- 17 "DEFINITIONS
- 18 "SEC. 1015. As used in this part:

19 "(1) APPROPRIATION MEASURE.—The term 'appropriation measure' means an Act referred to in 20 21 section 105 of title 1, United States Code, including 22 any general or special appropriation Act, or any Act 23 making supplemental, deficiency, or continuing ap-24 propriations, that has been enacted into law pursuant to article I, section 7, of the Constitution of the 25 26 United States.

1	"(2) CANCEL.—The term 'cancel' or 'cancella-
2	tion' means—
3	"(A) with respect to any dollar amount of
4	discretionary budget authority, to rescind;
5	"(B) with respect to any item of new direct
6	spending—
7	"(i) that is budget authority provided
8	by law (other than an appropriation law),
9	to prevent such budget authority from hav-
10	ing legal force or effect;
11	"(ii) that is entitlement authority, to
12	prevent the specific legal obligation of the
13	United States from having legal force or
14	effect; or
15	"(iii) through the food stamp pro-
16	gram, to prevent the specific provision of
17	law that results in an increase in budget
18	authority or outlays for that program from
19	having legal force or effect; and
20	"(C) with respect to a limited tax benefit,
21	to prevent the specific provision of law that pro-
22	vides such benefit from having legal force or ef-
23	fect.
24	"(3) DIRECT SPENDING.—The term 'direct
25	spending' means—

1	"(A) budget authority provided by law
2	(other than an appropriation law);
3	"(B) entitlement authority; and
4	"(C) the food stamp program.
5	"(4) APPROVAL BILL.—The term 'approval bill'
6	means a bill which only approves rescissions of fund-
7	ing, items of new direct spending, or limited tax ben-
8	efits in a special message transmitted by the Presi-
9	dent under this part and—
10	"(A) the title of which is as follows: 'A bill
11	approving the proposed cancellations or rescis-
12	sions transmitted by the President on',
13	the blank space being filled in with the date of
14	transmission of the relevant special message
15	and the public law number to which the mes-
16	sage relates; and
17	"(B) which provides only the following
18	after the enacting clause: 'That the Congress
19	approves the proposed cancellations or rescis-
20	sions', the blank space being filled in
21	with the list of the cancellations or rescissions
22	contained in the President's special message,
23	'as transmitted by the President in a special
24	message on', the blank space being
25	filled in with the appropriate date, 'regarding

______.', the blank space being filled in with
 the public law number to which the special mes sage relates.
 "(5) RESCIND OR RESCISSION.—The terms 're scind' or 'rescission' mean to permanently cancel or
 prevent budget authority or outlays available under

7 an obligation limit from having legal force or effect.
8 "(6) CONGRESSIONAL BUDGET OFFICE.—The
9 term 'CBO' means the Director of the Congressional
10 Budget Office.

11 "(7) COMPTROLLER GENERAL.—The term
12 'Comptroller General' means the Comptroller Gen13 eral of the United States.

14 "(8) DEFERRAL OF BUDGET AUTHORITY.—The
15 term 'deferral of budget authority' includes—

16 "(A) withholding or delaying the obliga17 tions or expenditure of budget authority
18 (whether by establishing reserves or otherwise)
19 provided for projects or activities; or

"(B) any other type of executive action or
inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance
of appropriations as specifically authorized by
law.

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"(9) FUNDING.—(A) Except as provided in sub paragraph (B), the term 'funding' means all or part
 of the dollar amount of budget authority or obliga tion limit—
 "(i) specified in an appropriation measure,

or the dollar amount of budget authority or obligation limit required to be allocated by a specific proviso in an appropriation measure for which a specific dollar figure was not included;

"(ii) represented separately in any table,
chart, or explanatory text included in the statement of managers or the governing committee
report accompanying such law; or

"(iii) represented by the product of the estimated procurement cost and the total quantity
of items specified in an appropriation measure
or included in the statement of managers or the
governing committee report accompanying such
law.

20 "(B) The term 'funding' does not include—

"(i) direct spending;

22 "(ii) budget authority in an appropriation
23 measure which funds direct spending provided
24 for in other law;

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"(iii) any existing budget authority canceled in an appropriation measure; or

"(iv) any restriction or condition in an appropriation measure or the accompanying statement of managers or committee reports on the
expenditure of budget authority for an account,
program, project, or activity, or on activities involving such expenditure.

"(10) WITHHOLD.—The terms 'withhold' and 9 10 'withholding' apply to any executive action or inac-11 tion that precludes the obligation of funding at a 12 time when it would otherwise have been available to 13 an agency for obligation. The terms do not include 14 administrative or preparatory actions undertaken 15 prior to obligation in the normal course of imple-16 menting budget laws.

17 "(11) LIMITED TAX BENEFIT.—

18 "(A) The term 'limited tax benefit'19 means—

20 "(i) any revenue-losing provision
21 which provides a Federal tax deduction,
22 credit, exclusion, or preference to 100 or
23 fewer beneficiaries under the Internal Rev24 enue Code of 1986 in any fiscal year for
25 which the provision is in effect; and

1	(((ii) any Federal toy provision which
1	"(ii) any Federal tax provision which
2	provides temporary or permanent transi-
3	tional relief for 10 or fewer beneficiaries in
4	any fiscal year from a change to the Inter-
5	nal Revenue Code of 1986.
6	"(B) A provision shall not be treated as
7	described in subparagraph (A)(i) if the effect of
8	that provision is that—
9	"(i) all persons in the same industry
10	or engaged in the same type of activity re-
11	ceive the same treatment;
12	"(ii) all persons owning the same type
13	of property, or issuing the same type of in-
14	vestment, receive the same treatment; or
15	"(iii) any difference in the treatment
16	of persons is based solely on—
17	"(I) in the case of businesses and
18	associations, the size or form of the
19	business or association involved;
20	"(II) in the case of individuals,
21	general demographic conditions, such
22	as income, marital status, number of
23	dependents, or tax return filing sta-
24	tus;
25	"(III) the amount involved; or

1	"(IV) a generally-available elec-
2	tion under the Internal Revenue Code
3	of 1986.
4	"(C) A provision shall not be treated as
5	described in subparagraph (A)(ii) if—
6	"(i) it provides for the retention of
7	prior law with respect to all binding con-
8	tracts or other legally enforceable obliga-
9	tions in existence on a date contempora-
10	neous with congressional action specifying
11	such date; or
12	"(ii) it is a technical correction to pre-
13	viously enacted legislation that is estimated
14	to have no revenue effect.
15	"(D) For purposes of subparagraph (A)—
16	"(i) all businesses and associations
17	which are related within the meaning of
18	sections 707(b) and (a) of the Internal
19	Revenue Code of 1986 shall be treated as
20	a single beneficiary;
21	"(ii) all qualified plans of an employer
22	shall be treated as a single beneficiary;
23	"(iii) all holders of the same bond
24	issue shall be treated as a single bene-
25	ficiary; and

1	"(iv) if a corporation, partnership, as-
2	sociation, trust or estate is the beneficiary
3	of a provision, the shareholders of the cor-
4	poration, the partners of the partnership,
5	the members of the association, or the
6	beneficiaries of the trust or estate shall not
7	also be treated as beneficiaries of such pro-
8	vision.
9	"(E) For purposes of this paragraph, the
10	term 'revenue-losing provision' means any pro-
11	vision which results in a reduction in Federal
12	tax revenues for any one of the two following
13	periods—
14	"(i) the first fiscal year for which the
15	provision is effective; or
16	"(ii) the period of the 5 fiscal years
17	beginning with the first fiscal year for
18	which the provision is effective.
19	"(F) The terms used in this paragraph
20	shall have the same meaning as those terms
21	have generally in the Internal Revenue Code of
22	1986, unless otherwise expressly provided.".

1 SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

2 (a) EXERCISE OF RULEMAKING POWERS.—Section
3 904 of the Congressional Budget Act of 1974 (2 U.S.C.
4 621 note) is amended—

5 (1) in subsection (a), by striking "1017" and
6 inserting "1013"; and

7 (2) in subsection (d), by striking "section
8 1017" and inserting "section 1013".

9 (b) CLERICAL AMENDMENTS.—(1) The last sentence
10 of section 1(a) of the Congressional Budget and Impound11 ment Control Act of 1974 is amended to read as follows:
12 "Sections 1011 through 1016 of part B of title X may
13 be cited as 'A Fast-Tracked Executive Rescission Review
14 (AFTER) of Appropriations Act of 2021'.".

(2) Section 1017 of such Act (as redesignated) is
amended by striking "section 1012 or 1013" each place
it appears and inserting "section 1011 or 1019" and section 1018 (as redesignated) is amended by striking "calendar" and "of continuous session".

20 (3) Section 1019(c) of such Act (as redesignated) is
21 amended by striking "1012" and inserting "1011".

(4) TABLE OF CONTENTS.—The table of contents set
forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking
the items relating to parts B and C (including all of the

- 1 items relating to the sections therein) of title X and insert-
- 2 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.".

3 (c) EFFECTIVE DATE.—The amendments made by 4 this Act shall apply to funding as defined in section 5 1015(8) of the Congressional Budget Act and Impound-6 ment Control of 1974 or any new item of direct spending 7 or limited tax benefit in any Act enacted after the date 8 of enactment of this Act.

9 SEC. 4. APPROVAL MEASURES CONSIDERED.

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

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

"(b) ADJUSTMENTS FOR RESCISSIONS.—(1) Whenever an approval bill passes the House of Representatives,
the Committee on the Budget shall immediately reduce the
applicable allocations under section 302(a) by the total
amount of reductions in budget authority and in outlays
resulting from such approval bill.

"(2) As used in this subsection, the term 'approval
 bill' has the meaning given to such term in section 1015.";
 and

4 (2) in subsection (d) (as redesignated), by in5 serting "or (b)" after "subsection (a)".