

§ 688. Procedure in House of Representatives and Senate

(a) Referral

Any rescission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(b) Discharge of committee

(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consideration of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) Floor consideration in House

(1) When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

(d) Floor consideration in Senate

(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a rescission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference re-

port may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(Pub. L. 93-344, title X, §1017, July 12, 1974, 88 Stat. 337.)

CODIFICATION

Section was formerly classified to section 1407 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

SUBCHAPTER III—LINE ITEM VETO

CONSTITUTIONALITY OF LINE ITEM VETO

For decision holding line item veto unconstitutional, see *Clinton v. City of New York*, 524 U.S. 417, 118 S.Ct. 2091, 141 L.Ed. 2d 393 (1998).

§§ 691 to 692. Omitted

CODIFICATION

Sections were omitted pursuant to section 5 of Pub. L. 104-130, set out as an Effective and Termination Dates note below.

Section 691, Pub. L. 93-344, title X, §1021, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1200, provided line item veto authority.

Section 691a, Pub. L. 93-344, title X, §1022, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1201; amended Pub. L. 105-33, title X, §10121(a), Aug. 5, 1997, 111 Stat. 696, required special messages to Congress of cancellations made.

Section 691b, Pub. L. 93-344, title X, §1023, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1202, provided that cancellations were to be effective unless disapproved.

Section 691c, Pub. L. 93-344, title X, §1024, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1202; amended Pub. L. 105-33, title X, §10121(b), Aug. 5, 1997, 111 Stat. 696, related to deficit reduction.

Section 691d, Pub. L. 93-344, title X, §1025, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1203, related to expedited congressional consideration of disapproval bills.

Section 691e, Pub. L. 93-344, title X, §1026, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1207; amended Pub. L. 105-33, title X, §10122, Aug. 5, 1997, 111 Stat. 697, defined terms used in this subchapter.

Section 691f, Pub. L. 93-344, title X, §1027, as added Pub. L. 104-130, §2(a), Apr. 9, 1996, 110 Stat. 1210, related to identification of limited tax benefits.

Section 692, Pub. L. 104-130, §3, Apr. 9, 1996, 110 Stat. 1211, provided for judicial review.

CONSTITUTIONALITY

See Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

EFFECTIVE AND TERMINATION DATES

Pub. L. 104-130, §5, Apr. 9, 1996, 110 Stat. 1212, provided that: "This Act [enacting this subchapter and provisions set out as a note under section 681 of this title and amending provisions set out as notes under section 621 of this title] and the amendments made by it shall take effect and apply to measures enacted on the earlier of—

"(1) the day after the enactment into law, pursuant to Article I, section 7, of the Constitution of the United States, of an Act entitled 'An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget.'; or

"(2) January 1, 1997;

and shall have no force or effect on or after January 1, 2005."

CHAPTER 18—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

§§ 701 to 709. Transferred

CODIFICATION

Sections 701 to 709, comprising title I of the Ethics in Government Act of 1978, Pub. L. 95-521, was amended generally by Pub. L. 101-194, title II, §202, Nov. 30, 1989, 103 Stat. 1724, effective Jan. 1, 1991, and was transferred to section 101 et seq. of the Appendix to Title 5, Government Organization and Employees.

Section 701, Pub. L. 95-521, title I, §101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96-19, §§2(a)(1), (b), (c)(1), 4(b)(1), (d)–(f), 5, June 13, 1979, 93 Stat. 37, 38, 40, related to legislative personnel financial disclosure.

Section 702, Pub. L. 95-521, title I, §102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96-19, §§3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97-51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98-150, §10, Nov. 11, 1983, 97 Stat. 962, related to contents of reports.

Section 703, Pub. L. 95-521, title I, §103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96-19, §§4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42, related to filing of reports.

Section 704, Pub. L. 95-521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96-19, §8(a), June 13, 1979, 93 Stat. 41, related to accessibility of reports.

Section 705, Pub. L. 95-521, title I, §105, Oct. 26, 1978, 92 Stat. 1833, related to review and compliance procedures.

Section 706, Pub. L. 95-521, title I, §106, Oct. 26, 1978, 92 Stat. 1833, related to failure to file or filing false reports.

Section 707, Pub. L. 95-521, title I, §107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96-19, §9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions.