

104TH CONGRESS
1ST SESSION

H. R. 2

To give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. CLINGER, Mr. BLUTE, Mr. NEUMANN, and Mr. PARKER (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BUNNING, Mr. BACHUS, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BROWNBACK, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CALLAHAN, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COLLINS of Georgia, Miss COLLINS of Michigan, Mr. COOLEY, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Ms. FOWLER, Mr. FOX, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LOBIONDO, Mr. LONGLEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. PORTMAN, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. WELLER, Mr. ZELIFF,

Mr. ZIMMER, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.

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 “Line Item Veto Act”.

5 **SEC. 2. LINE ITEM VETO AUTHORITY.**

6 (a) IN GENERAL.—Notwithstanding the provisions of
 7 part B of title X of The Congressional Budget and Im-
 8 poundment Control Act of 1974, and subject to the provi-
 9 sions of this section, the President may rescind all or part
 10 of any discretionary budget authority or veto any targeted
 11 tax benefit which is subject to the terms of this Act if
 12 the President—

13 (1) determines that—

14 (A) such rescission or veto would help re-
 15 duce the Federal budget deficit;

16 (B) such rescission or veto will not impair
 17 any essential Government functions; and

1 (C) such rescission or veto will not harm
2 the national interest; and

3 (2) notifies the Congress of such rescission or
4 veto by a special message not later than twenty cal-
5 endar days (not including Saturdays, Sundays, or
6 holidays) after the date of enactment of a regular or
7 supplemental appropriation Act or a joint resolution
8 making continuing appropriations providing such
9 budget authority or a revenue Act containing a tar-
10 geted tax benefit.

11 The President shall submit a separate rescission message
12 for each appropriation Act and for each revenue Act under
13 this paragraph.

14 **SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DIS-**
15 **APPROVED.**

16 (a)(1) Any amount of budget authority rescinded
17 under this Act as set forth in a special message by the
18 President shall be deemed canceled unless, during the pe-
19 riod described in subsection (b), a rescission/receipts dis-
20 approval bill making available all of the amount rescinded
21 is enacted into law.

22 (2) Any provision of law vetoed under this Act as set
23 forth in a special message by the President shall be
24 deemed repealed unless, during the period described in

1 subsection (b), a rescission/receipts disapproval bill restor-
2 ing that provision is enacted into law.

3 (b) The period referred to in subsection (a) is—

4 (1) a congressional review period of twenty cal-
5 endar days of session during which Congress must
6 complete action on the rescission/receipts disapproval
7 bill and present such bill to the President for ap-
8 proval or disapproval;

9 (2) after the period provided in paragraph (1),
10 an additional ten days (not including Sundays) dur-
11 ing which the President may exercise his authority
12 to sign or veto the rescission/receipts disapproval
13 bill; and

14 (3) if the President vetoes the rescission/re-
15 cepts disapproval bill during the period provided in
16 paragraph (2), an additional five calendar days of
17 session after the date of the veto.

18 (c) If a special message is transmitted by the Presi-
19 dent under this Act and the last session of the Congress
20 adjourns sine die before the expiration of the period de-
21 scribed in subsection (b), the rescission or veto, as the case
22 may be, shall not take effect. The message shall be deemed
23 to have been retransmitted on the first day of the succeed-
24 ing Congress and the review period referred to in sub-

1 section (b) (with respect to such message) shall run begin-
2 ning after such first day.

3 **SEC. 4. DEFINITIONS.**

4 As used in this Act:

5 (1) The term “rescission/receipts disapproval
6 bill” means a bill or joint resolution which—

7 (A) only disapproves a rescission of discre-
8 tionary budget authority, in whole, rescinded, or

9 (B) only disapproves a veto of any targeted
10 tax benefit,

11 in a special message transmitted by the President
12 under this Act.

13 (2) The term “calendar days of session” shall
14 mean only those days on which both Houses of Con-
15 gress are in session.

16 (3) The term “targeted tax benefit” means any
17 provision of a revenue Act which the President de-
18 termines would provide a Federal tax benefit to 5 or
19 fewer taxpayers.

20 **SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM**
21 **VETOES.**

22 (a) **PRESIDENTIAL SPECIAL MESSAGE.**—Whenever
23 the President rescinds any budget authority as provided
24 in this Act or vetoes any provision of law as provided in

1 this Act, the President shall transmit to both Houses of
2 Congress a special message specifying—

3 (1) the amount of budget authority rescinded or
4 the provision vetoed;

5 (2) any account, department, or establishment
6 of the Government to which such budget authority
7 is available for obligation, and the specific project or
8 governmental functions involved;

9 (3) the reasons and justifications for the deter-
10 mination to rescind budget authority or veto any
11 provision pursuant to this Act;

12 (4) to the maximum extent practicable, the esti-
13 mated fiscal, economic, and budgetary effect of the
14 rescission or veto; and

15 (5) all actions, circumstances, and consider-
16 ations relating to or bearing upon the rescission or
17 veto and the decision to effect the rescission or veto,
18 and to the maximum extent practicable, the esti-
19 mated effect of the rescission upon the objects, pur-
20 poses, and programs for which the budget authority
21 is provided.

22 (b) TRANSMISSION OF MESSAGES TO HOUSE AND
23 SENATE.—

24 (1) Each special message transmitted under
25 this Act shall be transmitted to the House of Rep-

1 representatives and the Senate on the same day, and
2 shall be delivered to the Clerk of the House of Rep-
3 resentatives if the House is not in session, and to
4 the Secretary of the Senate if the Senate is not in
5 session. Each special message so transmitted shall
6 be referred to the appropriate committees of the
7 House of Representatives and the Senate. Each such
8 message shall be printed as a document of each
9 House.

10 (2) Any special message transmitted under this
11 Act shall be printed in the first issue of the Federal
12 Register published after such transmittal.

13 (c) REFERRAL OF RESCISSION/RECEIPTS DIS-
14 APPROVAL BILLS.—Any rescission/receipts disapproval
15 bill introduced with respect to a special message shall be
16 referred to the appropriate committees of the House of
17 Representatives or the Senate, as the case may be.

18 (d) CONSIDERATION IN THE SENATE.—

19 (1) Any rescission/receipts disapproval bill re-
20 ceived in the Senate from the House shall be consid-
21 ered in the Senate pursuant to the provisions of this
22 Act.

23 (2) Debate in the Senate on any rescission/re-
24 ceipts disapproval bill and debatable motions and ap-
25 peals in connection therewith, shall be limited to not

1 more than ten hours. The time shall be equally di-
2 vided between, and controlled by, the majority leader
3 and the minority leader or their designees.

4 (3) Debate in the Senate on any debatable mo-
5 tions or appeal in connection with such bill shall be
6 limited to one hour, to be equally divided between,
7 and controlled by the mover and the manager of the
8 bill, except that in the event the manager of the bill
9 is in favor of any such motion or appeal, the time
10 in opposition thereto shall be controlled by the mi-
11 nority leader or his designee. Such leaders, or either
12 of them, may, from the time under their control on
13 the passage of the bill, allot additional time to any
14 Senator during the consideration of any debatable
15 motion or appeal.

16 (4) A motion to further limit debate is not de-
17 batable. A motion to recommit (except a motion to
18 recommit with instructions to report back within a
19 specified number of days not to exceed one, not
20 counting any day on which the Senate is not in ses-
21 sion) is not in order.

22 (e) POINTS OF ORDER.—

23 (1) It shall not be in order in the Senate or the
24 House of Representatives to consider any rescission/
25 receipts disapproval bill that relates to any matter

1 other than the rescission of budget authority or veto
2 of the provision of law transmitted by the President
3 under this Act.

4 (2) It shall not be in order in the Senate or the
5 House of Representatives to consider any amend-
6 ment to a rescission/receipts disapproval bill.

7 (3) Paragraphs (1) and (2) may be waived or
8 suspended in the Senate only by a vote of three-
9 fifths of the members duly chosen and sworn.

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