

104TH CONGRESS
1ST SESSION

S. 4

[Report No. 104-9]

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

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Legislative Line Item
3 Veto Act of 1995”.

4 **SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE**
5 **PRESIDENT.**

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

8 **“TITLE XI—LEGISLATIVE LINE**
9 **ITEM VETO RESCISSION AU-**
10 **THORITY**

11 **“PART A—LEGISLATIVE LINE ITEM VETO**
12 **RESCISSION AUTHORITY**

13 “GRANT OF AUTHORITY AND CONDITIONS

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

18 “(1) determines that—

19 “(A) such rescission would help balance
20 the Federal budget, reduce the Federal budget
21 deficit, or reduce the public debt;

22 “(B) such rescission will not impair any
23 essential Government functions; and

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

1 “(2)(A) notifies the Congress of such rescission
2 by a special message not later than twenty calendar
3 days (not including Saturdays, Sundays, or holidays)
4 after the date of enactment of a regular or supple-
5 mental appropriations Act or a joint resolution mak-
6 ing continuing appropriations providing such budget
7 authority; or

8 “(B) notifies the Congress of such rescission by
9 special message accompanying the submission of the
10 President’s budget to Congress and such rescissions
11 have not been proposed previously for that fiscal
12 year.

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

15 “(b) RESCISSION EFFECTIVE UNLESS DIS-
16 APPROVED.—(1)(A) Any amount of budget authority re-
17 scinded under this title as set forth in a special message
18 by the President shall be deemed canceled unless during
19 the period described in subparagraph (B), a rescission dis-
20 approval bill making available all of the amount rescinded
21 is enacted into law.

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

23 “(i) a congressional review period of twenty cal-
24 endar days of session under part B, during which
25 Congress must complete action on the rescission dis-

1 approval bill and present such bill to the President
2 for approval or disapproval;

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

7 “(iii) if the President vetoes the rescission dis-
8 approval bill during the period provided in clause
9 (ii), an additional five calendar days of session after
10 the date of the veto.

11 “(2) If a special message is transmitted by the Presi-
12 dent under this section during any Congress and the last
13 session of such Congress adjourns sine die before the expi-
14 ration of the period described in paragraph (1)(B), the
15 rescission shall not take effect. The message shall be
16 deemed to have been retransmitted on the first day of the
17 succeeding Congress and the review period referred to in
18 paragraph (1)(B) (with respect to such message) shall run
19 beginning after such first day.

20 “DEFINITIONS

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

1 “DEFICIT REDUCTION

2 “SEC. 1103. (a) If Congress fails to disapprove a re-
3 scission of discretionary spending under this part within
4 the period of review provided under this part, the President
5 shall, on the day after the period has expired, reduce the
6 discretionary spending limits under section 601 of the Con-
7 gressional Budget Act of 1974 for the budget year and any
8 outyear affected by the rescissions to reflect the amount of
9 the rescission.

10 “(b) If Congress fails to disapprove a rescission of dis-
11 cretionary spending under this part within the period of
12 review provided under this part, the chairs of the Commit-
13 tees on the Budget of the Senate and the House of Represent-
14 atives shall, on the day after the period has expired, revise
15 levels under section 311(a) and adjust the committee alloca-
16 tions under section 602(a) to reflect the amount of the re-
17 scission.

18 “(c) If Congress fails to disapprove a rescission of di-
19 rect spending under this part within the period of review
20 provided under this part, the President shall, on the day
21 after the period has expired, adjust the balances for the
22 budget year and each outyear under section 252(b) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985 to reflect the amount of the rescission.

1 **“PART B—CONGRESSIONAL CONSIDERATION OF**
2 **LEGISLATIVE LINE ITEM VETO RESCISSIONS**

3 “PRESIDENTIAL SPECIAL MESSAGE

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

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

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

13 “(3) the reasons and justifications for the de-
14 termination to rescind budget authority pursuant to
15 section 1101(a)(1);

16 “(4) to the maximum extent practicable, the es-
17 timated fiscal, economic, and budgetary effect of the
18 rescission; and

19 “(5) all facts, circumstances, and considerations
20 relating to or bearing upon the rescission and the
21 decision to effect the rescission, and to the maxi-
22 mum extent practicable, the estimated effect of the
23 rescission upon the objects, purposes, and programs
24 for which the budget authority is provided.

1 “TRANSMISSION OF MESSAGES; PUBLICATION

2 “SEC. 1112. (a) DELIVERY TO HOUSE AND SEN-
3 ATE.—Each special message transmitted under sections
4 1101 and 1111 shall be transmitted to the House of Rep-
5 resentatives and the Senate on the same day, and shall
6 be delivered to the Clerk of the House of Representatives
7 if the House is not in session, and to the Secretary of
8 the Senate if the Senate is not in session. Each special
9 message so transmitted shall be referred to the appro-
10 priate committees of the House of Representatives and the
11 Senate. Each such message shall be printed as a document
12 of each House.

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

17 “PROCEDURE IN SENATE

18 “SEC. 1113. (a) REFERRAL.—(1) Any rescission dis-
19 approval bill introduced with respect to a special message
20 shall be referred to the appropriate committees of the
21 House of Representatives or the Senate, as the case may
22 be.

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

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

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

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

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

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

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

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

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

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