

103^D CONGRESS
2^D SESSION

H. R. 4600

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1994

Mr. SPRATT introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expedited Rescissions
5 Act of 1994”.

6 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
7 **POSED RESCISSIONS.**

8 (a) IN GENERAL.—Part B of title X of the Congres-
9 sional Budget and Impoundment Control Act of 1974 (2

1 U.S.C. 681 et seq.) is amended by redesignating sections
2 1013 through 1017 as sections 1014 through 1018, re-
3 spectively, and inserting after section 1012 the following
4 new section:

5 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
6 RESCISSIONS

7 “SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET
8 AUTHORITY.—In addition to the method of rescinding
9 budget authority specified in section 1012, the President
10 may propose, at the time and in the manner provided in
11 subsection (b), the rescission of any budget authority pro-
12 vided in an appropriation Act. Funds made available for
13 obligation under this procedure may not be proposed for
14 rescission again under this section or section 1012.

15 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

16 “(1) Not later than 3 calendar days after the
17 date of enactment of an appropriation Act, the
18 President may transmit to Congress one special mes-
19 sage proposing to rescind amounts of budget author-
20 ity provided in that Act and include with that special
21 message a draft bill that, if enacted, would only re-
22 scind that budget authority. That bill shall clearly
23 identify the amount of budget authority that is pro-
24 posed to be rescinded for each program, project, or
25 activity to which that budget authority relates.

1 “(2) In the case of an appropriation Act that
2 includes accounts within the jurisdiction of more
3 than one subcommittee of the Committee on Approp-
4 riations, the President in proposing to rescind
5 budget authority under this section shall send a sep-
6 arate special message and accompanying draft bill
7 for accounts within the jurisdiction of each such sub-
8 committee.

9 “(3) Each special message shall specify, with
10 respect to the budget authority proposed to be re-
11 scinded, the matters referred to in paragraphs (1)
12 through (5) of section 1012(a).

13 “(c) PROCEDURES FOR EXPEDITED CONSIDER-
14 ATION.—

15 “(1)(A) Before the close of the second legisla-
16 tive day of the House of Representatives after the
17 date of receipt of a special message transmitted to
18 Congress under subsection (b), the majority leader
19 or minority leader of the House of Representaitves
20 shall introduce (by request) the draft bill accom-
21 panying that special message. If the bill is not intro-
22 duced as provided in the preceding sentence, then,
23 on the third legislative day of the House of Rep-
24 resentatives after the date of receipt of that special

1 message, any Member of that House may introduce
2 the bill.

3 “(B)(i) The bill shall be referred to the Com-
4 mittee on Appropriations of the House of Represent-
5 atives. The committee shall report the bill without
6 substantive revision, and with or without rec-
7 ommendation. The bill shall be reported not later
8 than the seventh legislative day of that House after
9 the date of receipt of that special message. If the
10 Committee on Appropriations fails to report the bill
11 within that period, that committee shall be auto-
12 matically discharged from consideration of the bill,
13 and the bill shall be placed on the appropriate cal-
14 endar.

15 “(ii) The Committee on Appropriations may re-
16 port to the House, within the 7-legislative day period
17 described in clause (i), an alternative bill which—

18 “(I) contains only rescissions to the same
19 appropriation Act as the bill for which it is an
20 alternative; and

21 “(II) which rescinds an aggregate amount
22 of budget authority equal to or greater than the
23 aggregate amount of budget authority rescinded
24 in the bill for which it is an alternative.

1 “(C) A vote on final passage of the bill referred
2 to in subparagraph (B)(i) shall be taken in the
3 House of Representatives on or before the close of
4 the 10th legislative day of that House after the date
5 of the introduction of the bill in that House. If the
6 bill is passed, the Clerk of the House of Representa-
7 tives shall cause the bill to be engrossed, certified,
8 and transmitted to the Senate within one calendar
9 day of the day on which the bill is passed.

10 “(D) Upon rejection of the bill described in
11 subparagraph (B)(i) on final passage, a motion in
12 the House to proceed to consideration of the alter-
13 native bill reported from the Committee on Appro-
14 priations under subparagraph (B)(ii) shall be highly
15 privileged and not debatable.

16 “(E) A vote on final passage of the bill referred
17 to in subparagraph (B)(ii) shall be taken in the
18 House of Representatives on or before the close of
19 the 11th legislative day of that House after the date
20 of the introduction of the bill in that House for
21 which it is an alternative. If the bill is passed, the
22 Clerk of the House of Representatives shall cause
23 the bill to be engrossed, certified, and transmitted to
24 the Senate within one calendar day of the day on
25 which the bill is passed.

1 “(2)(A) A motion in the House of Representa-
2 tives to proceed to the consideration of a bill under
3 this section shall be highly privileged and not debat-
4 able. An amendment to the motion shall not be in
5 order, nor shall it be in order to move to reconsider
6 the vote by which the motion is agreed to or dis-
7 agreed to.

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

16 “(C) Appeals from decisions of the Chair relat-
17 ing to the application of the Rules of the House of
18 Representatives to the procedure relating to a bill
19 under this section shall be decided without debate.

20 “(3)(A) A bill transmitted to the Senate pursu-
21 ant to paragraph (1) (C) or (E) shall be referred to
22 its Committee on Appropriations. The committee
23 shall report the bill either without substantive revi-
24 sion or with an amendment in the nature of a sub-
25 stitute, and with or without recommendation. The

1 bill shall be reported not later than the seventh leg-
2 islative day of the Senate after it receives the bill.
3 A committee failing to report the bill within such pe-
4 riod shall be automatically discharged from consider-
5 ation of the bill, and the bill shall be placed upon
6 the appropriate calendar.

7 “(B) A vote on final passage of a bill transmit-
8 ted to the Senate shall be taken on or before the
9 close of the 10th legislative day of the Senate after
10 the date on which the bill is transmitted.

11 “(4)(A) A motion in the Senate to proceed to
12 the consideration of a bill under this section shall be
13 privileged and not debatable. An amendment to the
14 motion shall not be in order, nor shall it be in order
15 to move to reconsider the vote by which the motion
16 is agreed to or disagreed to.

17 “(B) Debate in the Senate on a bill under this
18 section, and all amendments thereto and all debat-
19 able motions and appeals in connection therewith,
20 shall not exceed 10 hours. The time shall be equally
21 divided between, and controlled by, the majority
22 leader and the minority leader or their designees.

23 “(C) Debate in the Senate on any debatable
24 motion or appeal in connection with a bill under this
25 section shall be limited to not more than 1 hour, to

1 be equally divided between, and controlled by, the
2 mover and the manager of the bill, except that in
3 the event the manager of the bill is in favor of any
4 such motion or appeal, the time in opposition there-
5 to, shall be controlled by the minority leader or his
6 designee. Such leaders, or either of them, may, from
7 time under their control on the passage of a bill,
8 allot additional time to any Senator during the con-
9 sideration of any debatable motion or appeal.

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

12 A motion to recommit a bill under this section is not
13 in order.

14 “(d) AMENDMENTS AND DIVISIONS GENERALLY
15 PROHIBITED.—(1) Except as provided by paragraph (2),
16 no amendment to a bill considered under this section or
17 to a substitute amendment referred to in paragraph (2)
18 shall be in order in either the House of Representatives
19 or the Senate. It shall not be in order to demand a division
20 of the question in the House of Representatives (or in a
21 Committee of the Whole) or in the Senate. No motion to
22 suspend the application of this subsection shall be in order
23 in either House, nor shall it be in order in either House
24 to suspend the application of this subsection by unanimous
25 consent.

1 “(2)(A) It shall be in order in the Senate to consider
2 an amendment in the nature of a substitute reported by
3 the Committee on Appropriations under subsection
4 (c)(3)(A) that complies with subparagraph (B).

5 “(B) It shall only be in order in the Senate to con-
6 sider any amendment described in subparagraph (A) if—

7 “(i) the amendment contains only rescissions to
8 the same appropriation Act as the bill that it is
9 amending contained; and

10 “(ii) the aggregate amount of budget authority
11 rescinded equals or exceeds the aggregate amount of
12 budget authority rescinded in the bill that it is
13 amending;

14 unless that amendment consists solely of the text of the
15 bill as introduced in the House of Representatives that
16 makes rescissions to carry out the applicable special mes-
17 sage of the President.

18 “(C) It shall not be in order in the Senate to consider
19 a bill or an amendment in the nature of a substitute re-
20 ported by the Committee on Appropriations under sub-
21 section (c)(3)(A) unless the Senate has voted upon and
22 rejected an amendment in the nature of a substitute con-
23 sisting solely of the text of the bill as introduced in the
24 House of Representatives that makes rescissions to carry
25 out the applicable special message of the President.

1 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
2 GATION.—Any amount of budget authority proposed to be
3 rescinded in a special message transmitted to Congress
4 under subsection (b) shall be made available for obligation
5 on the earlier of—

6 “(1) the day after the date upon which the
7 House of Representatives defeats the text of the bill
8 transmitted with that special message rescinding the
9 amount proposed to be rescinded and (if reported by
10 the Committee on Appropriations) the alternative
11 bill; or

12 “(2) the day after the date upon which the Sen-
13 ate rejects a bill or amendment in the nature of a
14 substitute consisting solely of the text of the bill as
15 introduced in the House of Representatives that
16 makes rescissions to carry out the applicable special
17 message of the President.

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

19 “(1) the term ‘appropriation Act’ means any
20 general or special appropriation Act, and any Act or
21 joint resolution making supplemental, deficiency, or
22 continuing appropriations; and

23 “(2) the term ‘legislative day’ means, with re-
24 spect to either House of Congress, any calendar day
25 during which that House is in session.”.

1 (b) EXERCISE OF RULEMAKING POWERS.—Section
2 904 of such Act (2 U.S.C. 621 note) is amended—

3 (1) by striking “and 1017” in subsection (a)
4 and inserting “1013, and 1018”; and

5 (2) by striking “section 1017” in subsection (d)
6 and inserting “sections 1013 and 1018”; and

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 1011 of such Act (2 U.S.C. 682(5))
9 is amended—

10 (A) in paragraph (4), by striking “1013”
11 and inserting “1014”; and

12 (B) in paragraph (5)—

13 (i) by striking “1016” and inserting
14 “1017”; and

15 (ii) by striking “1017(b)(1)” and in-
16 serting “1018(b)(1)”.

17 (2) Section 1015 of such Act (2 U.S.C. 685)
18 (as redesignated by section 2(a)) is amended—

19 (A) by striking “1012 or 1013” each place
20 it appears and inserting “1012, 1013, or
21 1014”;

22 (B) in subsection (b)(1), by striking
23 “1012” and inserting “1012 or 1013”;

24 (C) in subsection (b)(2), by striking
25 “1013” and inserting “1014”; and

1 (D) in subsection (e)(2)—

2 (i) by striking “and” at the end of
3 subparagraph (A);

4 (ii) by redesignating subparagraph
5 (B) as subparagraph (C);

6 (iii) by striking “1013” in subpara-
7 graph (C) (as so redesignated) and insert-
8 ing “1014”; and

9 (iv) by inserting after subparagraph
10 (A) the following new subparagraph:

11 “(B) he has transmitted a special message
12 under section 1013 with respect to a proposed
13 rescission; and”.

14 (3) Section 1016 of such Act (2 U.S.C. 686)
15 (as redesignated by section 2(a)) is amended by
16 striking “1012 or 1013” each place it appears and
17 inserting “1012, 1013, or 1014”.

18 (d) CLERICAL AMENDMENTS.—The table of sections
19 for subpart B of title X of such Act is amended—

20 (1) by redesignating the items relating to sec-
21 tions 1013 through 1017 as items relating to sec-
22 tions 1014 through 1018; and

23 (2) by inserting after the item relating to sec-
24 tion 1012 the following new item:

“Sec. 1013. Expedited consideration of certain proposed rescissions.”.

1 **SEC. 3. APPLICATION.**

2 (a) IN GENERAL.—Section 1013 of the Congressional
3 Budget and Impoundment Control Act of 1974 (as added
4 by section 2) shall apply to amounts of budget authority
5 provided by appropriation Acts (as defined in subsection
6 (f) of such section) that are enacted during the One Hun-
7 dred Third Congress.

8 (b) SPECIAL TRANSITION RULE.—Within 3 calendar
9 days after the beginning of the One Hundred Fourth Con-
10 gress, the President may retransmit a special message, in
11 the manner provided in section 1013(b) of the Congres-
12 sional Budget and Impoundment Control Act of 1974 (as
13 added by section 2), proposing to rescind only those
14 amounts of budget authority that were contained in any
15 special message to the One Hundred Third Congress
16 which that Congress failed to consider because of its sine
17 die adjournment before the close of the time period set
18 forth in such section 1013 for consideration of those pro-
19 posed rescissions. A draft bill shall accompany that special
20 message that, if enacted, would only rescind that budget
21 authority. Before the close of the second legislative day
22 of the House of Representatives after the date of receipt
23 of that special message, the majority leader or minority
24 leader of the House of Representatives shall introduce (by
25 request) the draft bill accompanying that special message.
26 If the bill is not introduced as provided in the preceding

1 sentence, then, on the third legislative day of the House
2 of Representatives after the date of receipt of that special
3 message, any Member of that House may introduce the
4 bill. The House of Representatives and the Senate shall
5 proceed to consider that bill in the manner provided in
6 such section 1013.

7 **SEC. 4. TERMINATION.**

8 The authority provided by section 1013 of the Con-
9 gressional Budget and Impoundment Control Act of 1974
10 (as added by section 2) shall terminate 2 years after the
11 date of enactment of this Act.

12 **SEC. 5. JUDICIAL REVIEW.**

13 (a) EXPEDITED REVIEW.—

14 (1) Any Member of Congress may bring an ac-
15 tion, in the United States District Court for the Dis-
16 trict of Columbia, for declaratory judgment and in-
17 junctive relief on the ground that any provision of
18 section 1013 (as added by section 2) violates the
19 Constitution.

20 (2) A copy of any complaint in an action
21 brought under paragraph (1) shall be promptly de-
22 livered to the Secretary of the Senate and the Clerk
23 of the House of Representatives, and each House of
24 Congress shall have the right to intervene in such
25 action.

1 (3) Any action brought under paragraph (1)
2 shall be heard and determined by a three-judge
3 court in accordance with section 2284 of title 28,
4 United States Code.

5 Nothing in this section or in any other law shall infringe
6 upon the right of the House of Representatives to inter-
7 vene in an action brought under paragraph (1) without
8 the necessity of adopting a resolution to authorize such
9 intervention.

10 (b) APPEAL TO SUPREME COURT.—Notwithstanding
11 any other provision of law, any order of the United States
12 District Court for the District of Columbia which is issued
13 pursuant to an action brought under paragraph (1) of sub-
14 section (a) shall be reviewable by appeal directly to the
15 Supreme Court of the United States. Any such appeal
16 shall be taken by a notice of appeal filed within 10 days
17 after such order is entered; and the jurisdictional state-
18 ment shall be filed within 30 days after such order is en-
19 tered. No stay of an order issued pursuant to an action
20 brought under paragraph (1) of subsection (a) shall be
21 issued by a single Justice of the Supreme Court.

22 (c) EXPEDITED CONSIDERATION.—It shall be the
23 duty of the District Court for the District of Columbia
24 and the Supreme Court of the United States to advance
25 on the docket and to expedite to the greatest possible ex-

1 tent the disposition of any matter brought under sub-
2 section (a).

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