

Calendar No. 26

104TH CONGRESS
1ST SESSION

S. 4

[Report No. 104-9]
[Report No. 104-13]

A BILL

To grant the power to the President to reduce
budget authority.

MARCH 7 (legislative day, MARCH 6), 1995

Reported without amendment, without recommendation

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, Mr. GRAMM, Mr. DEWINE, Mr. BROWN, Mr. BURNS, Mr. CHAFEE, Mr. COVERDELL, Mr. CRAIG, Mr. GREGG, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. WARNER, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. THOMAS) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

FEBRUARY 27 (legislative day, FEBRUARY 22), 1995

Reported by Mr. DOMENICI, with amendments, without recommendation

[Omit the part struck through and insert the part printed in italic]

Referred to the Committee on Governmental Affairs for not to exceed thirty days

MARCH 7 (legislative day, MARCH 6), 1995

Reported by Mr. ROTH, without amendment, without recommendation

A BILL

To grant the power to the President to reduce 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 “Legislative Line Item
5 Veto Act of 1995”.

6 **SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE**
7 **PRESIDENT.**

8 The Impoundment Control Act of 1974 is amended
9 by adding at the end thereof the following new title:

10 **“TITLE XI—LEGISLATIVE LINE**
11 **ITEM VETO RESCISSION AU-**
12 **THORITY**

13 **“PART A—LEGISLATIVE LINE ITEM VETO**
14 **RESCISSION AUTHORITY**

15 “GRANT OF AUTHORITY AND CONDITIONS

16 “SEC. 1101. (a) IN GENERAL.—Notwithstanding the
17 provisions of part B of title X and subject to the provisions
18 of part B of this title, the President may rescind all or
19 part of any budget authority, if the President—

20 “(1) determines that—

1 “(A) such rescission would help balance
2 the Federal budget, reduce the Federal budget
3 deficit, or reduce the public debt;

4 “(B) such rescission will not impair any
5 essential Government functions; and

6 “(C) such rescission will not harm the na-
7 tional interest; and

8 “(2)(A) notifies the Congress of such rescission
9 by a special message not later than twenty calendar
10 days (not including Saturdays, Sundays, or holidays)
11 after the date of enactment of a regular or supple-
12 mental appropriations Act or a joint resolution mak-
13 ing continuing appropriations providing such budget
14 authority; or

15 “(B) notifies the Congress of such rescission by
16 special message accompanying the submission of the
17 President’s budget to Congress and such rescissions
18 have not been proposed previously for that fiscal
19 year.

20 The President shall submit a separate rescission message
21 for each appropriations bill under paragraph (2)(A).

22 “(b) RESCISSION EFFECTIVE UNLESS DIS-
23 APPROVED.—(1)(A) Any amount of budget authority re-
24 scinded under this title as set forth in a special message
25 by the President shall be deemed canceled unless during

1 the period described in subparagraph (B), a rescission dis-
2 approval bill making available all of the amount rescinded
3 is enacted into law.

4 “(B) The period referred to in subparagraph (A) is—

5 “(i) a congressional review period of twenty cal-
6 endar days of session under part B, during which
7 Congress must complete action on the rescission dis-
8 approval bill and present such bill to the President
9 for approval or disapproval;

10 “(ii) after the period provided in clause (i), an
11 additional ten days (not including Sundays) during
12 which the President may exercise his authority to
13 sign or veto the rescission disapproval bill; and

14 “(iii) if the President vetoes the rescission dis-
15 approval bill during the period provided in clause
16 (ii), an additional five calendar days of session after
17 the date of the veto.

18 “(2) If a special message is transmitted by the Presi-
19 dent under this section during any Congress and the last
20 session of such Congress adjourns sine die before the expi-
21 ration of the period described in paragraph (1)(B), the
22 rescission shall not take effect. The message shall be
23 deemed to have been retransmitted on the first day of the
24 succeeding Congress and the review period referred to in

1 paragraph (1)(B) (with respect to such message) shall run
2 beginning after such first day.

3 “DEFINITIONS

4 “SEC. 1102. For purposes of this title the term ‘re-
5 scission disapproval bill’ means a bill or joint resolution
6 which only disapproves a rescission of budget authority,
7 in whole, rescinded in a special message transmitted by
8 the President under section 1101.

9 “DEFICIT REDUCTION

10 “SEC. 1103. (a) *If Congress fails to disapprove a re-*
11 *scission of discretionary spending under this part within*
12 *the period of review provided under this part, the President*
13 *shall, on the day after the period has expired, reduce the*
14 *discretionary spending limits under section 601 of the Con-*
15 *gressional Budget Act of 1974 for the budget year and any*
16 *outyear affected by the rescissions to reflect the amount of*
17 *the rescission.*

18 “(b) *If Congress fails to disapprove a rescission of dis-*
19 *cretionary spending under this part within the period of*
20 *review provided under this part, the chairs of the Commit-*
21 *tees on the Budget of the Senate and the House of Represent-*
22 *atives shall, on the day after the period has expired, revise*
23 *levels under section 311(a) and adjust the committee alloca-*
24 *tions under section 602(a) to reflect the amount of the re-*
25 *scission.*

1 “(c) If Congress fails to disapprove a rescission of di-
2 rect spending under this part within the period of review
3 provided under this part, the President shall, on the day
4 after the period has expired, adjust the balances for the
5 budget year and each outyear under section 252(b) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985 to reflect the amount of the rescission.

8 **“PART B—CONGRESSIONAL CONSIDERATION OF**
9 **LEGISLATIVE LINE ITEM VETO RESCISSIONS**

10 “PRESIDENTIAL SPECIAL MESSAGE

11 “SEC. 1111. Whenever the President rescinds any
12 budget authority as provided in section 1101, the Presi-
13 dent shall transmit to both Houses of Congress a special
14 message specifying—

15 “(1) the amount of budget authority rescinded;

16 “(2) any account, department, or establishment
17 of the Government to which such budget authority
18 is available for obligation, and the specific project or
19 governmental functions involved;

20 “(3) the reasons and justifications for the de-
21 termination to rescind budget authority pursuant to
22 section 1101(a)(1);

23 “(4) to the maximum extent practicable, the es-
24 timated fiscal, economic, and budgetary effect of the
25 rescission; and

1 “(5) all facts, circumstances, and considerations
2 relating to or bearing upon the rescission and the
3 decision to effect the rescission, and to the maxi-
4 mum extent practicable, the estimated effect of the
5 rescission upon the objects, purposes, and programs
6 for which the budget authority is provided.

7 “TRANSMISSION OF MESSAGES; PUBLICATION

8 “SEC. 1112. (a) DELIVERY TO HOUSE AND SEN-
9 ATE.—Each special message transmitted under sections
10 1101 and 1111 shall be transmitted to the House of Rep-
11 resentatives and the Senate on the same day, and shall
12 be delivered to the Clerk of the House of Representatives
13 if the House is not in session, and to the Secretary of
14 the Senate if the Senate is not in session. Each special
15 message so transmitted shall be referred to the appro-
16 priate committees of the House of Representatives and the
17 Senate. Each such message shall be printed as a document
18 of each House.

19 “(b) PRINTING IN FEDERAL REGISTER.—Any special
20 message transmitted under sections 1101 and 1111 shall
21 be printed in the first issue of the Federal Register pub-
22 lished after such transmittal.

23 “PROCEDURE IN SENATE

24 “SEC. 1113. (a) REFERRAL.—(1) Any rescission dis-
25 approval bill introduced with respect to a special message
26 shall be referred to the appropriate committees of the

1 House of Representatives or the Senate, as the case may
2 be.

3 “(2) Any rescission disapproval bill received in the
4 Senate from the House shall be considered in the Senate
5 pursuant to the provisions of this section.

6 “(b) FLOOR CONSIDERATION IN THE SENATE.—

7 “(1) Debate in the Senate on any rescission dis-
8 approval bill and debatable motions and appeals in
9 connection therewith, shall be limited to not more
10 than ten hours. The time shall be equally divided be-
11 tween, and controlled by, the majority leader and the
12 minority leader or their designees.

13 “(2) Debate in the Senate on any debatable mo-
14 tion or appeal in connection with such a bill shall be
15 limited to one hour, to be equally divided between,
16 and controlled by, the mover and the manager of the
17 bill, except that in the event the manager of the bill
18 is in favor of any such motion or appeal, the time
19 in opposition thereto shall be controlled by the mi-
20 nority leader or his designee. Such leaders, or either
21 of them, may, from the time under their control on
22 the passage of the bill, allot additional time to any
23 Senator during the consideration of any debatable
24 motion or appeal.

1 “(3) A motion to further limit debate is not de-
2 batable. A motion to recommit (except a motion to
3 recommit with instructions to report back within a
4 specified number of days, not to exceed one, not
5 counting any day on which the Senate is not in ses-
6 sion) is not in order.

7 “(c) POINT OF ORDER.—(1) It shall not be in order
8 in the Senate or the House of Representatives to consider
9 any rescission disapproval bill that relates to any matter
10 other than the rescission of budget authority transmitted
11 by the President under section 1101.

12 “(2) It shall not be in order in the Senate or the
13 House of Representatives to consider any amendment to
14 a rescission disapproval bill.

15 “(3) Paragraphs (1) and (2) may be waived or sus-
16 pended in the Senate only by a vote of three-fifths of the
17 members duly chosen and ~~sworn.~~” *sworn.*

18 “*SEC. 1114. This title shall cease to be effective on Sep-*
19 *tember 30, 2002.*”