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H. R. 1578

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

APRIL 1, 1993

Mr. SPRATT (for himself, Mr. CONYERS, Mr. STENHOLM, Mr. SLATTERY, Mr. DEAL, Mr. JOHNSON of South Dakota, Mr. PAYNE of Virginia, Mr. DOOLEY, Mr. MINGE, Mr. PENNY, Mr. SWETT, Mr. ROEMER, Mrs. MALONEY, Mr. MANN, Mr. SCHUMER, Mr. COPPERSMITH, Mr. GLICKMAN, Mr. CLEMENT, Ms. SCHENK, Mr. DEUTSCH, Mr. ORTON, Mr. INSLEE and Mr. HOAGLAND) 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 1993”.

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

3 (a) IN GENERAL.—Part B of title X of the Congres-
4 sional Budget and Impoundment Control Act of 1974 (2
5 U.S.C. 681 et seq.) is amended by redesignating sections
6 1013 through 1017 as sections 1014 through 1018, re-
7 spectively, and inserting after section 1012 the following
8 new section:

9 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
10 RESCISSIONS

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

19 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

20 “(1) Not later than 3 calendar days after the
21 date of enactment of an appropriation Act, the
22 President may transmit to Congress one special mes-
23 sage proposing to rescind amounts of budget author-
24 ity provided in that Act and include with that special
25 message a draft bill that, if enacted, would only re-
26 scind that budget authority. That bill shall clearly

1 identify the amount of budget authority that is pro-
2 posed to be rescinded for each program, project, or
3 activity to which that budget authority relates.

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

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

16 “(c) PROCEDURES FOR EXPEDITED CONSIDER-
17 ATION.—

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

1 on the third legislative day of the House of Rep-
2 resentatives after the date of receipt of that special
3 message, any Member of that House may introduce
4 the bill.

5 “(B) The bill shall be referred to the Commit-
6 tee on Appropriations of the House of Representa-
7 tives. The committee shall report the bill without
8 substantive revision, and with or without rec-
9 ommendation. The bill shall be reported not later
10 than the seventh legislative day of that House after
11 the date of receipt of that special message. If the
12 Committee on Appropriations fails to report the bill
13 within that period, that committee shall be auto-
14 matically discharged from consideration of the bill,
15 and the bill shall be placed on the appropriate
16 calendar.

17 “(C) A vote on final passage of the bill shall be
18 taken in the House of Representatives on or before
19 the close of the 10th legislative day of that House
20 after the date of the introduction of the bill in that
21 House. If the bill is passed, the Clerk of the House
22 of Representatives shall cause the bill to be en-
23 grossed, certified, and transmitted to the Senate
24 within one calendar day of the day on which the bill
25 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) shall be referred to its Com-
22 mittee on Appropriations. The committee shall re-
23 port the bill without substantive revision and with or
24 without recommendation. The bill shall be reported
25 not later than the seventh legislative day of the Sen-

1 ate after it receives the bill. A committee failing to
2 report the bill within such period shall be automati-
3 cally discharged from consideration of the bill, and
4 the bill shall be placed upon the appropriate
5 calendar.

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

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

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

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

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

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

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

13 “(d) AMENDMENTS AND DIVISIONS PROHIBITED.—
14 No amendment to a bill considered under this section shall
15 be in order in either the House of Representatives or the
16 Senate. It shall not be in order to demand a division of
17 the question in the House of Representatives (or in a Com-
18 mittee of the Whole) or in the Senate. No motion to sus-
19 pend the application of this subsection shall be in order
20 in either House, nor shall it be in order in either House
21 to suspend the application of this subsection by unanimous
22 consent.

23 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
24 GATION.—Any amount of budget authority proposed to be
25 rescinded in a special message transmitted to Congress

1 under subsection (b) shall be made available for obligation
2 on the day after the date upon which either House defeats
3 the bill transmitted with that special message rescinding
4 the amount proposed to be rescinded.

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

6 “(1) the term ‘appropriation Act’ means any
7 general or special appropriation Act, and any Act or
8 joint resolution making supplemental, deficiency, or
9 continuing appropriations; and

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

13 (b) EXERCISE OF RULEMAKING POWERS.—Section
14 904 of such Act (2 U.S.C. 621 note) is amended—

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

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

19 (c) CONFORMING AMENDMENTS.—

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

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

24 (B) in paragraph (5)—

1 (i) by striking “1016” and inserting
2 “1017”; and

3 (ii) by striking “1017(b)(1)” and in-
4 sserting “1018(b)(1)”.

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

7 (A) by striking “1012 or 1013” each place
8 it appears and inserting “1012, 1013, or
9 1014”;

10 (B) in subsection (b)(1), by striking
11 “1012” and inserting “1012 or 1013”;

12 (C) in subsection (b)(2), by striking
13 “1013” and inserting “1014”; and

14 (D) in subsection (e)(2)—

15 (i) by striking “and” at the end of
16 subparagraph (A);

17 (ii) by redesignating subparagraph
18 (B) as subparagraph (C);

19 (iii) by striking “1013” in subpara-
20 graph (C) (as so redesignated) and insert-
21 ing “1014”; and

22 (iv) by inserting after subparagraph
23 (A) the following new subparagraph:

1 “(B) he has transmitted a special message
2 under section 1013 with respect to a proposed
3 rescission; and”.

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

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

10 (1) by redesignating the items relating to sec-
11 tions 1013 through 1017 as items relating to sec-
12 tions 1014 through 1018; and

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

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

15 **SEC. 3. APPLICATION.**

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

22 (b) SPECIAL TRANSITION RULE.—Within 3 calendar
23 days after the beginning of the One Hundred Fourth Con-
24 gress, the President may retransmit a special message, in
25 the manner provided in section 1013(b) of the Congres-

1 sional Budget and Impoundment Control Act of 1974 (as
2 added by section 2), proposing to rescind only those
3 amounts of budget authority that were contained in any
4 special message to the One Hundred Third Congress
5 which that Congress failed to consider because of its sine
6 die adjournment before the close of the time period set
7 forth in such section 1013 for consideration of those pro-
8 posed rescissions. A draft bill shall accompany that special
9 message that, if enacted, would only rescind that budget
10 authority. Before the close of the second legislative day
11 of the House of Representatives after the date of receipt
12 of that special message, the majority leader or minority
13 leader of the House of Representatives shall introduce (by
14 request) the draft bill accompanying that special message.
15 If the bill is not introduced as provided in the preceding
16 sentence, then, on the third legislative day of the House
17 of Representatives after the date of receipt of that special
18 message, any Member of that House may introduce the
19 bill. The House of Representatives and the Senate shall
20 proceed to consider that bill in the manner provided in
21 such section 1013.

22 **SEC. 4. TERMINATION.**

23 The authority provided by section 1013 of the Con-
24 gressional Budget and Impoundment Control Act of 1974

1 (as added by section 2) shall terminate 2 years after the
2 date of enactment of this Act.

3 **SEC. 5. JUDICIAL REVIEW.**

4 (a) EXPEDITED REVIEW.—

5 (1) Any Member of Congress may bring an ac-
6 tion, in the United States District Court for the Dis-
7 trict of Columbia, for declaratory judgment and in-
8 junctive relief on the ground that any provision of
9 section 1013 (as added by section 2) violates the
10 Constitution.

11 (2) A copy of any complaint in an action
12 brought under paragraph (1) shall be promptly de-
13 livered to the Secretary of the Senate and the Clerk
14 of the House of Representatives, and each House of
15 Congress shall have the right to intervene in such
16 action.

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

21 Nothing in this section or in any other law shall infringe
22 upon the right of the House of Representatives to inter-
23 vene in an action brought under paragraph (1) without
24 the necessity of adopting a resolution to authorize such
25 intervention.

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

13 (c) EXPEDITED CONSIDERATION.—It shall be the
14 duty of the District Court for the District of Columbia
15 and the Supreme Court of the United States to advance
16 on the docket and to expedite to the greatest possible ex-
17 tent the disposition of any matter brought under sub-
18 section (a).

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