

April 12, 2018

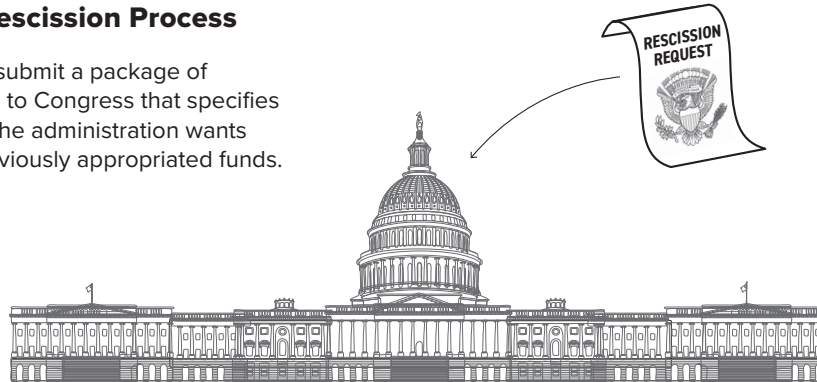
The Presidential Rescission Process Explained

Lawmakers passed the Line Item Veto Act in 1996 to give the president unilateral authority to reject specific portions of a spending measure approved by Congress without vetoing an entire bill. The Supreme Court overturned the law, 6-3, in 1998, ruling the line-item veto was unconstitutional because it violated the congressional legislative process.

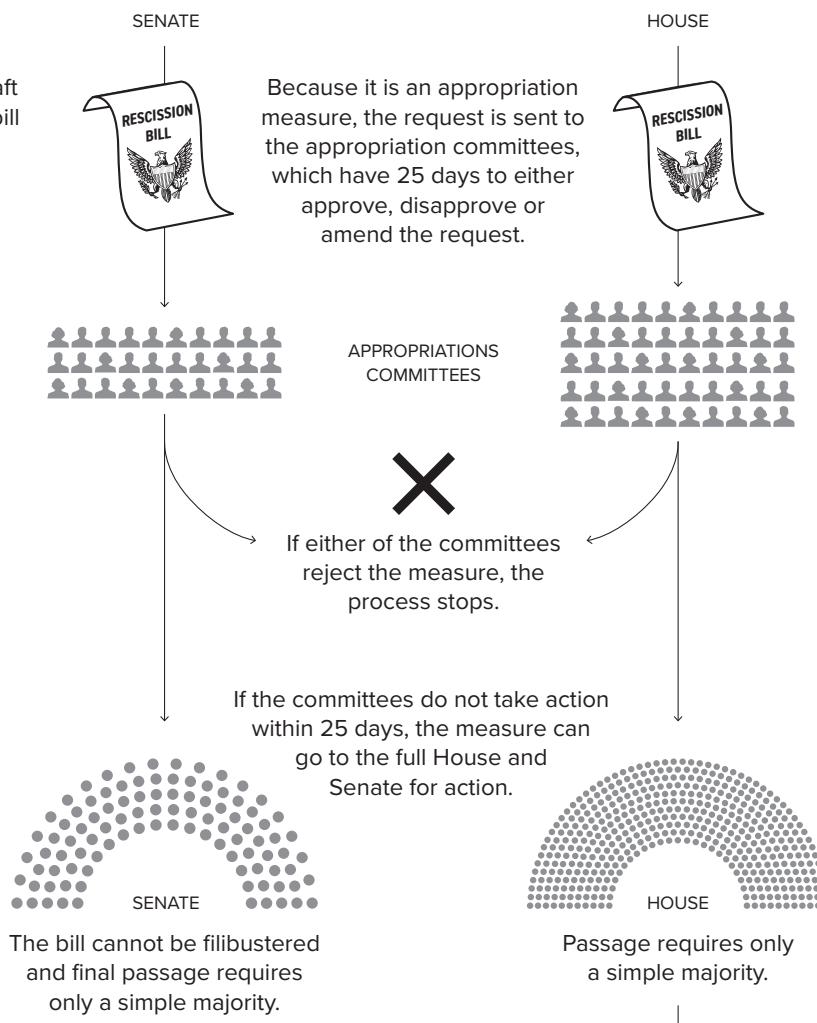
President Donald Trump wants Congress to reinstate the line-item veto to backtrack on part of the \$1.3 trillion spending bill Congress passed last month. But a procedural tool called a presidential rescission may achieve nearly the same effect, without the constitutional amendment a line-item veto would require. The Congressional Budget and Impoundment Control Act of 1974 allows the president to propose that Congress rescind funds already budgeted, and House Majority Leader Kevin McCarthy (R-Calif.) is helping White House officials develop a rescission package to submit to the House and Senate.

The Presidential Rescission Process

1 The president can submit a package of rescission requests to Congress that specifies how much money the administration wants rescinded from previously appropriated funds.



2 Congress could draft its own rescission bill in response.



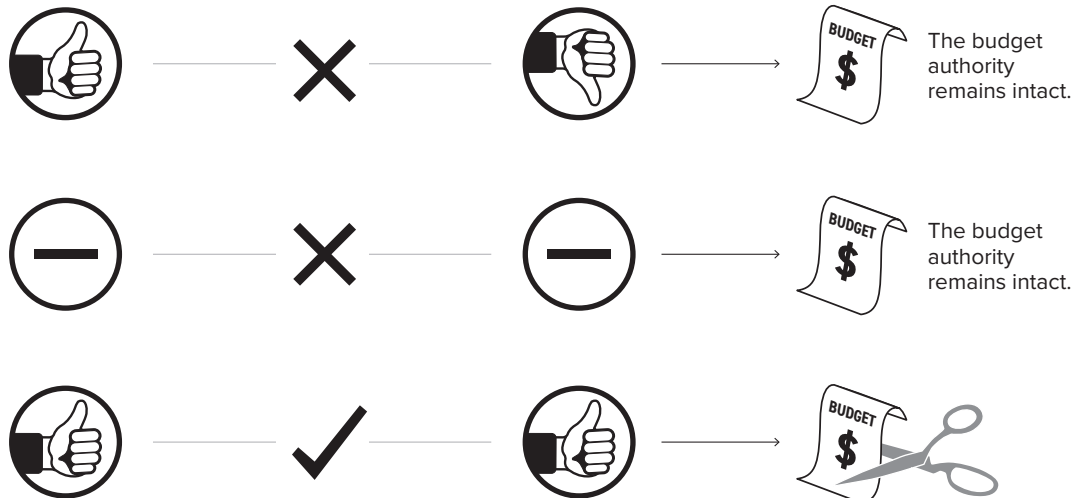
3 If either full chamber votes down the request within 45 consecutive days of session, the **request fails**.

OR ...

The House and Senate can do nothing. If 45 days of continuous session days pass without action, the **request fails**.

OR ...

Congress passes the bill and the president signs into law — the president can make spending cuts to appropriated funds.



Sources: Bipartisan Policy Center, POLITICO staff reports, U.S. Senate, Brookings, American Action Forum

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