

In the House of Representatives, U. S.,

May 17, 1995.

Resolved, That the bill from the Senate (S. 4) entitled “An Act to grant the power to the President to reduce budget authority”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause, and insert:

1 **SECTION 1. SHORT TITLE.**

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

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

4 *(a) IN GENERAL.—Notwithstanding the provisions of*
5 *part B of title X of the Congressional Budget and Impound-*
6 *ment Control Act of 1974, and subject to the provisions of*
7 *this section, the President may rescind all or part of any*
8 *dollar amount of any discretionary budget authority speci-*
9 *fied in an appropriation Act or conference report or joint*
10 *explanatory statement accompanying a conference report*
11 *on the Act, or veto any targeted tax benefit which is subject*
12 *to the terms of this Act if the President—*

13 *(1) determines that—*

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

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

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

5 (2) notifies the Congress of such rescission or veto
6 by a special message not later than ten calendar days
7 (not including Sundays) after the date of enactment
8 of an appropriation Act providing such budget au-
9 thority or a revenue or reconciliation Act containing
10 a targeted tax benefit.

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16 thority rescinded by that message.

17 (c) *SEPARATE MESSAGES.*—The President shall sub-
18 mit a separate special message for each appropriation Act
19 and for each revenue or reconciliation Act under this sec-
20 tion.

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

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

10 **SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.**

11 (a)(1) *Any amount of budget authority rescinded*
12 *under this Act as set forth in a special message by the Presi-*
13 *dent shall be deemed canceled unless, during the period de-*
14 *scribed in subsection (b), a rescission/receipts disapproval*
15 *bill making available all of the amount rescinded is enacted*
16 *into law.*

17 (2) *Any provision of law vetoed under this Act as set*
18 *forth in a special message by the President shall be deemed*
19 *repealed unless, during the period described in subsection*
20 *(b), a rescission/receipts disapproval bill restoring that pro-*
21 *vision is enacted into law.*

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

23 (1) *a congressional review period of twenty cal-*
24 *endar days of session, beginning on the first calendar*
25 *day of session after the date of submission of the spe-*

1 *cial message, during which Congress must complete*
2 *action on the rescission/receipts disapproval bill and*
3 *present such bill to the President for approval or dis-*
4 *approval;*

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

10 *(3) if the President vetoes the rescission/receipts*
11 *disapproval bill during the period provided in para-*
12 *graph (2), an additional five calendar days of session*
13 *after the date of the veto.*

14 *(c) If a special message is transmitted by the President*
15 *under this Act and the last session of the Congress adjourns*
16 *sine die before the expiration of the period described in sub-*
17 *section (b), the rescission or veto, as the case may be, shall*
18 *not take effect. The message shall be deemed to have been*
19 *retransmitted on the first Monday in February of the suc-*
20 *ceeding Congress and the review period referred to in sub-*
21 *section (b) (with respect to such message) shall run begin-*
22 *ning after such first day.*

23 **SEC. 4. DEFINITIONS.**

24 *As used in this Act:*

1 (1) *The term “rescission/receipts disapproval*
2 *bill” means a bill or joint resolution which only dis-*
3 *approves, in whole, rescissions of discretionary budget*
4 *authority or only disapproves vetoes of targeted tax*
5 *benefits in a special message transmitted by the Presi-*
6 *dent under this Act and—*

7 (A) *which does not have a preamble;*

8 (B)(i) *in the case of a special message re-*
9 *garding rescissions, the matter after the enacting*
10 *clause of which is as follows: “That Congress dis-*
11 *approves each rescission of discretionary budget*
12 *authority of the President as submitted by the*
13 *President in a special message on _____”,*
14 *the blank space being filled in with the appro-*
15 *priate date and the public law to which the mes-*
16 *sage relates; and*

17 (ii) *in the case of a special message regard-*
18 *ing vetoes of targeted tax benefits, the matter*
19 *after the enacting clause of which is as follows:*
20 *“That Congress disapproves each veto of targeted*
21 *tax benefits of the President as submitted by the*
22 *President in a special message on _____”,*
23 *the blank space being filled in with the appro-*
24 *priate date and the public law to which the mes-*
25 *sage relates; and*

1 (C) the title of which is as follows: “A bill
2 disapproving the recommendations submitted by
3 the President on _____”, the blank space
4 being filled in with the date of submission of the
5 relevant special message and the public law to
6 which the message relates.

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

10 (3) The term “targeted tax benefit” means any
11 provision of a revenue or reconciliation Act deter-
12 mined by the President to provide a Federal tax de-
13 duction, credit, exclusion, preference, or other conces-
14 sion to 100 or fewer beneficiaries. Any partnership,
15 limited partnership, trust, or S corporation, and any
16 subsidiary or affiliate of the same parent corporation,
17 shall be deemed and counted as a single beneficiary
18 regardless of the number of partners, limited partners,
19 beneficiaries, shareholders, or affiliated corporate en-
20 tities.

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

1 **SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM**
2 **VETOES.**

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

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

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

14 (3) *the reasons and justifications for the deter-*
15 *mination to rescind budget authority or veto any pro-*
16 *vision pursuant to this Act;*

17 (4) *to the maximum extent practicable, the esti-*
18 *mated fiscal, economic, and budgetary effect of the re-*
19 *scission or veto; and*

20 (5) *all actions, circumstances, and consider-*
21 *ations relating to or bearing upon the rescission or*
22 *veto and the decision to effect the rescission or veto,*
23 *and to the maximum extent practicable, the estimated*
24 *effect of the rescission upon the objects, purposes, and*
25 *programs for which the budget authority is provided.*

1 (b) *TRANSMISSION OF MESSAGES TO HOUSE AND SEN-*
2 *ATE.*—

3 (1) *Each special message transmitted under this*
4 *Act shall be transmitted to the House of Representa-*
5 *tives and the Senate on the same day, and shall be*
6 *delivered to the Clerk of the House of Representatives*
7 *if the House is not in session, and to the Secretary*
8 *of the Senate if the Senate is not in session. Each spe-*
9 *cial message so transmitted shall be referred to the*
10 *appropriate committees of the House of Representa-*
11 *tives and the Senate. Each such message shall be*
12 *printed as a document of each House.*

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

16 (c) *INTRODUCTION OF RESCISSION/RECEIPTS DIS-*
17 *APPROVAL BILLS.*—*The procedures set forth in subsection*
18 *(d) shall apply to any rescission/receipts disapproval bill*
19 *introduced in the House of Representatives not later than*
20 *the third calendar day of session beginning on the day after*
21 *the date of submission of a special message by the President*
22 *under section 2.*

23 (d) *CONSIDERATION IN THE HOUSE OF REPRESENTA-*
24 *TIVES.*—*(1) The committee of the House of Representatives*
25 *to which a rescission/receipts disapproval bill is referred*

1 *shall report it without amendment, and with or without*
2 *recommendation, not later than the eighth calendar day of*
3 *session after the date of its introduction. If the committee*
4 *fails to report the bill within that period, it is in order*
5 *to move that the House discharge the committee from fur-*
6 *ther consideration of the bill. A motion to discharge may*
7 *be made only by an individual favoring the bill (but only*
8 *after the legislative day on which a Member announces to*
9 *the House the Member's intention to do so). The motion is*
10 *highly privileged. Debate thereon shall be limited to not*
11 *more than one hour, the time to be divided in the House*
12 *equally between a proponent and an opponent. The previous*
13 *question shall be considered as ordered on the motion to*
14 *its adoption without intervening motion. A motion to re-*
15 *consider the vote by which the motion is agreed to or dis-*
16 *agreed to shall not be in order.*

17 (2) *After a rescission/receipts disapproval bill is re-*
18 *ported or the committee has been discharged from further*
19 *consideration, it is in order to move that the House resolve*
20 *into the Committee of the Whole House on the State of the*
21 *Union for consideration of the bill. All points of order*
22 *against the bill and against consideration of the bill are*
23 *waived. The motion is highly privileged. The previous ques-*
24 *tion shall be considered as ordered on that motion to its*
25 *adoption without intervening motion. A motion to recon-*

1 *sider the vote by which the motion is agreed to or disagreed*
2 *to shall not be in order. During consideration of the bill*
3 *in the Committee of the Whole, the first reading of the bill*
4 *shall be dispensed with. General debate shall proceed with-*
5 *out intervening motion, shall be confined to the bill, and*
6 *shall not exceed two hours equally divided and controlled*
7 *by a proponent and an opponent of the bill. No amendment*
8 *to the bill is in order, except any Member may move to*
9 *strike the disapproval of any rescission or rescissions of*
10 *budget authority or any proposed repeal of a targeted tax*
11 *benefit, as applicable, if supported by 49 other Members.*
12 *At the conclusion of the consideration of the bill for amend-*
13 *ment, the Committee shall rise and report the bill to the*
14 *House. The previous question shall be considered as ordered*
15 *on the bill and amendments thereto to final passage without*
16 *intervening motion. A motion to reconsider the vote on pas-*
17 *sage of the bill shall not be in order.*

18 *(3) Appeals from the decisions of the Chair relating*
19 *to the application of the rules of the House of Representa-*
20 *tives to the procedure relating to a bill described in sub-*
21 *section (a) shall be decided without debate.*

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

1 (5) *Consideration of any rescission/receipts dis-*
2 *approval bill under this subsection is governed by the rules*
3 *of the House of Representatives except to the extent specifi-*
4 *cally provided by the provisions of this Act.*

5 (e) *CONSIDERATION IN THE SENATE.*—

6 (1) *Any rescission/receipts disapproval bill re-*
7 *ceived in the Senate from the House shall be consid-*
8 *ered in the Senate pursuant to the provisions of this*
9 *Act.*

10 (2) *Debate in the Senate on any rescission/re-*
11 *ceipts disapproval bill and debatable motions and ap-*
12 *peals in connection therewith, shall be limited to not*
13 *more than ten hours. The time shall be equally di-*
14 *vided between, and controlled by, the majority leader*
15 *and the minority leader or their designees.*

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

1 *ing the consideration of any debatable motion or ap-*
2 *peal.*

3 (4) *A motion to further limit debate is not debat-*
4 *able. A motion to recommit (except a motion to re-*
5 *commit with instructions to report back within a*
6 *specified number of days not to exceed one, not count-*
7 *ing any day on which the Senate is not in session)*
8 *is not in order.*

9 (f) *POINTS OF ORDER.*—

10 (1) *It shall not be in order in the Senate to con-*
11 *sider any rescission/receipts disapproval bill that re-*
12 *lates to any matter other than the rescission of budget*
13 *authority or veto of the provision of law transmitted*
14 *by the President under this Act.*

15 (2) *It shall not be in order in the Senate to con-*
16 *sider any amendment to a rescission/receipts dis-*
17 *approval bill.*

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

21 **SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.**

22 *Beginning on January 6, 1996, and at one-year inter-*
23 *vals thereafter, the Comptroller General shall submit a re-*
24 *port to each House of Congress which provides the following*
25 *information:*

1 (1) *A list of each proposed Presidential rescission*
2 *of discretionary budget authority and veto of a tar-*
3 *geted tax benefit submitted through special messages*
4 *for the fiscal year ending during the preceding cal-*
5 *endar year, together with their dollar value, and an*
6 *indication of whether each rescission of discretionary*
7 *budget authority or veto of a targeted tax benefit was*
8 *accepted or rejected by Congress.*

9 (2) *The total number of proposed Presidential re-*
10 *scissions of discretionary budget authority and vetoes*
11 *of a targeted tax benefit submitted through special*
12 *messages for the fiscal year ending during the preced-*
13 *ing calendar year, together with their total dollar*
14 *value.*

15 (3) *The total number of Presidential rescissions*
16 *of discretionary budget authority or vetoes of a tar-*
17 *geted tax benefit submitted through special messages*
18 *for the fiscal year ending during the preceding cal-*
19 *endar year and approved by Congress, together with*
20 *their total dollar value.*

21 (4) *A list of rescissions of discretionary budget*
22 *authority initiated by Congress for the fiscal year*
23 *ending during the preceding calendar year, together*
24 *with their dollar value, and an indication of whether*

1 *each such rescission was accepted or rejected by Con-*
2 *gress.*

3 (5) *The total number of rescissions of discre-*
4 *tionary budget authority initiated and accepted by*
5 *Congress for the fiscal year ending during the preced-*
6 *ing calendar year, together with their total dollar*
7 *value.*

8 (6) *A summary of the information provided by*
9 *paragraphs (2), (3) and (5) for each of the ten fiscal*
10 *years ending before the fiscal year during this cal-*
11 *endar year.*

12 **SEC. 7. JUDICIAL REVIEW.**

13 (a) *EXPEDITED REVIEW.*—

14 (1) *Any Member of Congress may bring an ac-*
15 *tion, in the United States District Court for the Dis-*
16 *trict of Columbia, for declaratory judgment and in-*
17 *junctive relief on the ground that any provision of*
18 *this Act violates the Constitution.*

19 (2) *A copy of any complaint in an action*
20 *brought under paragraph (1) shall be promptly deliv-*
21 *ered to the Secretary of the Senate and the Clerk of*
22 *the House of Representatives, and each House of Con-*
23 *gress shall have the right to intervene in such action.*

24 (3) *Any action brought under paragraph (1)*
25 *shall be heard and determined by a three-judge court*

1 *in accordance with section 2284 of title 28, United*
2 *States Code.*

3 *Nothing in this section or in any other law shall infringe*
4 *upon the right of the House of Representatives to intervene*
5 *in an action brought under paragraph (1) without the ne-*
6 *cessity of adopting a resolution to authorize such interven-*
7 *tion.*

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

20 *(c) EXPEDITED CONSIDERATION.—It shall be the duty*
21 *of the District Court for the District of Columbia and the*
22 *Supreme Court of the United States to advance on the dock-*
23 *et and to expedite to the greatest possible extent the disposi-*
24 *tion of any matter brought under subsection (a).*

Amend the title so as to read: “An Act to give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.”.

Attest:

Clerk.

104TH CONGRESS
1ST SESSION

S. 4

AMENDMENTS