tax provisions out of the code. I think that goes beyond.

So I think because the gentlewoman's amendment creates a previously unforeseen differential, and that is what is really involved, and because it obscures the purpose of H.R. 2, which is to ensure the ability to assure everyone pays his fair share, this amendment, Mr. Chairman, should be defeated.

Mr. Chairman. I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message from the President.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. QUINN) assumed the chair.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1610

LINE-ITEM VETO ACT

The Committee resumed its sitting.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania is to be commended for his attempt to protect that part of the bill that speaks to the 100 entities, and I understand that that is a very small attempt to talk about fairness in a certain way. Certainly we need to do that.

We need to say that if there is any tax legislation that will benefit as few as 100 entities, then something is wrong with that, because both you and I and others know far too well that we have had legislation in this Congress that benefited one or two persons, and certainly it is usually those who are well connected, the rich and the powerful who have influence with a particular elected official who are able to do that.

And I am saying, yes, let us have that measure of protection, but let us go a little bit further. I think it is important for us to go a little bit further, because it has been documented time and time again that the top 1 percent in this society have a disproportionate share of the wealth. And as I cited in my opening remarks, the tax income of the families in the top 1 percent of income has increased from 7.3 percent of all U.S. earnings to 12.3 percent.

I think we can in this legislation put a stop to that. We are simply saying if there is anything that is put together that allows that top 1 percent to further benefit, if there is anything that is done that allows the top 10 percent to have over 50 percent of the tax breaks, then we need to give the President the opportunity to veto it, and this is no small matter.

The gentleman from Pennsylvania identifies that this would in some way have too great an influence on tax policy. That is precisely what I wish it to do. I wish it to do that, because at some point in time we must send a signal to the American people that somebody is doing the business of the average working person in this Congress. The average working man or woman does not have a lobbyist here. They cannot be represented but by the people they elect to represent them.

Sometimes we get a little bit too insulated, and oftentimes when we produce tax policy, as we did in 1981 during the Reagan years where we allowed the selling of tax credits and major corporations in America ended up paying no taxes, if I recall during that time, many of the top corporations, Fortune 500 corporations in America, ended up paying no taxes. General Motors ended up paying no taxes. They even got a tax rebate.

At the same time, the taxes of the average working person have increased, and so I am saying we can take a big step as we give the line-item veto to the President of the United States and say:

> Mr. President, it looks fishy if what we have done allows the top 10 percent to get over 50 percent of the tax breaks in anything that we have done. So we want to make sure that we protect against that.

And we are going to allow this line-item veto to operate under those circumstances. I do not think it is too much to ask. I know we do not oftentimes think like that. We do not oftentimes think that we can take the broad strokes on behalf of just average working Americans, but I am saying with this line-item veto, which is rather novel, which is quite different, that it is big enough. It is creative enough to allow room for some more creativity.

And I am simply saying that we can broaden the measure of protection and not just do a very small thing such as protect against 100 entities, but we can protect the majority of Americans if we have the will to do so.

So, Mr. Chairman, I would ask that my amendment be adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I want to congratulate the gentlewoman for addressing this amendment, as well, on this subject. It is a subject we took up under the Slaughter amendment on these targeted tax credits, and how we do it.

I do not agree with the amendment. I hope the fact they have the amendment indicates that perhaps the gentlewoman will support the line-item veto legislation with or without the amendment.

Ms. WATERS. Mr. Chairman, if the gentleman will yield, all things are possible.

Mr. GOSS. That is good, We are making progress.

Mr. Chairman, I think there are a couple of things that need to be clarified.

The last time I heard about a change in the tax rate it seems to me there was a special top rate including a surtax of up to 39.6 percent for the people at the top end of the scale, and actually those cuts that I believe the gentlewoman was referring to back in 1981 for the rich were cuts for every American who were paying taxes.

But I am glad that she has brought that up on Reagan's birthday, because I think the idea of trying to get spending under control and reduce taxation is something President Reagan stood for.

With regard to the amendment itself particularly, I am a little concerned that we have a very vague definition here, ''income earners.'' Now, that would presumably excuse coupon clippers from this, or people from rents, royalties and other types of income, perhaps pensions, that are not earned income under that definition. I am not sure where stock options or other things like that would come in.

Certainly when you start talking about large corporations under the definition that is being used in H.R. 2, I would point out that large corporations pay an awful lot of wages to blue collar workers who depend on those to keep food on the table and shelter over their head. So I think maybe it has been mischaracterized a little bit for what it would do, and I would, therefore, be opposed to it. But I am glad the gentlewoman has an interest in this subject.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time. I would just simply close.

I thought it was very important that we try and strike a blow for the people. I really do believe that we are at a time in our society when people are very unhappy with the way public policy is made, with elected officials in general.

I have watched over the past 10 years or so as we have exported jobs of Americans to third world countries for cheap labor; I have watched wage earners be able to buy less with their dollars; I am watching young people with an inability to purchase their own home, to have a down payment, I am watching as the rich get richer basically, and the poor get poorer.

I really do believe that somehow we have to use this forum to begin to engage each other in a debate about what are we going to do for the average wage earner. What are we going to do to represent their interest?

I know that many people believe that we know best and that somehow whatever we do is all right. I do not think so anymore.

I think there are a lot of bright people in this body. I think there are a lot of well-meaning people in this body. But however bright and well meaning we are, we have not done a good job for the average working person who is earning less and less, and able to purchase less and less, is extremely unhappy. They are unhappy with us because we have not been able to represent their interests.

I would simply ask that we adopt this amendment. This amendment would send a signal that we in fact care about those who work every day, and that we are not here simply to do the bidding of those who were well connected, those who have already a disproportionate share of the income, and those who are very powerful.

Mr. CLINGER. Mr. Chairman, I yield myself 30 seconds just to suggest to the gentlewoman that she is a very articulate and forceful and powerful advocate for the very people she is concerned about being affected by this.

□ 1620

I am very confident that it is unlikely that any such overreaching in terms of tax policy is going to occur which would warrant the President having this veto so long as the gentlewoman from California [Ms. WATERS] is here to defend those interests, which she does so well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, at a time when many people are decrying our Tax Code as too complicated, the amendment offered by the gentlewoman from California would increase that complexity. How would the President determine if a tax credit provided half its benefit to 10 percent of the population? In order to accelerate the process, the Committee on Government Reform and Oversight shortened the length of time the President had to submit rescissions. Trying to determine who will reap what benefits will likely take longer than the deadline allows.

Mr. Chairman, it is unclear what is meant in this amendment. Does it mean that half of the beneficiaries will be in the top 10-percent income bracket, or does it mean that half of all the revenues lost would be lost to the top 10 percent?

In addition, the committee accepted an amendment offered by a Democrat which broadened the definition of targeted tax breaks to a hundred or fewer taxpayers. This House has already resoundingly turned back an attempt to alter that and should do likewise with this amendment.

Mr. Chairman, let us give the President the strongest line-item veto possible, one that is narrowly and clearly defined and able to let the President get the job done. I ask that the House oppose the gentlewoman's amendment

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentlewoman from California.

Ms. WATERS. Will the gentleman agree that, if we take any steps that would give 10 percent in our society 50 percent of the tax breaks, that something would be wrong with that, that that would not be fair? Would the gentleman agree?

Mr. BLUTE. I am sorry; would the gentlewoman repeat that?

Ms. WATERS. If we adopted any measures that would give 10 percent of our society 50 percent of the tax breaks, would the gentleman agree that that would be unequal and unfair?

Mr. BLUTE. Well, Mr. Chairman, I would only say, reclaiming my time from the gentlewoman, that implicit in that argument is that all income belongs to the Federal Government and that the Federal Government should decide how they will share it with each taxpayer. Tax cuts are not Government giveaways. It is simply less taking of people's earnings.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH] who has some general comments on the legislation we are considering this afternoon.

Mrs. CHENOWETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and that my remarks appear during the general debate.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the line-item veto.

Mr. Chairman, I have heard as a major argument in support of the line-item veto, as suggested by former President Ronald Reagan, that we should, quote, give the President the same authority that 43 Governors use in their States, and whereas I adore Ronald Reagan and I believe he was an impetus to believe, have the people believe in America again, we must not confuse the powers given to the States with the powers given to the Federal Government by the Constitution. There is a distinct difference between the authority allowed for State governors and authority given to the President.

The States, according to the 10th amendment, are given more leeway as they formulate their own laws. The 10th amendment says that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to their people, and therefore individual States may give their Governors line item veto authority, but we may not give the President that authority delegated only to the Congress because article I, section 1, states all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives, and this section specifically states that it is the Congress that has the power. Since Congress was given this power by the Constitution, Congress cannot give this power to the President to formulate legislation.

This violates, this law, H.R. 2, violates the separation of powers. This bill gives to the President the ability to form and to shape legislation proffered by the Congress by allowing him to cut out parts of an appropriations or revenue bill for continued legislative consideration while allowing him to approve other parts of the passed legislation. The President has no role under article I, section 1, in legislating or shaping law.

The Founding Fathers were correct in instilling the separation of powers, and they had reflected on and examined thousands of years of world history and have established the negative effect of when the ruling powers were allowed to thread upon one another's jurisdiction. It was Montesquieu's fundamental contention that men entrusted with powers to abuse it would abuse it, and hence it was desirable to divide the powers of government first in order to keep to a minimum the powers lodged in any one single organ of the government, and, second, in order to be able to oppose organ to organ.

Federalist No. 76, which is stated in the Federalist Papers which the gentleman from Georgia [Mr. GINGRICH] our Speaker, asked us to read, and I read, does state that, without the one separation or the other, the former would be unable to defend itself against the depredations of power of the latter, and he might gradually be stripped of his authorities by successive resolutions.

I ask this body to be very cautions in this vote to make sure that we are not giving powers to the President that the Constitution specifically gives only to the Congress.

Mr. CLINGER. Mr. Chairman, just in closing I would urge a no vote on this amendment. I think that the amendment, while well intentioned, is really irrelevant to this bill. I think the question of the kind of outrageous attacks on a bill that might be passed here should clearly be thought out in subcommittee, and committee and on the floor of this House, but I think it is irrelevant to say that we should give the President this line item veto.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: In section 3(a)(1), strike ''unless'' and all that follows through the period and insert the following: ''unless, during the period described in subsection (b), there is enacted into law a rescission/receipts disapproval bill that disapproves the rescission of that amount of budget authority.''.

In section 4(l), insert '', as introduced,'' after ''which''.

Mr. CLINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a technical amendment which simply cleans up two minor drafting changes omitted when the House adopted the amendment offered by the gentlewoman from Florida [Mrs. THURMAN] earlier in this debate on this measure. The Thurman amendment permits 50 Members to move to strike an individual rescission or tax benefit repeal. This amendment corrects H.R. 2 to fully conform the bill to our acceptance of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN]——

The CHAIRMAN. If the gentleman would suspend, the chair must inquire whether this amendment was included in the order of February 3?

Mr. CLINGER. Of the unanimous consent request of that evening?

It was not included in that. I thought I would be permitted to offer a strictly technical amendment, I believe it has been approved by both sides. There will be no debate on it. I just wanted to offer it at this time.

Mr. Chairman, I ask unanimous consent to offer the amendment.

The CHAIRMAN. An order of the House cannot be superseded by an order of the Committee of the Whole.

The Committee of the Whole may not materially vary an order of the House.

PARLIAMENTARY INQUIRY

Mr. CLINGER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLINGER. Would it be in order to offer this amendment when we sit in the House?

The CHAIRMAN. In response to the gentleman's inquiry, only a order of the House can make this amendment in order, and once we are back in the House, the gentleman could inquire of the House whether to make it in order to be considered.

Mr. CLINGER. At that point it would be appropriate to ask unanimous consent to have the House consider it in order?

□ 1630

The CHAIRMAN. For that, the Committee of the Whole would have to rise. Then the House would have to move back to the Committee of the Whole for the consideration of the amendment.

Because the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] was not in order under the previous order of the House, the proceedings are vacated on that amendment.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment that is in order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAUZIN: Section 2 is amended by adding at the end the following new subsection:

(d) SPECIAL RULE.—Notwithstanding subsection (a), in the case of fiscal years 1996 through 2002, the President may only rescind any budget authority or veto any targeted tax benefit under that subsection necessary to reduce the projected deficit for the fiscal year to which that rescission or veto pertains to the level set forth below:

Maximum deficit level

Fiscal year:	*In billions of dollars*
1996	$174
1997	155
1998	116
1999	71
2000	59
2001	26
2002 and thereafter	0

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the other day as we debated the issue of the line-item veto itself, I noticed to the Members of the House the likelihood of my offering this amendment in the Committee of the Whole. This amendment is called the glide path amendment and is offered in an attempt to make the line-item veto a more practicable, workable solution to a problem that plagues this Congress and has plagued Congresses in years past.

The graph on my right, as I indicated earlier, is a confusion of metaphors, but nevertheless accomplishes the purposes intended. The graph at the right indicates the CBO estimates of where this Congress needs to be every time we have an appropriation for the next budget year if we are in fact to accomplish the purposes of the balanced budget amendment recently sent to the Senate, and if we are in fact to balance the budget by the year 2002.

For example, in the next fiscal year, 1996, we are expected to have no more than about $174 billion in deficit if we are to be on the path that takes us to this balanced budget, as we have dedicated ourselves to when we adopted the balanced budget amendment.

Each year thereafter, the deficit must be reduced pursuant to this graph if we are to reach that point by the year 2002.

Now, if you saw recently in the news the President's announcement of his budget plans for the next 5 years, you will be astounded to find out that the President is proposing that we stay at $200 billion deficit for the next 5 years. His budget plans as outlined just yesterday indicate that for the the next fiscal year, 1996, he is proposing a $200 billion deficit. For the year 1997, he is proposing a $200 billion deficit. For the year 1998, approximately a $200 billion deficit. In fact, to use the analogy of this football field, he would have us stepping out of bounds a few of those years, running over cheerleaders and the bands and everything else on the sideline. We would simply never begin to get on this glide path to the line-item veto, and that is unfortunate.

That means, of course, we here in Congress are going to have to do a better job than the President yesterday proposed if we are going to carry out the promise we made to the American people in a contract signed by many Members here to carry out the promiseof a balanced budget amendment by the year 2002.

Now, what the glidepath amendment to this bill does is it attempts to make the line-item veto a very practicable tool to be used by this Congress, the Presidency, and the American people, in achieving these numbers.

Now, why do I suggest it? I suggest it because in three out of the four States that have a line-item veto, those States provide that the line-item veto is used by the Governor to delete from the budget bill approved by the legislature any appropriations he deems necessary to reduce their budgets down to a balanced budget.

The bill as it comes before us today is written very similarly. It says in effect that the President of the United States, when we adopt the line-item veto later today, would have the authority to strike from our budgets each year any appropriation he deems necessary in order to reduce the deficit.

Now, here is the problem. Unlike the States that have that a line-item veto, we cannot pass a balanced budget for next year. If you believe we can, please raise your hand. I do not see any hands. And if all the Members were here, I would probably not see many hands.

The bottom line is we cannot find $200 billion of spending cuts in the next years's budget, and everybody knows it. The best we can do is get on this glidepath that takes us to a balanced budget by the year 2002.

So what authority ought we give the President during this 7 year period when Congress should be responsible enough to stay on this glidepath not to adopt budgets that give us $200 billion deficits each year. It seems to me the practicable way in which to use a line-

item veto and to enforce responsibility in this Congress is to say that the Presidents should use that line-item veto authority to excise from the budget every expenditure that rises above this line in order to enforce responsibility in this Congress, to ensure that we stay on this glidepath, that we land safely in the year 2002 with a balanced budget.

Now, I understand that my friends on the Republican side are not going to accept this amendment, and I understand why. They want to think about it some more. They want to think whether or not this derogates from the contract provisions of a line-item veto, and I appreciate that, and for that reason I will not even ask for a recorded vote today.

But I did want to bring it up. I think it is the most practicable way to make this thing work, to enforce responsibility in the House, to ensure that this House and the other body lives up to the promise of the balanced budget amendment and delivers each year a budget that meets the CBO estimates, that gets us to the balanced budget by the year 2002.

The amendment also provides once we hit that balanced budget in the year 2002, that every year thereafter the President would have a line-item veto, every year, to excise from the budget any expenditure that went above the balanced budget from the year 2002 thereafter. So unlike the sunset amendment that came earlier, that I think was an amendment to weaken this bill, this amendment actually strengthens it, and makes it in fact more workable.

Now, I want to caution my friends in the Republican Party who have signed what I consider to be a pretty dog-gone good Contract With America, many of its provisions will find a great deal of support, as you did in the last few weeks, from Democrats in this body who have long fought for things like unfunded mandates, have long fought for a balanced budget amendment, long fought for property rights amendments and reform of some of the regulatory processes, long fought for lowering the taxes on businesses and workers in America, particularly the taxes that act as a disincentive to investment and job creation in our society. That is why so many of us have cosponsored so many of the features of the contract. We have in fact pursued those bills ourselves for many years.

But I want to caution you. If we are going to pass into law, into a law that really works for the American people, the provisions of that contract, not just to vote on them today, pass them in the House and see them die in the Senate, not to just pass them even in the Senate and see them vetoed by the President, not even just to pass them and see them become law and then fail because we have not written them properly, my caution is let us do it right the first time. Make sure when we pass a line-item veto it really works for the purposes intended, that it works to discipline the Congress, to ensure that we follow the promises we made when we adopted the balanced budget amendment just a week or so ago, and that we do in fact get on a glide path that gets us down safely to a balanced budget by the year 2002.

This amendment is an attempt to do that. It is offered in a very friendly fashion. I will vote for the line-item veto without this amendment.

□ 1640

I only hope that my friends on the other side who believe as I do, as strongly as I do, in the line-item veto, in fact, as they saw just recently, I even voted against exempting highway funding from the line-item veto. If they believe as strongly as I do in it, then work to see possibly in the process that an amendment like this gets considered, perhaps in the conference between the House and the Senate, perhaps somewhere along the way, that when we get through we have an amendment, a line-item veto probably that really works for the good that we intended it for, that it works to discipline this body toward a balanced budget by the year 2002 and does not unnecessarily, unnecessarily reshape the balance of powers so critical in our Constitution.

Let me make that final point. This grant of a line-item veto authority, as the States have given their Governors, as we are about to give it to the Presidency, is an extraordinary grant. It says to the President, you have more authority, rather than just veto an entire bill to take on the entire Congress on a bill, it gives the authority to the President to take on every single Member of the House and Senate and every line they write in every bill that appropriates money in this Nation. And it requires two-thirds of the body to overrule him. That is a pretty strong grant of authority, pretty extraordinary.

I think we can constitutionally do that. But I think we ought to limit it to the cases where the Congress has failed to meet its responsibility, failed to live up to its obligation to balance our accounts, failed to stay, if Members will, on this glide path that gets us to a balanced budget and eventually stays in a balanced budget posture after the year 2002.

If we grant this extraordinary authority for that purpose and that purpose alone, I think we will have written a good bill today. If we create a new authority in the President that has nothing to do with congressional responsibility, which allows the President to take on any Member of this House and Senate regardless of whether this body has been responsible, then perhaps we are going too far and we ought to think about that before we finally adopt this bill. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding time to me.

I, too, rise in opposition, but very reluctantly. My good friend, the gentleman from Louisiana [Mr. TAUZIN] I think has explained his glidepath on a football field very well. First, that glidepath is so steep it pops my ears every time I think of going down it. Then when I get to the bottom of it, I see there is not a landing field. I think there is probably a brick wall there. And I do jest a bit.

I want to let the gentleman know, we have given this a lot of thought. It is an intriguing idea. It gets away, though, from what we are trying to do.

Basically what the gentleman is saying, that the President loses his line-item veto if we happen to hit our reduction targets year by year. That seems like a very intriguing proposition. The problem is those sort of moving targets. I am not sure exactly who is going to set them.

I have got a list here, CBO. CBO is always very good and without any, usually, challenge to their targets. That causes me some concern that somebody might challenge them. Those are the kind of pragmatics I have and am a little bit concerned about.

I guess there are some other points, too, that are more generic. What we are trying to do here is get a handle on wasteful spending. And the reason we are trying to do that is for two purposes. It is to get rid of wasteful spending, spending that is unnecessary, redundant, off target, not necessary, out-of-date programs, all of those things. And we should encourage the President to do that any time. That should not just be relative to the deficit. That is something we should never do. We should always give some kind of encouragement.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

While I agree that that is a good idea, that is not what the bill does. The bill refers only to deficit-reduction line-item veto authority.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I recognize that. That was just an aside. The purpose is the deficit reduction and the problem with that is, I am afraid that if we ever did, let us hope we do someday get to zero, even in 2002, would that not be wonderful? You would be interested to know that my text reads 20002 through a typo. I am not even sure that is good enough.

But I wanted to point out that this is a little bit like the lion tamer going into the cage with the lions. Those lions are going to do the right thing as

long as they know that fellow has got the whip. But the minute that tamer puts the whip down, the lion gets a slightly different perspective of what his capabilities are relative to the fellow who used to have the whip. And I think that is a very important point as we go through this process.

I want to make sure that we keep this whip out there. If we ever do get the lion tamed, I want to make sure this lion is never going to get in a position where it can get out of the cage or eat the trainer again.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to respond.

Mr. Chairman, I hate to think that we have just confused a metaphor with the circus analogy.

But the point of the matter is that the bill as we have it before us today is very much like the bills that came before I think 33 of the 43 legislatures that have a line-item veto authority. It says in effect that the President is going to have this authority to reduce deficit spending. That is what this is all about.

Hopefully we will use it to get rid of wasteful, incorrect spending, but the purpose is to reduce the deficit. And my point in this amendment, and I hope the gentlemen on the other side will continue to consider it as we go through this process, is that if the Congress of the United States cannot deliver a balanced budget next year, the question ought to be what can be deliver, what ought we deliver? And the answer is, we ought to stay on that glidepath. If we do not stay on that glidepath, as steep as it looks to my friend, as dangerous as it seems, as risky as it may appear, we will never reach the balanced budget by the year 2002. We simply have to get on that glidepath, and we have to stay on it.

It seems to me that if we use the line-item veto properly, as other States do, to insist that the Congress stay on that glidepath, that that will be the most important thing we do to make the line-item veto work and to make the balanced budget of the Constitution work, if indeed the Senate approves that amendment that we have sent over just last week.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise reluctantly to oppose the amendment by my good friend from Louisiana. I believe he has the best intentions and is someone who in this House has proven time and time again that he is dedicated to reducing our great deficit, to getting the debt lowered, and to establishing a balanced budget here in the U.S. Government.

I oppose it because I think it does muddy the procedures that are clearly spelled out in this bill. The gentleman's amendment is more like a Gramm-Rudman approach that brings an automatic sequestration trigger if the budget goes over the CBO time line, but I believe that the line-item veto is more important than that and should go beyond that. It is a means of bringing the President into the appropriations process, as the Founders envisioned, and also as we have added to this bill and to the tax benefit issues that may come up in a particular bill.

Whether they are above or below the CBO glidepath or not, it is my understanding the Governors in the States that we heard testimony from use the line-item veto not just to balance the budget, although that is a very important tool to be able to do that, but also to go after the type of spending that cannot be justified.

I just want to use an example, once again, from the State of Massachusetts. We had Governor Weld testify about using his line-item veto to discipline a deal between the judiciary and the legislative appropriators that was not proper, that attempted to set their budgets high in exchange for the judiciary saying, using those dollars to hire appropriators' political cronies in the court system.

Those dollars were not dollars that put the budget out of balance, but they were improperly spent according to the Governor. The Governor was able to use his line-item veto to discipline that process. I think the gentleman's amendment is well-intentioned, but I would oppose it on those grounds.

□ 1650

Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, just in quick answer to my friend, the gentleman from Massachusetts [Mr. BLUTE], no, the amendment does not act as Gramm-Rudman did to set caps and have automatic rescissions. It simply says that the authority of the President to line item any item of the appropriations would occur when the Congress appropriated funds in excess of the glidepath numbers set by CBO to take us to that balanced budget amendment.

If, for example, this Congress this year approved the budget that President Clinton just submitted yesterday, we would be approving a $200 billion deficit for the next fiscal year. Under the glidepath amendment I suggested, the President would have the authority to line item 26 billion dollars' worth of appropriations out of that bill. He certainly could look for all the wasteful spending in $26 billion.

If we approved his budget for the next 5 years, in each one of those successive years his line item authority would be $45 billion in 1997, $84 billion in 1998, $129 billion in 1999, and $141 billion in the year 2000. I want Members to think for a second about what authority and how that authority might be used when the President had the authority to line item 141 billion dollars' worth of appropriations out of this Congress.

This amendment I am offering, Mr. Chairman, is by no means a weakening amendment. This amendment is meant to strengthen, in fact, the application, the practicalities of this bill, and to make it work.

Mr. Chairman, I ask Members to think about this. It may be, by the time the Senate gets through with this bill and we get to a conference, this may be just the tool to make it work, to get enough of the Members of the other body to accept it, and to get a bill on the statute books, not just past this House, that really works.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, to close, I yield myself such time as I may consume, to say to the gentleman from Louisiana [Mr. TAUZIN], I think this is a very thoughtful and helpful addition to the debate we are having on this matter.

I do think it goes to far. Frankly, there are implications of the amendment that I do not fully understand at this point. I think there may well be, as we proceed to further consider this matter and move to the Senate and so forth, it may well be that something in this nature can be done.

I do think, however, that at the moment it does seem to strike me more as a sort of Gramm-Rudman rescission. The gentleman says it is not the same, but it seems to me there are implications of that.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yield to me.

Mr. Chairman, a previous speaker rose to question whether or not we can constitutionally pass this line-item veto. I think that argument needs to be answered. I would like to try to answer it just for a second.

This Congress could, if we wanted to, instead of appropriating in 13 appropriation bills or 11 or 3 or 1, we could appropriate in hundreds of appropriation bills. We could appropriate every single appropriation in a single bill, if we wanted to.

Clearly, under the Constitution, the President would then have the right to veto that appropriation, and we would have a two-thirds obligation to override that veto. Clearly, Mr. Chairman, we could if we wanted to create a line-item veto authority through that mechanism.

If we can create it that way, my argument to the gentlewoman from California, who argued against the constitutionality of what we are trying to do today, is that if we could create it that way, we can most certainly, under the Constitution, create it the way we are trying to create it today.

I want, last of all, to commend my friend, the gentleman from Pennsylvania [Mr. CLINGER], for the excellent job he did in this bill. I will join him in support of the bill.

I only ask that before we get through with this process, that some of the arguments I have made today, the suggestions I have made today, be considered in this process, because I want this bill eventually to be signed into law and I want it, most of all, to work.

I thank the gentleman for yielding to me.

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I share the gentleman's desire to get a bill that is ultimately going to be passed into law and signed by the President. We appreciate the contributions the gentleman from Louisiana has made to all of these budget-cutting, deficit-reducing efforts.

I can certainly commit, from my point of view, to work with the gentleman to achieve the goals that are common to both of us. However, I would now have to urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end, add the following new section:

SEC. 7. TERMINATION DATE.

This Act shall cease to be effective on January 1, 1997.

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from Ohio, who is chairing this debate, and I want to commend him, my good friend, for the fine job he has done in dispatching the duties of the Chair in keeping this debate in order. I think he has done a fine job.

Mr. Chairman, my amendment says that this line-item veto authority, if passed, would sunset in 2 years. Actually, I would like this to sunset in 2 weeks. I would not even like to see the Sun shine on the line-item veto.

However, I would just like to say this, Mr. Chairman. I want to warn the Congress of the United States, who continues to transfer power from the Congress, which is that of the people, to the Presidency, I do not want to see President Bill Clinton have a line-item veto.

It is nothing against President Clinton. I do not want to see any President, Democrat or Republican, or Independent, I might add, which I see coming down the pike in the future, a third party that I predict will in fact surface and ultimately elect a President in our country, because of the tremendous problem that we continue to agitate with legislation that does not in fact deal with the problems.

However, Mr. Chairman, in this warning, I would like to say that while we make the Presidency much stronger and weaken the government of the people, keep in mind that powerful groups out there just have to concentrate on electing one political figure in America, the President,

The way Congress is going, that is where the emphasis will be: Get that President, keep that President, control the power, and then get 35 Senators in lockstep, and be damned with the rest. That is about the new constitutional construct of the people's Congress.

I have heard of the House of Commons and the House of Lords. I think we are going further and further toward a House of Lords in America, where few people really govern. In fact, today few people really govern. What we say here today, Mr. Chairman, may not make great shock waves in the CONGRESSIONAL RECORD for the future, but I think there is a lot of common sense in that, Mr. Chairman.

Therefore, I say again, be careful, Congress. If we are just sending to 1600 Pennsylvania Avenue more and more power, the real powerful interest in America do know that, do recognize it, and they are concentrating their efforts to elect that one person.

Mr. Chairman, I would also like to say, as the gentleman from Texas [Mr. STENHOLM] readies his notes and some other machination of a line-item veto authority, which I hate to admit this, I will have to oppose, I would say to the gentleman from Texas, because I oppose not just the line-item veto, I oppose what it stands for. It stands for the transferring of power from the people in the Congress to 1600 Pennsylvania Avenue. That is a cancer, I believe, that should be stopped.

However, what do I know? I am still trying to figure out my taxes. I will say this, tough, before I close, trying to take up a couple more minutes in a little bit of filibuster for the gentleman from Texas [Mr. STENHOLM], because I love him dearly, and I am sure I am going to support one of these good initiatives if I should see the light.

Mr. Chairman, I want to say happy birthday to former President Ronald Reagan. I want to say that much of the machinations going on with the majority party now are directly attributable to Ronald Reagan. I did not oppose a lot of his trickle-down programs. In 1986 he threw a lot of it out.

Mr. Chairman, I want to say this about Ronald Reagan on his birthday, as a Democrat that did not totally agree with some of those policies: Never was there a President that was so well respected around the world. When Reagan said he was going to do something, by God, he did it. I hoped to God that the old Gipper would have taken on trade, because he was just the person to make it happen for us.

So I want to say here, here, President Reagan, Nancy, the best to you.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. TRIFICANT. I yield to my good friend, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Chairman, I was going to rise to congratulate the gentleman on his wishing Ronald Reagan a happy 84th birthday, because he was in my opinion, a great, great President. He had vision and he focused us on that vision. It is too bad that he could not accomplish all the things he wanted to do.

Mr. Chairman, I just want to point out to the gentleman that today is Ronald Reagan's birthday and we want to pass this line-item veto as a birthday present, for not only him but for the American people.

□ 1700

But, we were also going to hold a special order, which means that a few of us were going to get up and talk about Ronald Reagan and what we think about him. But because there is a dinner in his honor tonight. If and when we finish this bill, some of us are going to that dinner, so we are going to postpone that special order tonight. But tomorrow night we will be holding that special order in honor of the great President Ronald Reagan, and I appreciate the gentleman yielding me this time.

Mr. TRAFICANT. I did not vote on some of those issues with former President Reagan, but I have great admiration for former President Reagan and I do mean this. He was assertive, and when Ronald Reagan said he was going to do something, by God, he did it, and the world respected him and I totally respect him.

To in fact further an opportunity for the majority party to have that meeting tonight and to honor President Reagan on his 84th birthday, and not to belabor the debate longer so that Members can have a vote, I want to say to make everybody happy over there, I would like to see this thing sunset in about 2 weeks, maybe not let sunshine in at all.

But I am going to withdraw my amendment. Happy birthday, former President Ronald Reagan.

Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent that my great amendment that should have been passed without prejudice be withdrawn. Knowing that I do no have the votes and do want to honor President Reagan and let the Members get out in time, I ask unanimous consent that my great amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I wanted the opportunity to vote

on this amendment because I agree with the gentleman, this thing ought not to see the light of day. I wanted to amend it maybe to reduce it to 2 days instead of 2 weeks.

Having said that, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Line Item Veto Act''.

TITLE I—LINE ITEM VETO

SEC. 101. 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 an accompanying committee report or joint explanatory statement accompanying a conference report on that Act or veto any targeted tax benefit which is subject to the terms of this Act 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 paragraph.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under section 101 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 section 101 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. 103. 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 Act 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. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, 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 provisions pursuant to section 101;

(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 section 101 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 section 101 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 101.

(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.

(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 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 section 101.

(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. 105. 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. 106. 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).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act of repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he 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 amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates to the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each each subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

''(A) the amount of budget authority which he proposes to be rescinded;

''(B) 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;

''(C) the reasons why the budget authority should be rescinded;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

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

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

''(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

''(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate or any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 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 time under their control of the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENT AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'legislative day' means, with respect to either House of Congress, any day of 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; and

''(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. 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.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting ''debatable motion'';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

''Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.''.

The CHAIRMAN. Pursuant to the order of February 3, 1995, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Stenholm-Spratt amendment that I offer at this time is the same amendment that passed the House of Representatives July 14, 1994, with a 342 to 69 vote, basically the same amendment in my judgment. We offer it today and it is the same amendment we offered last week as a substitute, but the will of the House was we should not substitute majority override for one-third plus one override and I respect the will of the House. Today we offer this amendment not as a substitute but as a supplement, amendment to, and I will make the argument to my friends on the other side that this does not weaken H.R. 2. In fact it strengthens H.R. 2, because in the words of the gentleman from Florida a moment ago when he was arguing against the Tauzin amendment, when he was saying we need to be able to get rid of wasteful spending at any time in any circumstance, regardless of glide path, I happen to agree with that statement. That is precisely why we offer our amendment today as a supplement to H.R. 2, because as everyone I know understands by now, under H.R. 2 it is only during that window of opportunity of 10 days after an appropriation bill is signed and sent to the President do we have the opportunity to rescind spending.

Under the modified rescission process that the gentleman from South Carolina [Mr. SPRATT] and I offer today, the President will have the opportunity to rescind spending at any time during the year.

For example, if after October 1 comes and we see that spending is getting out of hand and we are on the glide path that we have already agreed by a 300 vote to 102 I believe the number was the other day on the balanced budget amendment, that the President would have the opportunity to go into any appropriation bill and rescind spending as he can today.

□ 1710

So there is, it seems to me, a kind of a schizophrenia in the approach that the gentleman has meant to take by giving two versions. I do think it is a helpful addition. I think obviously, if the amendment that we are dealing with here is declared unconstitutional, it is certainly one we would want to revisit, but I think to include it in the H.R. 2 provision is premature, and is weakening from that extent, and so I would have to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair was mistaken when he recognized the gentleman from Texas for 15 minutes. Under a previous order of the House, the gentleman is recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, how much time did I consume on my opening remarks?

The CHAIRMAN. The gentleman from Texas consumed 4½ minutes.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Stenholm-Spratt amendment. I would just urge my colleagues to support this amendment.

It accomplishes the purpose for why a line-item veto is needed, and that is to shine light on an individual appropriation so that it cannot hide within a massive appropriation bill.

I am a supporter of the line-item veto legislation. I am going to vote for it. But I think this gives us an alternative in the event that the traditional two-thirds override is declared to be unconstitutional, to have on the books a procedure that works and will accomplish the exact same purpose.

The amount of the vote is not important. It is important to segregate that appropriation to allow an individual consideration of it so that it cannot be hidden in a large appropriation bill.

I congratulate my colleague for bringing forward an alternative and urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], again a prime cosponsor of H.R. 2 and one of the architects of this measure.

Mr. BLUTE. Mr. Chairman, I thank the distinguished chairman of the Committee on Government Reform and Oversight for his work on this important bill, and also the chairman of the Committee on Rules for reporting out an open rule.

I think we have had a very good and long debate on this very important issue.

I rise in strong opposition to the Stenholm amendment. While I acknowledge the great leadership of the gentleman from Texas on deficit reduction, the most recent authoring with the gentleman from Colorado [Mr. SCHAEFER] the balanced budget amendment to the Constitution, I believe that this amendment has the intention of weakening the base bill. If the amendment's sponsors are worried about the constitutionality of H.R. 2, I believe the CRS, the Congressional Research Service, American Law Division, wrote a brief last year confirming that the process involved in H.R. 2 would stand up to judicial review.

CRS said:

In sum, we generally conclude this bill is an exercise of delegation which, under the precedents, is permissible. Further, we conclude that the precedents establish no constitutional barrier to delegation of power to the President to set aside or void an Act of Congress.

While getting the thumbs up from the CRS is not the same as getting the OK from the Supreme Court, precedents show the courts are hesitant to rebuff Congress' delegation of its power to the Executive.

I urge my colleagues not to buy into this argument, and beyond that, Mr. Chairman, I think the line-item veto, the strong line-item veto, is exactly what is needed in our system to check the growth of the deficit and the debt that has piled up over the years, and I believe by adopting the Stenholm amendment we are giving the other body an out, giving them a fall back position that too many unfortunately will see.

Let us give the President the strongest line-item veto we can. He asked for it. His budget director asked for it. Eleven State Governors have it, and it works to keep spending under control.

Give the President the strong line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I think the question in the debate is: Is this about illusion or reality, substance or not? This is a tough amendment. It is fair, and it is constitutional.

I think there are significant constitutional problems with H.R. 2, and it is likely it may be rescinded by the

Court. So it will be wise to append this to that legislation so you have a backup, if you believe in line-item authority for the President.

Remember this is not a panacea. I know we are going to honor Ronald Reagan on his 84th birthday, but he did send a message to Congress on March 10, 1988, saying, ''These are the items I would delete if I had the line-item veto,'' and out of a budget deficit of $150 billion, Ronald Reagan could only find $1.5.

This is not a panacea for the deficit. We are going to make some tough choices and decisions right here in this body if we want to get the deficit under control.

Mr. BLUTE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise reluctantly against the amendment offered by my good friend, the gentleman from Texas [Mr. STENHOLM], because without question his amendment would strengthen existing law, but the fact is it weakens the bill before us, and it clouds the issue.

Seriously, we have a problem here, ladies and gentleman, and this is the budget that the President of the United States gave us today. Let us just look at it. Ronald Reagan at one time dropped a bill on the floor back in the early 1980's and broke his finger doing it.

This bill before us, this budget, reflects an additional debt service, debt for this year, and over the 5 years it is another trillion. As a matter of fact, I think it is $1.4 trillion it is going to add to the deficit.

So, you know, line item veto is not going to balance the budget. The balanced budget amendment is not going to balance the budget. Only the will of this Congress is. But you need the prodding of the balanced budget amendment. You need the prodding of this legislation, and this legislation is constitutional.

The Congressional Research Service, as has been stated, says it is. The Attorney General says it is. There is no question about it.

What the bill before us does, without the Stenholm amendment, is reverse existing law that allows Congress to reject the President's requests to cut pork barrel spending without even taking a vote. That is what the law is today. In other words, Congress can block the spending cuts requested by a President by doing absolutely nothing.

This line-item veto reverses that procedure by saying that the cuts go through unless Congress votes to disapprove those spending cuts.

Now, that is real line-item veto, and that is what we need to give Congress this prod to try to do something about this.

I shudder to think what is going to happen. I hope this Congress, Republicans and Democrats alike, have got the guts to at least adopt a budget this year that in 7 years will balance the budget. Otherwise, this country is going down the drain, Mr. Chairman.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute for purposes of entering into a colloquy with the gentleman from New York, because I would like to believe that the gentleman misspoke a moment ago when he said our amendment weakens H.R. 2. Because in all interpretation that we have received, this strengthens H.R. 2, because we do not get into anything of the merits of H.R. 2.

In fact, under H.R. 2, would you not agree, that only in the 10-day window can a President veto under H.R. 2?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. SOLOMON. I will say to my what it does——

Mr. STENHOLM. Yes or no?

Mr. SOLOMON. It continues. No, I do not think it does.

Mr. STENHOLM. I believe you will find it does. Therefore, under our amendment, we provide the President the other 355 days out of the year may rescind, and the Congress must vote on individual Presidential rescissions. So I do not see how you can represent our amendment as weakening. I believe it must be strengthening.

Mr. SOLOMON. Because it sets up a dual system, and it continues that dual system, and it gives the President, it gives the Congress another way out. I do not want him to do that. I want him to have to stick to this real line-item veto. That is the whole point. I know your intentions are very well, and I hope we defeat your amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, I rise in strong opposition to H.R. 2, the line-item veto act on constitutional grounds.

In addition, I rise in strong support of the Stenholm amendment which is an alternative, an expedited rescission bill, which would require the Congress to vote on proposed Presidential rescissions within a time certain and can uphold them with simple majorities in the House and the Senate.

This alternative, as most Members will remember, is very similar to legislation passed by the House last year but killed by the other body.

This system does not turn the Constitution really upside down, but, instead, focuses congressional action on disputed items without disrupting the balance of powers.

□ 1720

It would have the same impact as the line-item veto because Members would be certainly less inclined to include special-interest provisions in either appropriations or tax bills. Nor would Members probably be willing to risk recorded votes on items identified by a sitting President as either narrow or parochial.

I would say to my friends that, as we rush forward in passing this Contract on America, we do need to be aware of putting the Federal taxpayer into the courthouse and having to pay for the costs of litigating these many provisions, and this one will be litigated.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I spent a lot of time working this over, and we talked a lot about expedited rescission, and enhanced rescission, and line-item veto, and the different formats, and what one of those terms used to mean, and whether one would or would not have to have a vote under an approval process, and, as I understand it, the gentleman from Texas [Mr. STENHOLM] has come up with a very good program which tries to get the best of two worlds, and I really congratulate him on that because at first sight this appears to be a very good idea, to be able to say, ''Well, we can get the tough version, and then in the outdays of the given year we can go with a simple majority vote,'' and my understanding is that, if we use that process, it would come under the rulemaking powers of the House, and there is probably the single flaw that I see rise now, and maybe the gentleman will disagree with me. I am afraid that, as was shown in our unfunded mandates discussion about the rules, the powers of the Committee on Rules, to deal with different situations, no matter what the plan or the intent is, when those are delivered to the Committee on Rules, it is very clear in the history of this House, certainly clear in the history of the Committee on Rules since I have been on it, and I point out that was under another regime, that we did some things that people did not think we could do, and I am not sure we could, but we did them anyway because we are the Committee on Rules.

Then we get down to this subject on unfunded mandates. As my colleagues remember, we have points of order, and we go into this long process of creating a new rule, a new setup, a new process for Members to be guaranteed a way to get something identified or defended under an unfunded mandate, to waive a point of order against it, another elaborate process.

I would certainly admit that the gentleman has an intriguing prospect here. The concern I have is one that the chairman made, that it binds the clear-shot vote we had on the Contract With America, line-item veto, up or down, but I think the gentleman is onto a

point that our current budget process is definitely weak, should be made better, and in my view in another day I would rather take this approach on in that process.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Florida [Mr. GOSS] for yielding; he brings up a very good point on the rule.

I say to my colleague, ''But if you will read more carefully our substitute, the substitute specifically states that it shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a special rule. Furthermore, OMB would continue to withhold the funds from obligation until the President's plan was voted on, as required by this legislation——

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

Mr. BLUTE. Mr. Chairman, I yield an additional 15 seconds to the gentleman from Florida.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Massachusetts for his generosity.

But this, I think, is very important.

Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on, as required by the legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to withhold indefinity the funds in question.

So, Mr. Chairman, we are really strengthening the legislation.

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Stenholm-Spratt amendment to H.R. 2. This amendment would expedite the rescission process, as well as retain the line-item veto language in the bill.

I would like to point out to those Members who are serious about ending the practice of deficit spending that this amendment makes sense. By including both rescission and line-item veto language in the bill, the Stenholm-Spratt amendment guards against the Congress and the President being without the tools needed to balance the budget.

One strength of the Stenholm-Spratt amendment is that it requires Congress to vote on rescissions submitted at any point in the year. Currently, H.R. 2, rescissions submitted by the President 10 days after signing an appropriations bill would not require congressional action. Under expedited rescission language, congressional action would be mandatory, regardless of when the rescission package is sent to Congress.

The Stenholm-Spratt amendment will provide us with two instruments, expedited rescission and the line-item veto, to help restore fiscal integrity to the Federal budget process. If we want Congress to be accountable and responsible for the money it spends, then the expedited rescission language in the amendment will make us answerable by forcing a vote on a Presidential rescission package, something that is not currently required.

President Clinton supports expedited rescission and the line-item veto, and I believe we should grant him the choice of either vetoeing or rescinding frivolous spending and tax breaks. Therefore, I urge bipartisan support of the Stenholm-Spratt amendment.

Mr. STENHOLM. Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT], the co-author of the amendment today.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I rise to support the Stenholm-Spratt amendment, and I want to stress from the start what this amendment does not do:

It does not replace H.R. 2, the bill before us. It does not even weaken H.R. 2. It adds to that bill extra rescission powers, and broadens the timeframe for the use of those powers, and gives the President a plus, an option, that H.R. 2 does not give him, the option of entering any spending saved from any rescission into a so-called locked box or deficit reduction account.

So, Mr. Chairman, this expedited rescission lock-box amendment is a supplement and not a substitute to H.R. 2. It would not conflict with, or weaken, or change one whit the powers that are delegated to the President under H.R. 2.

The gentleman from Texas [Mr. STENHOLM] and I offer this amendment for several reasons:

First, I am genuinely concerned that the courts may hold the line-item veto power which we confer upon the President here under a novel interpretation of law unconstitutional, unconstitutional because it is a broad, broad, sweeping delegation of authority with very scant standards to govern the use of that authority. No court has ever decided the exact question that we are putting to the courts and will be putting to the courts here, and virtually everyone in this Chamber acknowledged that this is a novel question, acknowledged his uncertainty about how the court would rule when several days ago the Deal amendment came up, and with very little debate and very little dispute the Deal amendment—providing for expedited judicial review—was approved virtually unanimously.

But even in the case of expedited review, it will take months, surely the rest of this budget year, before we have a definite opinion from the Supreme Court as to the constitutionality of H.R. 2. During that period of time, Mr. Chairman, we are providing the President this as a standby, fall-back authority. In case the courts invalidate H.R. 2, then the President has this authority on the books. He can use it, put it to good use, because the scope of this, as I point out, is even broader in many respects than H.R. 2.

And what if the courts find H.R. 2 constitutional? In that case, this amendment gives the President one more weapon to use to wipe out unwarranted, unnecessary, or wasteful spending or spending that he finds we cannot afford given the status of the economy or the state of the budget in the middle of a fiscal year. The rescission authority we provide here is not redundant for that reason by any means. Actually, it is more useful in some respects, in many respects, than H.R. 2 as it now stands.

I do not need to explain H.R. 2 in detail because this is virtually the same as the Stenholm-Penny-Kasich expedited rescission bill which this House passed on July 14, 1994, by an overwhelming vote. By my count, every single Republican then in the House, 169 in all, voted for its passage. Three hundred forty-two Members of this House thought enough of the efficacy and utility of this bill to vote for it then. Only 69 Members opposed it.

□ 1730

This amendment, as I said, is broader in scope than H.R. 2 because it allows the President to rescind appropriations at any time during the fiscal year. The veto power under H.R. 2, on the other hand, has to be used within a very narrow window of time, 10 days after a passage of appropriation bills. Under our amendment in H.R. 2 the President can only repeal targeted tax benefits within 10 days, but under our bill he can send spending rescissions up at any time and under our bill he will be guaranteed an up or down vote on his package in the House within 10 days and a vote in the Senate within 10 more days. And for any Member who wants a separate vote on any particular item in the package, it is important to his or her district, then if he can muster 50 Members on the House floor to support his request, he can have it broken out.

This bill, as I said, also allows the President the authority, the extra power which the gentleman from Pennsylvania [Mr. CLINGER] acknowledged in debate the other day, was a commendable provision, to put any savings that were realized under a rescission into a lock box. The lock box was part of a popular bill that many Members subscribed to in the last session called A to Z. The lock box allows the President to direct that the discretionary spending account will be lowered to the extent that we adopt any rescission that he sends up here, lowered by that

amount so the savings cannot be spent upon something else.

Once the President has sent his bill up, the rescission message will be converted to a bill. The bill has to be introduced within 3 days, the Committee on Appropriations has to act upon it and report it to the floor, and we have to vote within 7 days. When it leaves here it goes to the Senate on the same fast track.

So let me sum up, Mr. Chairman, by saying this amendment in no way weakens, detracts from, or is inconsistent with H.R. 2. It is a plus to H.R. 2. It is a fall-back alternative if H.R. 2 is found to be unconstitutional, and at the very least it is a temporary alternative for the President to use if H.R. 2 is restrained or enjoined pending the outcome of a challenge in court.

Furthermore, our amendment is broader in scope than H.R. 2 because it applies throughout the fiscal year, not just for 10 days following the enactment of an appropriation bill, and, of course, it has the lock box feature I spoke of earlier. This amendment is a plus for H.R. 2, and I urge support for its adoption.

Mr. BLUTE. Mr. Chairman, I yield 4 minutes to a distinguished new Member of this body, the gentleman from Wisconsin [Mr. NEUMANN], an original cosponsor of the line-item veto bill.

Mr. NEUMANN. Mr. Chairman, I rise to speak in opposition to anything that would in any way, shape, or form complicate or weaken this line-item veto bill as we have proposed it here today. The line-item veto bill needs to maintain its strength so we get at the root of the problem facing this Nation, which is a debt in the amount of $4.8 trillion.

I was an original cosponsor on the line-item veto bill because I feel as we look at the debt facing our Nation today, it is time we actually do something about it, and the only way we are going to do something about it is if we actually get to the point where we can reduce spending.

The balanced budget amendment passed last week is important, but as we move forward, we must look at line-item veto to go with the balanced budget amendment so we can actually get at the root of the problem, and that is spending.

Why do we need a line-item veto here? I have the numbers with me today and can show Members the impact on the children of this Nation if we do not pass the line-item veto bill today. I do not want to see anything that weakens it in any way, shape, or form.

Today this Nation stands $4.8 trillion in debt. For the folks that have not seen this number, it looks like this. The number is very, very real. We are paying interest on that debt each and everyday, and it impacts the families in my district and the families all across America. $4.8 trillion has been borrowed on behalf the American people in the last 15 years. Something needs to be done about it.

I am a former math teacher. As a former math teacher I like to look at this number as it relates on an individual basis to each person across this Nation. If we take that $4.8 trillion and divide it by the 260 million people in the United States of America, each and every person in the United States of America is responsible for $18,500 of debt. Again, if we take the $4.8 trillion and divide by the 260 million people in this Nation, every man, woman and child is responsible for $18,500 worth of debt. For a family of four in America, from my district back home in Wisconsin, the Federal Government has borrowed $74,000 on behalf of the American people. It is not OK, folks, and it is not OK if we let this continue forward.

For a family of five like my own, the Federal Government has borrowed $92,500. The real problem is not when we look at just the debt, but when we look at the interest that has to be paid on the debt. I would like to point out that this family of four is going to pay approximately $5,180 in interest alone on the national debt. Just think about this number for a second. A family of four in our district earns about $32,000 a year. This family of four is going to pay about $5,100 out of that $32,000 of income to pay just the interest on the national debt. It does not get any goods or services from the American Government. That simply pays the interest on the national debt.

Why am I so adamant? Why can I come here and work so hard for the line-item veto and the balanced budget? Because it is time the American people do something about this situation. When we start thinking about a family in our district paying over $5,000 a year to do nothing but pay the interest on the national debt, you think it is time we get serious about doing something about the budget, something about balancing the budget, and in fact I think we should start talking about paying off the debt.

The day has come where we need to think about how we are going to get to the balanced budget and then go the next step. How can we get rid of this atrocious debt that is costing the family of four in my district over $5,000 a year in just interest? It is time we get past it.

There are two things that are necessary to do that in my opinion. One is the balanced budget amendment which the House passed not very long ago, and the other is this line-item veto, a very strong line item veto needs to be passed. It needs to be passed today.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 14½ minutes left, and the gentleman from Massachusetts [Mr. BLUTE] has 15½ minutes left.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I realize there has been considerable confusion and misinformation about just what this amendment would do. The last chart in all honesty has nothing to do with this amendment. It has everything to do with why I too offer this amendment. Because we do want to get after spending. The Stenholm-Spratt amendment is offered as a supplement to the line-item veto authority in H.R. 2.

Even though it is presented here as a substitute here at the end of the debate, it includes all of H.R. 2, as reported. I want to repeat, this amendment we offer includes all of H.R. 2 as reported. In addition, this amendment incorporates all of the amendments approved by the Committee of the Whole only Thursday and Friday of last week, namely the Clinger, Thurman, Neal, and I will ask the same unanimous consent request that Mr. CLINGER asked to add Obey to my amendment so it will do what we intended for it to do when we go into the House. This expedited rescission authority portion of this amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could earmark some or all of the savings for deficit reduction.

In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers only within the 10 days of signing the bill.

The House would have 10 legislative days after the President sends up a rescission package to bring it to the floor. There has been some debate as to whether or not that 10-day limitation would actually occur. I believe the answer is clearly yes, it would. First the rules would not permit consideration of other matters until the rescission package was dealt with. Second, any appropriation or tax item that was submitted by the President in effect would be suspended until Congress acted on the President's package.

Now, just a moment ago we were talking, the gentleman from Wisconsin was talking about guaranteed cuts, guaranteed deficit reduction.

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I must submit, again, H.R. 2 does not guarantee deficit reduction. Only with our amendment can we have guaranteed deficit reduction, because we included the lock box provision. And that was as a result of last year's debate in which the gentleman from Ohio [Mr. KASICH] was very instrumental in changing the language of the amendment that we in fact bring to Members today.

The line-item veto includes no guarantee that the savings from the President's rescissions would go to deficit reduction. Congress would be free to spend the savings from rescissions proposed by the President on other programs.

Although H.R. 2 allows the President to propose to reduce the discretionary caps, there is no provision for a vote in Congress to reduce the spending caps.

In other words, rescissions submitted under the line-item veto would not save one dime. We believe our substitute provides for that alternative should we, the Congress and the President, believe that was important.

The Stenholm-Spratt amendment includes provisions to ensure that the savings from spending cuts would go to deficit reduction.

Furthermore, under H.R. 2, standing alone, the President would have the veto option for only the first 10 days after signing a bill. Although H.R. 2 is intended to increase the ability of the President to identify and eliminate wasteful and low priority spend, it dramatically restricts the President's flexibility by setting this artificial 10-day deadline.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, we had the Congressional Research Service do some research which I think is extremely helpful in understanding the importance of this power that we give the President to use this additional rescission authority throughout the fiscal year.

According to CRS, the Congressional Research Service, 99 percent of all rescissions sent up here by the President were sent beyond the 10-day period after the adoption of appropriation bills. That points up that frequently the rescission authority is not used to knock out pork barrel stuff, but to try to adjust the budget in midyear when we have got underfunded accounts for the Veterans Administration, underfunded accounts for operations and maintenance and defense, and we have to pay for the supplementary budget authority by rescinding other budget authority on the books. Then the President has the authority to formulate his request, send it up here and be guaranteed under our bill a quick 20-day turnaround.

Mr. STENHOLM. Mr Chairman, I would conclude my remarks at this time by saying that I believe it grossly unfair to categorize our amendment as being weakening. If we are truly concerned about deficit reduction, I believe the language of our amendment, as a supplement to, not as a replacement for, but a supplement to, clearly stands out as being more able to reduce the deficit because of the language which we put into our amendment.

As the gentleman said, again, Members have talked about this language from the standpoint that somehow current law is better. It is not. And unless we in fact add our amendment, we will have current law 355 days out of the year but 10 days out of the year, 10 calendar days out of the year we will have a much improved situation over the current system.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUTE. Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, let me say that what we have offered here supplements, does not substitute for or replace, it supplements H.R. 2, and it does not do it in any sort of redundant or cosmetic way. We give the President some important additional rescission authority. He can use this authority pending any court challenge to the constitutionality of H.R. 2 and he may have well need that authority this budget year because there is likely to be a constitutional challenge to this bill if it becomes law.

Second, we give him authority that he can use throughout the budget year, not just in that narrow period of time 10 days after the adoption of an appropriations bill.

The Congressional Research Service says, as we were just pointing out, that 99 percent of all rescissions typically sent up here by presidents since 1976, 99 percent of them have been sent well beyond that 10-day period of time.

Our bill covers that additional period of time, when by tradition 99 percent of the rescission bills have been sent up.

Finally, we allow the President to say, we want to take these savings, put them in a deficit reduction account and not have the money spent elsewhere during the course of the fiscal year. Three strong features that add to, do not detract from or conflict in any way, strengthen this bill and should be adopted to perfect it.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in summation I would just like to say if Members want to replace the cumbersome and unworkable process for year-round authority with teeth, they need to vote for the Stenholm-Spratt amendment. This amendment has had a proud bipartisan history, despite the effort recently to portray it as partisan.

Mr. Chairman, I am submitting for the RECORD some material on past Republican support for the amendment. I also am submitting two legal opinions. Finally, I am submitting for the RECORD a list of some of the most commonly asked questions about this amendment, along with the answers that have been prepared.

Mr. Chairman, whether Members think H.R. 2 is constitutional or not, whether they prefer line item veto authority or expedited rescission authority, there is a reason for Members to vote for the Stenholm-Spratt amendment. This amendment provides a rare opportunity in the legislative process, a win-win scenario.

I urge my colleagues on both sides of the aisle to approve my amendment.

Mr. Chairman, I include for the RECORD the information to which I referred.

[From the Congressional Research Service, the Library of Congress, Washington, DC., Feb. 3, 1995]

To The Honorable Nathan Deal, Attention Ed Lorenzen.

From Virginia A. McMurtry, Specialist in American National Government, James V. Saturno, Specialist on the Congress, Government Division.

Subject: Submission dates of Presidents' rescission request.

In response to your request for figures on the dates of submission to Congress of rescission requests from the President under the Impoundment Control Act since 1974, we have prepared the attached table.

The table provides the number of rescission requests, by month, for each fiscal year. The actual unit of analysis is the individual rescission, not rescission messages as we initially discussed. If five separate rescission requests were included in a single message during a given month, the number entered on the table would be five. This provides a more accurate way for considering the transmission of rescission proposals, since under current law there is no requirement for the President either to combine or to separate rescissions transmitted at the same time. The number of rescissions included in a single message have varied considerably, even within the same Administration.

As indicated in the notes accompanying the table, the End-of-Year Cumulative Reports on Rescissions and Deferrals, prepared by the Office of Management and Budget, provided the source. Actually, for one year, Fiscal Year 1990, OMB prepared no end-of-year report. In this instance we used the monthly cumulative report for September, 1990, which happened to include a complete listing of rescissions for that year.

We hope that this information proves useful to you. If we can be of further assistance, you may reach Ginger at 7–8678, or Jim at 7–2381.

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1976	0	6	13	17	0	0	0	0	0	[2]6	0	[3]4	46
1977	0	0	0	9	0	0	0	1	0	[4]10	0	[5]1	21
1978	0	0	0	3	0	0	0	1	1	1	0	1	7
1979	0	1	0	10	0	0	0	0	0	0	0	0	11
1980	1	0	0	2	0	1	53	2	0	0	0	0	59
1981	0	0	0	34	0	120	0	0	10	1	0	0	165
1982	2	1	0	0	22	1	0	0	1	3	1	0	31
1983	0	0	1	0	19	0	0	0	0	1	0	0	21
1984	0	0	1	0	8	0	0	0	0	0	0	0	9
1985	0	0	0	0	241	0	0	2	0	0	0	1	244
1986	0	0	0	0	77	3	3	0	0	0	0	0	83
1987	0	0	0	73	0	0	0	0	0	0	0	0	73

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94—Continued

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1988	0	0	0	0	0	0	0	0	0	0	0	0	0
1989	0	0	0	6	0	0	0	0	0	0	0	0	6
1990	0	0	0	0	0	0	3	8	0	0	0	0	11
1991	0	0	0	0	26	0	1	0	2	1	0	0	30
1992	0	0	0	0	1	98	29	0	0	0	0	0	128
1993	7	0	2	0	3	0	1	0	6	0	0	0	19
1994	0	38	0	0	27	0	0	0	0	0	0	0	65
Total	10	46	17	154	424	223	90	14	20	23	1	7	1,029
Percent	0.97	4.47	1.65	14.97	41.21	21.67	8.75	1.36	1.94	2.24	0.10	0.68	100

[1] Although the Impoundment Control Act became effective upon enactment (July 12, 1974), the fiscal year calendar change did not begin until Oct. 1, 1975, for FY 1976. In addition to the rescission messages listed there were also eight rescission messages in July 1975 concerning spending for FY 1976 and the transition quarter (July–Sept. 1975).
[2] Of the five rescission requests received in July 1976 one concerned spending for FY 1977.
[3] Of the four rescission requests received in September 1976, three concerned spending for FY 1977.
[4] Of the ten rescission requests received in July 1977, four concerned spending for FY 1978.
[5] the rescission requests received in September 1977 concerned spending in FY 1978, and was later reclassified as a deferral by the Comptroller General.

Source: Office of Management and Budget End-of-Year Cumulative Report on Rescissions and Deferrals for each FY1976–94.

REPUBLICAN SUPPORT FOR EXPEDITED RESCISSION

99TH CONGRESS

Bills introduced

S. Con. Res. 65—The Porkbusters Resolution of 1985. Introduced by Senator Dan Quayle (R–IN) on September 17, 1985. Required Congress to vote on resolutions approving Presidential rescissions by a majority vote within fifteen days after the rescission was submitted.

H.R. 3675—a bill providing the President with modified rescission authority while preserving the authority of Congress in the budget process. Introduced by Rep. Ralph Regula (R–OH) on November 1, 1985. Required Congressional votes on Presidential rescissions within 45 days.

Floor consideration

On September 19, 1985, Senator Quayle offered the text of S. Con. Res. 65 as an amendment to the Omnibus Reconciliation Act of 1986. The amendment was ruled non-germane and defeated on a procedural motion of 34–62.

100TH CONGRESS

Bills introduced

S. Con. Res. 16—a bill providing for expedited consideration of a bill or joint resolution approving a Presidential rescission. Introduced by Senator Quayle on February 5, 1987. The bill was cosponsored by two Republicans.

H. Con. Res. 119—similar to S. Con. Res. 16. Introduced by Rep. Lynn Martin (R–NY) on May 8, 1987. Cosponsored by 15 Republicans.

H.R. 3129—Line-item Rescission Act of 1987. Introduced by Rep. Tim Johnson (D–SD) on August 6, 1987. Cosponsored by 20 Republicans, including Rep. Gerald Solomon (R–NY) and Rep. Dan Coats (R–IN).

Floor consideration

Rep. Dick Armey (R–TX) attempted to add an amendment to the FY88 Long-term Continuing Resolution granting the President enhanced rescission authority over funds included in the CR. Under the amendment, a simple majority of Congress could overturn the rescission. The effort was unsuccessful.

Notable quotes

Senator Dan Quayle (February 5, 1987, S3136 Congressional Record)

''The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President and a majority of both the Senate and the House of Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate. By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential rescission messages.''

Rep. Dick Armey (Dear Colleague dated November 2, 1987)

''Enhanced rescission authority will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected.''

Rep. Dick Armey (November 5, 1987, H30961 Congressional Record):

''I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced rescission authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetoes, as it were, with a simple majority override capacity remaining for the House.''

101ST CONGRESS

Bills introduced

H.R. 235—Line-item Rescission Act of 1989. Introduced by Rep. Tim Johnson (D–SD) on January 3, 1989. Cosponsored by 9 Republicans.

H.R. 962—Current Level Rescission Act of 1989. Introduced by Rep. Dick Armey on February 9, 1989 and cosponsored by 105 Republicans. Provided for expedited consideration of Presidential rescissions if the rescission did not reduce any program below its prior-year level.

H.R. 3800—a bill providing for expedited consideration of certain Presidential rescission. Introduced by Rep. Tom Carper (D–DE) along with Reps. Armey, Johnson, Martin, Dan Glickman (D–KN), Bill Frenzel (R–MN) and others as a bipartisan consensus expedited rescission bill on November 21, 1987. Cosponsored by 65 Republicans.

Notable quotes

Rep. Dick Armey and Rep. Tim Johnson (Dear Colleague dated March 1, 1989)

''The Current Level Enhanced Rescission Act is a realistic, rational proposal that protects Congress' own spending priorities and restores the President's role in fighting the deficit.''

102D CONGRESS

Bills introduced

H.R. 2164—a bill providing for expedited consideration of certain Presidential rescissions. Introduced by Rep. Carper on May 1, 1991. Cosponsored by 108 Republicans. Required votes in Congress on Presidential rescissions within ten days of their submission. Limited the amount that the President could rescind authorized programs to 25%. Established the new procedure for two years.

H.R. 5700—Expedited Consideration of Proposed Rescissions Act of 1992. Introduced by Rep. Solomon on July 28, 1992. Identical to H.R. 2164 except that it eliminated the distinction between authorized and unauthorized programs included in H.R. 2164.

Floor consideration

July 30, 1992—Rep. Solomon attempted to defeat the previous question on the Commerce, Justice and State Appropriations bill so that he could offer a motion to make in order what he described as ''a slightly different line-item veto rescission amendment'' which consisted of the text of his expedited rescission bill. Reps. Bob McEwan (R–OH), David Dreier (R–CA), John Duncan (R–TN) and Bob Walker (R–PA) spoke in support of Solomon's motion. The effort failed on a vote of 240–176.

October 3, 1992—The House passed H.R. 2164, the expedited rescission bill introduced by Rep. Tom Carper, by a vote of 312–197. It was supported by 154 of 159 Republicans voting.

Notable quotes

Rep. Dick Armey (May 5, Rules Committee Hearing on H.R. 4990):

''I think the President's authority should be enhanced, perhaps enhanced in the way Mr. Solomon suggests, but even enhancing it a little bit in the way Mr. Carper will later recommend. That would be an improvement.''

Rep. Harris Fawell (R–IL) (May 5, Rules Committee Hearing)

''When Tom Carper comes up in reference to his enhanced rescission bill, it isn't everything I would want, but I could support it. It does valuable things. It moves us down that road.''

Rep. Jerry Solomon (May 7, 1992, H3029 Congressional Record):

''We moved to make in order an amendment by Mr. Carper, a Democrat, and Mr. Stenholm, a Democrat, to provide for expedited rescission procedures for the next two years, similar in concept to my line item veto bill, but watered down considerably. Still, it is a strong step in the right direction.''

Rep. Bob McEwan (July 30, 1992, H6988 Congressional Record):

''The Solomon amendment would mandate that Congress consider legislation approving the President's rescissions within twenty days. If either House fails to pass the bill, then the money would be obligated. Mr. Speaker, in the name of fiscal responsibility, the House must be given the opportunity to at least consider the Solomon amendment.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly on both sides of the aisle.''

Rep. Harris Fawell (October 2, 1992, H10811 Congressional Record):

''(H.R. 2164) is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget.''

Rep. Jerry Solomon (October 2, 1992 H10813 Congressional Record):

''I favor the bill before us today (H.R. 2164) because it is an improvement over the current rescission process * * *. It is a step in the right direction.''

103D CONGRESS

Bills introduced

H.R. 1013—Expedited Consideration of Proposed Rescissions Act of 1993. Introduced by Rep. Charlie Stenholm (D–TX) on February 18, 1993. Cosponsored by 33 Republicans. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a 2 year sunset. Does not include targeted tax credit.

H.R. 1578—Expedited Rescissions Act of 1993. Introduced by Rep. John Spratt (D–SC) on April 1, 1993. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a two year sunset. Does not include targeted tax credit. A framework would be established for consideration of an appropriations committee alternative if the President's package was defeated.

H.R. 4600—Expedited Rescissions Act of 1994. Introduced by Rep. John Spratt (D–SC) on June 17, 1994. Applies only to appropriations, may be used only within 3-day window after an appropriations bill passes, applies only to the 103rd Congress.

H.R. 4434—Common Cents Budget Reform Act of 1994. Introduced by Reps. Stenholm (D–TX), Penny (D–MN), and Kasich (R–OH). Cosponsored by 14 Republicans. Guarantees a vote on every rescission bill submitted by the President. The President can designate any portion of the savings for deficit reduction. The President can submit a special message repealing a targeted tax credit within 10 days after a bill is enacted. The President can submit a special message to rescind appropriations at any time. Permanently extends authority.

Floor consideration

July 14, 1994—The House passed the Stenholm substitute to H.R. 4600 on final passage by a vote of 342–69. The Stenholm substitute was agreed to by a vote of 298–121. The Solomon substitute failed 205–218. All 169 Republicans present and voting voted yes on final passage, and all 170 Republicans present and voting voted yes on the Stenholm substitute.

Notable quotes

Rep. John Kasich (July 14, 1994, H5728 CONGRESSIONAL RECORD):

''This (Stenholm-Penny-Kasich amendment), ladies and gentlemen of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of the House * * *. This (Stenholm-Penny-Kasich amendment), is precisely what the American people have been calling for * * *. It will bring real change.''

Rep. Jim Kolbe (July 14, 1994, H5715 CONGRESSIONAL RECORD):

''Let us not let the opportunity to support tough budget reform slip away again, Support the Stenholm-Penny-Kasich amendment to H.R. 4600.''

Rep. Rick Lazio (July 14, 1994, H5711 CONGRESSIONAL RECORD):

''We have significantly strengthened the process (existing rescission process) by adopting the Penny-Kasich-Stenholm amendment, for which I voted.''

Rep. Harris Fawell (July 14, 1994, H5710 CONGRESSIONAL RECORD):

''Should this substitute (Michel-Solomon) fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.''

QUESTIONS AND ANSWERS REGARDING EXPEDITED RESCISSION AUTHORITY

How does the Wise and Stenholm-Spratt substitutes differ from H.R. 1578 and H.R. 4600, the versions of expedited rescission reported by the Rules Committee in the 103rd Congress?

Both substitutes incorporate several changes from earlier expedited rescission legislation made by the Stenholm-Penny-Kasich amendment to H.R. 4600 on July 14, 1994. The Stenholm-Penny-Kasich amendment made several changes to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike H.R. 1578 and H.R. 4600, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The Wise and Stenholm substitutes explicitly prevent the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under expedited rescission different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. Expedited rescission would change that and force Congress to react to Presidential messages by voting on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that ''It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule.'' Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. Action is also promoted by providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states ''Any amount of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded.'' By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Wise and Stenholm-Spratt substitutes clearly provide that OMB will be required to release the funds

only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be ''deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.''

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly enough about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take ''killer'' items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposals to repeal tax items would be restricted to targeted tax benefits. ''Targeted tax benefits'' are defined as provisions which provide a deduction, credit, exclusion, preference, or other concession to 100 or fewer taxpayers. The rescission authority would apply to narrowly drawn tax items, the so-called ''tax pork'', which are slipped into tax bills to benefit special interests. It will not apply to broader tax breaks that apply to a larger number of taxpayers such as a capital gains tax reduction or middle class tax cut.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by *I.N.S.* v. *Chada,* 462 U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The *Chada* court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called ''report and wait'' provision that the court approved in *Sibbach* v. *Wilson and Co.,* 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bills (or other bills for that matter) that include individual items that he does not support, Congress often passes appropriations bills without passing judgment on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in an omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessarily imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would apply only to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Furthermore, the existence of expedited rescission authority will have a cleansing effect on the Appropriations process which will prevent many wasteful programs from being included in the Appropriations bills in the first place. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't the expedited rescission process violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House still would be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 31, 1993.

To: Hon. Charles W. Stenholm.
From: American Law Division.
Subject: Validity of the Approval Mechanism in the ''Expedited Consideration Rescissions Act of 1993''.

Under H.R. 1013, the Expedited Consideration of Proposed Rescissions Act of 1993, as modified, the Budget and Impoundment Control Act of 1974, 2 U.S.C. 681 et seq., would be amended to provide for a fast-track process for considering and voting on presidential proposals embodied in a bill or joint resolution to rescind budget authority provided in an appropriations act. If the President submits rescission proposals within three days after enactment of an appropriations measure, a legislative process is triggered whereby a House floor vote may be had within 10 legislative days after receipt of the proposal, and a Senate floor vote will be held within 10 days after transmittal of the House-passed measure. The resultant legislative action is subject to the President's veto.

You inquire whether the proposed rescission process embodies a legislative veto proscribed under the Supreme Court's ruling in *INS* v. *Chadha,* 462 U.S. 919 (1983), and subsequent cases,[1] or is otherwise violative of the constitutionally mandated lawmaking process prescribed by Article I, rec. 7. For the reasons set forth below, we do not believe it is.

The constitutional defect of the legislative veto disclosed by the Chadha Court was that Congress sought to exercise its legislative power without complying with the constitutionally mandated requirements for lawmaking: bicameral passage and presentation to the President for his signature or veto. There, and in two subsequent cases, the Court found unlawful legislative actions which sought to accomplish the reversal of exercises of executive actions taken pursuant to lawfully delegated authority without presentation to the President. But the Court carefully noted in Chadha that it was not casting doubt on so-called ''report and wait'' provisions which it had previously approved in *Sibbach* v. *Wilson & Co.,* 312 U.S. 1 (1941). Under such provisions a proposed executive action does not become effective unless a specified contingency occurs, i.e., a set period of time passes without congressional action preventing it from going into effect or Congress takes affirmative legislative action approving its effectiveness.

H.R. 1013, as modified, utilizes both methods of contingent legislation. For all rescission recommendations a presidential proposal does not become effective unless it is approved by a bill or joint resolution with 10 legislative days of continuous session after the date on which the bill or joint resolution is received by the House, and an additional 10 legislative days after it is transmitted by the House to the Senate for consideration. Rescission proposals cannot become effective unless affirmatively enacted into law. Both methods comply with Chadha since the legislative action to be taken meets the constitutional requirements of bicameralism and presentment. Moreover, under the proposed contingency scheme, the Executive has not been delegated any legislative authority at all; he has been directed to recommend and that proposal has no legal effect unless Congress gives it such effect through further legislation. Thus it is a classic reporting provision of the type approved in Sibbach. Similar report and wait mechanisms requiring affirmative legislative action have been enacted several times since Chadha. See, e.g., Reorganization Act Amendments of 1984, Pub. L. No. 98–614, sec. 3(a)(1), 98 Stat. 3192 (1984); Pub. L. 98–473, 98 Stat. 1916–1918, 1935–1937 (1984)(proscription on use of intelligence agency funds for Nicaragua); Pub. L. No. 98–441, 98 Stat. 1701 (1984)(obligating funds for MX missile).

MORTON ROSENBERG,
Specialist in American Public Law.

[1] *Process Gas Group* v. *Consumer Energy Council,* 463 U.S. 1216 (1983)(one-House veto of rules invalid); *United States Senate* v. *F.T.C.* 463 U.S. 1216 (1987)(two-House veto of rules invalid).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm.
From: American Law Division.
Subject: Application of Rescission Authority to ''Tax Expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of ''tax expenditures.'' We understand as well that the requested context for analysis is H.R. 1013, a bill entitled ''Expedited Consideration of Proposed Rescissions Act of 1993.'' It is proposed that language be added to that bill adding ''tax expenditures'' as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to ''appropriations'' and to ''tax expenditures.'' These governing principles are set out in previously prepared memoranda enclosed for your review: ''Constitutionality of Granting President Enhanced Budget Rescission Authority,'' June 27, 1989; and ''Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority,'' July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.,* 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that govern delegation of Congress' other authority.

''[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.''

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of ''any budget authority provided in an appropriations Act.'' No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of ''tax expenditures'' along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for ''tax expenditures'' (currently defined in 2 U.S.C. §622(3) as ''revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability'') might also include measures for raising revenues,

and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II. §3 of the Constitution to ''recommend to [Congress'] consideration such measures as he shall judge necessary and expedient,'' and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that ''[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.'' A reasonable implication of ''proposed . . . under this section or section 1012'' is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney,
American Law Division.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I just want to say to the distinguished gentleman who brought this point forward that we have been watching and listening very carefully. We agree, at least I agree and I think others do, too, that what he is proposing does strengthen the present expedited rescission process, which is extremely weak. It never requires a vote; doing nothing spends the money. That is too much temptation for almost anybody to overcome, and I think we are proof that that temptation is true and is not overcomeable.

I think the gentleman has some good ideas. We have gone back and taken a look at section 904 of the Budget Act and matched that up with the gentleman's title II section under the requirement to make available for obligation and his reliance on the antideficiency process. I believe there is some area to work in there. I do not think it is quite right.

I would like to state to the gentleman I hope to work with him in cleaning up the budget process. We would like to take a clear shot at this one for the tough two-thirds disapproval vote, which is primarily our main concern. We are worried about the confusion. I do think the gentleman has some good ideas which are worthy of further attention as we clean up the budget process.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I want to commend the Committee on Rules for giving us an open rule in which we had a very, I think, thorough debate on a whole range of issues surrounding the line item veto authority. With regard to the Stenholm-Spratt amendment, I would only say that it complicates matters and that H.R. 2 freestanding is the strongest line item veto authority that we could give the President. President Clinton asked for the strongest version, his budget director asked for the strongest version, and this bill is the strongest version that we could give the President to help him reduce the deficit and discipline the budget process.

I would also say that the Congressional Research Service has issued a report on its constitutionality. But the larger issue, Mr. Chairman, is that the line item veto has been kicking around up here on Capitol Hill for a very, very long time. We have an opportunity tonight to give the President this tool and to do something tangible about our Federal budget deficit and about the expenditures in our yearly budgeting process.

I urge this House to tonight pass the line item veto authority for the President, send it over to the other body, and ultimately to give the President this important tool.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment. The President should have the power to rescind wasteful spending. But it is also important that once the President flags wasteful line-items and targeted tax benefits, that Congress should share the role of acting on wasteful spending and acting quickly. The balance of power between the executive and legislative branches must be preserved. One should not be given greater power to identify and rescind government spending. The framers of our Constitution did not foresee the need to give greater rescission power to one or the other, nor should we.

In practice, several appropriation bills can reach the President's desk at the same time. The President should be given the flexibility to offer a package of rescissions at anytime and Congress should then act to quickly approve or disapprove of that package. We have already rejected a substitute that would have provided greater flexibility for rescinding funds while not tipping the balance of power. I urge my colleagues not to reject this kind of common sense a second time. The approach offered by this amendment preserves the balance of power between the executive and legislative branches, and that is what the public wants. The public wants an efficient government that moves quickly to eliminate wasteful spending. The public does not want a single person or one-third of Congress to be able to protect targeted spending.

I believe it's ironic that at a time when most of the public does not want Washington controlled by a select few with narrow interests, and our colleagues from the other side of the aisle keep talking about spreading power beyond the beltway, that they keep reverting to procedures within Congress that give enormous power to a minority of our Members. Let's do something that makes sense. I urge my colleagues to support this amendment.

Mr. BLUTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of February 3, 1995, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] will be postponed.

The point of order of no quorum is considered withdrawn.

☐ 1750

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Utah [Mr. ORTON], the amendment offered by the gentlewoman from California [Ms. WATERS], and the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ORTON

The CHAIRMAN. The pending business is the demand of the gentleman from Utah [Mr. ORTON] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

RECORDED VOTE

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote, to be followed by several 5-minute votes.

The vote was taken by electronic device, and there were—ayes 65, noes 360, not voting 9, as follows:

[Roll No. 91]

AYES—65

Andrews	Gutierrez	Peterson (FL)
Barrett (WI)	Hoyer	Peterson (MN)
Beilenson	Inglis	Pomeroy
Bentsen	Johnson (SD)	Rivers
Berman	Kasich	Rohrabacher
Browder	Kennedy (MA)	Royce
Brownback	Kennedy (RI)	Sabo
Bryant (TX)	Lincoln	Schroeder
Coleman	Lofgren	Schumer
Condit	Lowey	Sensenbrenner
Dellums	Luther	Serrano
Doggett	Maloney	Shays
Dooley	McHale	Skaggs
Durbin	Meehan	Slaughter
Edwards	Miller (CA)	Smith (MI)
Eshoo	Minge	Spratt
Fawell	Obey	Stenholm
Fazio	Orton	Tauzin
Furse	Pallone	Taylor (MS)
Gibbons	Pelosi	

Visclosky Wolf Yates
Wilson Wyden Zimmer

NOES—360

Abercrombie Ehrlich LaHood
Ackerman Emerson Lantos
Allard Engel Largent
Archer English Latham
Armey Ensign LaTourette
Bachus Evans Laughlin
Baesler Everett Lazio
Baker (CA) Ewing Leach
Baker (LA) Farr Levin
Baldacci Fattah Lewis (CA)
Ballenger Fields (LA) Lewis (GA)
Barcia Fields (TX) Lewis (KY)
Barr Filner Lightfoot
Barrett (NE) Flake Linder
Bartlett Flanagan Lipinski
Barton Foglietta Livingston
Bass Foley LoBiondo
Bateman Forbes Longley
Bereuter Fowler Lucas
Bevill Fox Manton
Bilbray Frank (MA) Manzullo
Bilirakis Franks (CT) Markey
Bishop Franks (NJ) Martinez
Bliley Frelinghuysen Martini
Blute Frisa Mascara
Boehlert Funderburk Matsui
Boehner Gallegly McCarthy
Bonilla Ganske McCollum
Bonior Gejdenson McCrery
Bono Gekas McDermott
Borski Gephardt McHugh
Boucher Geren McInnis
Brewster Gilchrest McIntosh
Brown (CA) Gillmor McKeon
Brown (FL) Gilman McKinney
Brown (OH) Gonzalez McNulty
Bunn Goodlatte Meek
Bunning Goodling Menendez
Burr Gordon Metcalf
Burton Goss Meyers
Buyer Graham Mfume
Callahan Green Mica
Calvert Greenwood Miller (FL)
Camp Gunderson Mineta
Canady Gutknecht Mink
Cardin Hall (OH) Moakley
Castle Hall (TX) Molinari
Chabot Hamilton Montgomery
Chambliss Hancock Moorhead
Chapman Hansen Moran
Chenoweth Harman Morella
Christensen Hastert Murtha
Chrysler Hastings (FL) Myers
Clay Hastings (WA) Myrick
Clayton Hayes Nadler
Clement Hayworth Neal
Clinger Hefley Nethercutt
Clyburn Hefner Neumann
Coble Heineman Ney
Coburn Herger Norwood
Collins (GA) Hilleary Nussle
Collins (IL) Hilliard Oberstar
Collins (MI) Hinchey Olver
Combest Hobson Ortiz
Conyers Hoekstra Owens
Cooley Hoke Oxley
Costello Holden Packard
Cox Horn Parker
Coyne Hostettler Pastor
Cramer Houghton Paxon
Crane Hunter Payne (NJ)
Crapo Hutchinson Payne (VA)
Cremeans Hyde Petri
Cubin Istook Pickett
Cunningham Jackson-Lee Pombo
Danner Jacobs Porter
Davis Johnson (CT) Portman
de la Garza Johnson, E. B. Poshard
Deal Johnson, Sam Pryce
DeFazio Johnston Quillen
DeLauro Jones Quinn
DeLay Kanjorski Radanovich
Deutsch Kaptur Rahall
Diaz-Balart Kelly Ramstad
Dickey Kennelly Rangel
Dicks Kildee Reed
Dingell Kim Regula
Dixon King Reynolds
Doolittle Kingston Richardson
Dornan Kleczka Riggs
Doyle Klink Roberts
Dreier Klug Roemer
Duncan Knollenberg Rogers
Dunn Kolbe Ros-Lehtinen
Ehlers LaFalce Rose
Roth Spence Velazquez
Roukema Stark Vento
Roybal-Allard Stearns Volkmer
Rush Stockman Vucanovich
Salmon Stokes Waldholtz
Sanders Studds Walker
Sanford Stump Walsh
Sawyer Stupak Wamp
Saxton Talent Ward
Scarborough Tanner Waters
Schaefer Tate Watt (NC)
Schiff Taylor (NC) Waxman
Scott Tejeda Weldon (FL)
Seastrand Thomas Weldon (PA)
Shadegg Thompson Weller
Shaw Thornberry White
Shuster Thornton Whitfield
Sisisky Thurman Wicker
Skeen Tiahrt Williams
Skelton Torkildsen Wise
Smith (NJ) Torres Woolsey
Smith (TX) Torricelli Wynn
Smith (WA) Towns Young (AK)
Solomon Traficant Young (FL)
Souder Upton Zeliff

NOT VOTING—9

Becerra Frost Mollohan
Bryant (TN) Jefferson Tucker
Ford McDade Watts (OK)

☐ 1808

Ms. JACKSON-LEE and Messrs. FATTAH, FOGLIETTA, and LEWIS of Georgia changed their vote from ''aye'' to ''no.''

Messrs. SKAGGS, MCHALE, INGLIS of South Carolina, Ms. ESHOO, Mrs. MALONEY, and Ms. PELOSI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand of the gentlewoman from California [Ms. WATERS] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 280, not voting 10, as follows:

[Roll No. 92]

AYES—144

Abercrombie Brewster Clyburn
Baldacci Browder Coleman
Barcia Brown (CA) Collins (IL)
Barrett (WI) Brown (FL) Collins (MI)
Beilenson Brown (OH) Conyers
Bentsen Bryant (TX) Coyne
Berman Chapman Cramer
Bevill Clay Danner
Bishop Clayton Deal
Bonior Clement DeFazio
DeLauro Kildee Rahall
Dellums Kleczka Rangel
Dingell Klink Reed
Dixon LaFalce Reynolds
Doggett Lantos Rivers
Doyle Lewis (GA) Roybal-Allard
Durbin Lincoln Rush
Engel Lofgren Sabo
Eshoo Luther Sanders
Evans Manton Schroeder
Farr Markey Scott
Fattah Martinez Serrano
Fazio Mascara Skaggs
Fields (LA) McCarthy Slaughter
Filner McDermott Stark
Flake McKinney Stenholm
Foglietta Meehan Stokes
Frank (MA) Meek Studds
Furse Menendez Stupak
Gejdenson Mfume Taylor (MS)
Gephardt Miller (CA) Thompson
Gibbons Mineta Thurman
Gonzalez Minge Torres
Gordon Mink Towns
Green Moakley Traficant
Gutierrez Mollohan Velazquez
Hamilton Montgomery Vento
Hastings (FL) Nadler Volkmer
Hilliard Neal Ward
Hinchey Oberstar Waters
Jackson-Lee Obey Watt (NC)
Johnson (SD) Olver Waxman
Johnson, E. B. Owens Williams
Johnston Pallone Wise
Kanjorski Pastor Woolsey
Kaptur Payne (NJ) Wyden
Kennedy (MA) Pelosi Wynn
Kennedy (RI) Pomeroy Yates

NOES—280

Ackerman DeLay Hobson
Allard Deutsch Hoekstra
Andrews Diaz-Balart Hoke
Archer Dickey Holden
Armey Dicks Horn
Bachus Dooley Hostettler
Baesler Doolittle Houghton
Baker (CA) Dornan Hoyer
Baker (LA) Dreier Hunter
Ballenger Duncan Hutchinson
Barr Dunn Hyde
Barrett (NE) Edwards Inglis
Bartlett Ehlers Istook
Barton Ehrlich Johnson (CT)
Bass Emerson Johnson, Sam
Bateman English Jones
Bereuter Ensign Kasich
Bilbray Everett Kelly
Bilirakis Ewing Kennelly
Bliley Fawell Kim
Blute Fields (TX) King
Boehlert Flanagan Kingston
Boehner Foley Klug
Bonilla Forbes Knollenberg
Bono Fowler Kolbe
Borski Fox LaHood
Boucher Franks (CT) Largent
Brownback Franks (NJ) Latham
Bunn Frelinghuysen LaTourette
Bunning Frisa Laughlin
Burr Funderburk Lazio
Burton Gallegly Leach
Buyer Ganske Levin
Callahan Gekas Lewis (CA)
Calvert Geren Lewis (KY)
Camp Gilchrest Lightfoot
Canady Gillmor Linder
Cardin Gilman Lipinski
Castle Goodlatte Livingston
Chabot Goodling LoBiondo
Chambliss Goss Longley
Christensen Graham Lowey
Chrysler Greenwood Lucas
Clinger Gunderson Maloney
Coble Gutknecht Manzullo
Coburn Hall (OH) Martini
Collins (GA) Hall (TX) Matsui
Combest Hancock McCollum
Condit Hansen McCrery
Cooley Harman McHale
Costello Hastert McHugh
Cox Hastings (WA) McInnis
Crane Hayes McIntosh
Crapo Hayworth McKeon
Cremeans Hefley McNulty
Cubin Hefner Metcalf
Cunningham Heineman Meyers
Davis Herger Mica
de la Garza Hilleary Miller (FL)

Molinari
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Becerra
Bryant (TN)
Chenoweth
Ford
Frost
Jacobs
Jefferson
McDade
Tucker
Watts (OK)

☐ 1818

Messrs. MARTINEZ, CRAMER, MOLLOHAN, TAYLOR of Mississippi, and WYDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. STENHOLM] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 266, not voting 12, as follows:

[Roll No. 93]

AYES—156

Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Clyburn
Coleman
Condit
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Moakley
Montgomery
Moran
Nadler
Neal
Obey
Olver
Ortiz
Orton
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brown (FL)
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Becerra
Bryant (TN)
Crane
Ford
Frost
Gekas
Jefferson
McDade
Morella
Peterson (MN)
Tucker
Watts (OK)

☐ 1825

Mr. RANGEL changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2 on constitutional grounds. The issue is the principle of separation of powers. The line-item veto power that H.R. 2 grants to the President violates this principle. The Constitution states that all legislative power resides in the Congress, article I, section 1. It provides only that a bill can be returned unsigned by the President which then to become law must have a two-thirds vote of approval, article I, section 7. Further the Constitution states that it is the Congress that has the power to collect taxes, pay debts, and to provide for the general welfare, article I, section 8. Finally and most importantly the Constitution states that ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

No bill passed by this Congress can alter the clear meaning and intent of the Constitution. Only a constitutional amendment can change that. H.R. 2 is a simple bill. It is not a constitutional amendment. If the proponents of this idea were serious, they would propose a Constitutional amendment and not try to circumvent the constitution.

Why didn't the committee go the constitutional amendment route? I have to assume that it is because they realize that the people of this country are not prepared to give any President even more power than he already possesses, and because the idea of giving one-third of the House and the Senate the power to kill a duly enacted appropriations item was a subversion of the basic concept of majority rule.

The legislative process would be seriously skewed if the lineitem veto were interjected.

Items could be added knowing that the President could remove them. Majority will would be compromised. The President could use the veto power to punish Members who did not go along with the White House on key votes. Small States would be especially vulnerable.

During the course of this debate an expedited judicial review amendment was accepted. This acknowledges the very point that I make. That this bill is incompatible with the Constitution of the United States.

Further, this bill would grant power to the President to item veto targeted tax benefits. Another word to describe what a targeted tax benefit is a tax loophole. The bill initially allowed the President veto power only over tax loopholes which affected five or fewer people. The committee extended this veto power to tax loopholes affecting 100 or less taxpayers. We should not be protecting any special tax loophole no matter what the size of the group receiving this selective treatment under the Tax Code. No matter how we stand on this issue of the line-item veto, we ought not be protecting a group of taxpayers merely because there are more than 100 of them in the group. If it is a bad loophole, the President ought to have the power to veto it no matter whether if affects 100 or 5,000 taxpayers or more. This selective treatment of targeted tax benefits by number of taxpayers who enjoy it, is clearly inequitable and should be stricken from the bill to allow the President power to strike any and all of them.

I do not understand the rationale of those who argue that the line-item veto is needed to balance the budget. The record will show that the Congress has systematically underspent the President's budget recommendations. Further, the Congress has exceeded the President's rescissions submitted to the Congress after the appropriations bills have been signed into law. Over the past 20 years the President has proposed $72 billion in rescissions and the Congress has passed $92 billion in rescissions, $20 billion more than the President.

Finally, the most egregious power granted to the President under this bill is not only that he can veto any item in an appropriations bill, but he can reduce any discretionary budget authority. This is tantamount to Congress abdicating the power to appropriate. The Constitution clearly grants to Congress the legislative power to appropriate. Only the Congress can by majority vote decide against funding a project and only Congress can cut the funding of a project or of a department.

If the Congress, for instance, votes by a majority vote to fund the Corporation for Public Broadcasting, or Head Start, it is inconceivable that we would allow the President to not only rescind this decision or veto it, but to also reduce the funding which then can only be reversed by a two-thirds vote. What this means is that one-third of the House and the Senate will ultimately decide what gets funded and what does not.

The foundations of our democracy will be shattered. However you feel about congressional funding decisions, there is no justification for enlarging the power of the President to appropriate money as well as to rescind. The tyranny of one-third of the Congress in combination with the White House could cut funding of programs that a clear majority of the people of this country support.

If we are to submit our spending bills to this inordinate executive power, then surely it should only be by constitutional amendment.

If this measure went to the States for ratification as a constitutional amendment, it clearly would fail to receive the three-fourths vote of 38 States. Thirteen small States could see the handwriting on the wall, and not vote to ratify. I suspect this is why the line-item veto is not being proposed as a constitutional amendment. It simply would not be ratified.

I urge H.R. 2 be voted down. It is an unwarranted invasion of the most important legislative powers granted to the Congress by the Constitution.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

LINE-ITEM VETO

Mr. LAZIO. Mr. Chairman, in passing the balanced budget amendment by an overwhelming margin, the House of Representatives took an historic first step to finally controlling Federal spending. Now, for the second time in the 104th Congress we have another opportunity to pass a measure which will give us the tools needed to tackle the huge task of balancing the budget. I urge my colleagues to join me in giving the President of the United States the line-item veto that 43 of our Governors already have.

Passing the line-item veto will better enable Congress and the executive branch to do what we should have done a long time ago—cut wasteful spending. The line-item veto will force Congress and the President to be fiscally responsible and answerable to the American people.

According to the General Accounting Office [GAO] a presidential line-item veto could have cut $70.7 billion in needless spending from fiscal years 1984–89. We need to learn from what has not worked in the past and pass this bill that will help in the future.

The American people want us to cut unnecessary spending. Let us pass this measure and continue our journey to a balanced budget.

Mr. BENTSEN. Mr. Chairman, I rise today in opposition to House Resolution 2, the Line-Item veto legislation.

I want to be clear about my intentions. I support giving the President the authority to eliminate wasteful spending. For too long, Government has spent more than it receives. In addition, projects have been funded which are not merited. Both Congress and the President have participated in this exercise.

However, this legislation is not the correct mechanism to reduce Federal spending. As drafted, House Resolution 2 will disrupt the balance of power between the legislative and executive branch and concentrate too much power in the Executive. The President will dictate the spending priorities to Congress that the founding fathers clearly placed under the legislative branch.

I am committed to reducing our Federal deficit. However, I am concerned that this legislation will not actually reduce spending. Taxpayers should have full disclosure on how this legislation will work. House Resolution 2 does not require Congress to reduce spending caps, when it approves spending cuts. In effect, Congress could support spending cuts, without applying the reductions to the federal deficit.

Today, we considered an amendment offered by Congressmen STENHOLM and SPRATT that would have ensured that any generated savings from spending cuts are applied directly to the deficit. This lock-box requirement is critical to successful deficit reduction. House Resolution 2 does not contain such a mechanism.

Another important feature of the Stenholm-Spratt amendment is a provision that gives the President authority to submit rescissions for projects within a larger program. If the President disapproves of a certain project, the President could lower the budget authority for a certain program without eliminating the entire program. For instance, the President may wish to eliminate the Lawrence Welk Museum without eliminating other agriculture programs.

House Resolution 2 is further flawed in that it does not cover all Federal spending including contract authority for infrastructure, and special tax breaks for wealthy individuals and corporations.

Finally, I am concerned about the provision in House Resolution 2 that would require a two-thirds vote to overturn the President's package of rescissions. That concentration of power in the hands of a minority of the Congress is contrary to our Constitution.

Congress must learn to review Federal spending more carefully each year. We have the opportunity to vote upon each program during the appropriations process. I strongly believe that we must exercise our rights to kill inefficient, wasteful projects.

For all of the reasons outlined above, I cannot support House Resolution 2 in its present form.

Mr. BUYER. Mr. Chairman, the American people have spoken and we in return have proposed an aggressive agenda for the 104th Congress. We made a promise that this new Congress would bring to the floor of the House a true line-item veto bill. Today, Republicans will again hold true to our promise in the Contract With America and we will vote on the line-item veto, H.R. 2.

In the Fifth District of Indiana, whether it be Wabash, Kokomo, Plymouth, or Crown Point, Hoosier families continue to be concerned about wasteful Federal spending. They do not want their legacy to their children to be one of saddling future generations with increasing debt. They want Congress to pass a line-item veto.

The line-item veto will no longer allow useless projects to be funded and buried in the budget without accountability. H.R. 2 forces the President and Congress to be responsible. In essence, it makes Congress stop its habitual practice of wasteful and excessive spending. This is an opportunity we cannot let pass.

By giving President Clinton and those who follow him the same tools for which 43 Governors currently use, we will take a giant step in restoring fiscal responsibility to the Federal budget process.

We must answer the public's call for a leaner, more efficient, and less costly effective Federal Government. I support passage of the line-item veto as a necessary budget reform