

PROVIDING FOR THE CONSIDERATION OF H.R. 2002, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES

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JULY 19, 1995.—Referred to the House Calendar and ordered to be printed

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Mrs. WALDHOLTZ, from the Committee on Rules,  
submitted the following

## REPORT

[To accompany H. Res. 194]

The Committee on Rules, having had under consideration House Resolution 194, by a nonrecord vote, report the same on the House with the recommendation that the resolution be adopted.

### BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2002, “the Department of Transportation Appropriations Bill for the fiscal year 1996” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 3 of rule XIII (requiring a committee bill report contain the text of the statute being repealed within that committee bill) and section 401(a) of the Congressional Budget Act (prohibiting consideration of legislation, as reported, providing new contract authority that is not limited to amounts provided in appropriations acts) against consideration of the bill. The rule also waives clause 6 (prohibiting reappropriation) of rule XXI against provisions in the bill, and clause 2 (prohibiting unauthorized and legislative provisions) of rule XXI against provisions in the bill except as otherwise specified in the rule.

The rule provides for the reading of the bill by title, rather than by paragraph or numbered section, for amendment, and each title is considered as read. Provides for the consideration of an amendment by Rep. Solomon or a designee, printed in Part 2 of the report of the Committee on rules accompanying the rule. The amendment shall be considered as read. The amendment is not subject to amendment or to a demand for a division of the question in the

House or Committee of the Whole. All points of order are waived against the amendment.

Members who have preprinted their amendments in the Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

COMMITTEE VOTES

Pursuant to clause 21(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee rollcall No. 168*

Date: July 19, 1995.

Measure: Rule for consideration H.R. 2002, Transportation appropriations for Fiscal Year 1996.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order, and waive points of order against, the amendment by Rep. Nadler amendment to rescind \$5 million for the Miller New York highway project.

Results: Rejected, 3 to 8.

Vote by Member: Quillen—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

*Rules Committee rollcall No. 169*

Date: July 19, 1995.

Measure: Rule for consideration H.R. 2002, Transportation Appropriations for Fiscal Year 1996.

Motion By: Mr. Frost.

Summary of Motion: Make in order, and waive points of order against, amendments of Rep. Shuster to restore transit projects subject to authorization.

Results: Rejected, 3 to 8.

Vote by Member: Quillen—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Yea; McInnis—Nay; Waldholtz—Nay; Beilenson—Nay; Frost—Yea; Hall—Yea; Solomon—Nay.

*Rules Committee rollcall No. 170*

Date: July 19, 1995.

Measure: Rule for consideration H.R. 2002, Transportation Appropriations for Fiscal Year 1996.

Motion By: Mr. Frost.

Summary of Motion: Make in order, and waive points of order against, amendments of Rep. Shuster to restore transit projects subject to authorization.

Results: Rejected, 3 to 8.

Vote by Member: Quillen—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

## PART 2

The amendment made in order at any time in the resolution is as follows:

At the end of the bill, add the following new title:

**TITLE V—LINE ITEM VETO**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Line Item Veto Act”.

**SEC. 502. LINE ITEM VETO AUTHORITY.**

(a) **IN GENERAL.**—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in an appropriation Act or conference report or joint explanatory statement accompanying a conference report on the Act, or veto any targeted tax benefit which is subject to the terms of this title if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

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

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

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) **DEFICIT REDUCTION.**—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) **SEPARATE MESSAGES.**—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this section.

(d) **LIMITATION.**—No special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation Act.

(e) **SPECIAL RULE FOR FISCAL YEAR 1995 APPROPRIATION MEASURES.**—Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995, the President may rescind all or part of that discretionary budget authority under the terms of this title if the President notifies the Congress of such rescission by a special message not later than ten calendar days (not including Sundays) after the date of enactment of this Act.

**SEC. 503. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.**

(a)(1) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a re-

scission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this title as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

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

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this title and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

#### **SEC. 504. DEFINITIONS.**

As used in this title:

(1) The term “rescission/receipts disapproval bill” means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this title and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: “That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on \_\_\_\_\_”, the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: “That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on \_\_\_\_\_”, the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: “A bill disapproving the recommendations submitted by the President on \_\_\_\_\_”, the blank space being filled in with the date of

submission of the relevant special message and the public law to which the message relates.

(2) The term “calendar days of session” shall mean only those days on which both Houses of Congress are in session.

(3) The term “targeted tax benefit” means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term “appropriation Act” means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

**SEC. 505. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.**

(a) **PRESIDENTIAL SPECIAL MESSAGE.**—Whenever the President rescinds any budget authority as provided in this title or vetoes any provision of law as provided in this title, the President shall transmit to both Houses of Congress a special message specifying—

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

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

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this title;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

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

(1) Each special message transmitted under this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

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

(c) **INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.**—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning

on the day after the date of submission of a special message by the President under section 502.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this title.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

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

**SEC. 506. REPORTS OF THE GENERAL ACCOUNTING OFFICE.**

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

**SEC. 507. JUDICIAL REVIEW.**

(a) **EXPEDITED REVIEW.**—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

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

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) **APPEAL TO SUPREME COURT.**—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) **EXPEDITED CONSIDERATION.**—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).