

104TH CONGRESS
1ST SESSION

H. R. 27

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. DUNCAN (for himself and Mr. BURTON of Indiana, Mr. HUNTER, Mr. ROHRBACHER, Mr. PETRI, Mr. HOKE, Mr. CANADY, Mr. KING, Mr. STUMP, Mr. PARKER, Mr. WILSON, Mr. MCCRERY, Mr. GUNDERSON, Mr. PORTMAN, Mr. MCHUGH, Mr. HANSEN, Mr. HALL of Texas, Mr. SCHIFF, Mr. BEREUTER, Mr. DOOLITTLE, Mr. QUILLEN, Mr. BALLENGER, Mr. WALSH, Mr. COBLE, Mr. HOEKSTRA, Mr. PACKARD, Mr. ALLARD, Mr. PRYCE, Mr. SENSENBRENNER, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. BRYANT of Tennessee, Mr. POMBO, Mrs. MEYERS of Kansas, Mr. HEFLEY, Mr. CONDIT, and Mrs. FOWLER) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE**
2 **PRESIDENT.**

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

5 “TITLE XI—LEGISLATIVE LINE ITEM VETO
6 RESCISSION AUTHORITY

7 “PART A—LEGISLATIVE LINE ITEM VETO RESCISSION
8 AUTHORITY

9 “GRANT OF AUTHORITY AND CONDITIONS

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

14 “(1) determines that—

15 “(A) such rescission would help balance
16 the Federal budget, reduce the Federal budget
17 deficit, or reduce the public debt;

18 “(B) such rescission will not impair any
19 essential Government functions; and

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

22 “(2)(A) notifies the Congress of such rescission
23 by a special message not later than 20 calendar days
24 (not including Saturdays, Sundays, or holidays)
25 after the date of enactment of a regular or supple-
26 mental appropriations Act or a joint resolution mak-

1 ing continuing appropriations providing such budget
2 authority; or

3 “(B) notifies the Congress of such rescission by
4 special message accompanying the submission of the
5 President’s budget to Congress and such rescissions
6 have not been proposed previously for that fiscal
7 year.

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

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

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

18 “(i) a Congressional review period of 20 cal-
19 endar days of session under part B, during which
20 Congress must complete action on the rescission dis-
21 approval bill and present such bill to the President
22 for approval or disapproval;

23 “(ii) after the period provided in clause (i), an
24 additional 10 days (not including Sundays) during

1 which the President may exercise his authority to
2 sign or veto the rescission disapproval bill; and

3 “(iii) if the President vetoes the rescission dis-
4 approval bill during the period provided in clause
5 (ii), an additional 5 calendar days of session after
6 the date of the veto.

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

16 “DEFINITIONS

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

22 “PART B—CONGRESSIONAL CONSIDERATION OF
23 LEGISLATIVE LINE ITEM VETO RESCISSIONS

24 “PRESIDENTIAL SPECIAL MESSAGE

25 “SEC. 1111. Whenever the President rescinds any
26 budget authority as provided in section 1101, the Presi-

1 dent shall transmit to both Houses of Congress a special
2 message specifying—

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

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

8 “(3) the reasons and justifications for the de-
9 termination to rescind budget authority pursuant to
10 section 1101(a)(1);

11 “(4) to the maximum extent practicable, the es-
12 timated fiscal, economic, and budgetary effect of the
13 rescission; and

14 “(5) all facts, circumstances, and considerations
15 relating to or bearing upon the rescission and the
16 decision to effect the rescission, and to the maxi-
17 mum extent practicable, the estimated effect of the
18 rescission upon the objects, purposes, and programs
19 for which the budget authority is provided.

20 “TRANSMISSION OF MESSAGES; PUBLICATION

21 “SEC. 1112. (a) DELIVERY TO HOUSE AND SEN-
22 ATE.—Each special message transmitted under sections
23 1101 and 1111 shall be transmitted to the House of Rep-
24 resentatives and the Senate on the same day, and shall
25 be delivered to the Clerk of the House of Representatives
26 if the House is not in session, and to the Secretary of

1 the Senate if the Senate is not in session. Each special
2 message so transmitted shall be referred to the appro-
3 priate committees of the House of Representatives and the
4 Senate. Each such message shall be printed as a document
5 of each House.

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

10 “PROCEDURE IN SENATE

11 “SEC. 1113. (a) REFERRAL.—(1) Any rescission dis-
12 approval bill introduced with respect to a special message
13 shall be referred to the appropriate committees of the
14 House of Representatives or the Senate, as the case may
15 be.

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

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

20 “(1) Debate in the Senate on any rescission dis-
21 approval bill and debatable motions and appeals in
22 connection therewith, shall be limited to not more
23 than 10 hours. The time shall be equally divided be-
24 tween, and controlled by, the majority leader and the
25 minority leader or their designees.

1 “(2) Debate in the Senate on any debatable mo-
2 tion or appeal in connection with such a bill shall be
3 limited to 1 hour, to be equally divided between, and
4 controlled by, the mover and the manager of the bill,
5 except that in the event the manager of the bill is
6 in favor of any such motion or appeal, the time in
7 opposition thereto shall be controlled by the minority
8 leader or his designee. Such leaders, or either of
9 them, may, from the time under their control on the
10 passage of the bill, allot additional time to any Sen-
11 ator during the consideration of any debatable mo-
12 tion or appeal.

13 “(3) A motion to further limit debate is not de-
14 batable. A motion to recommit (except a motion to
15 recommit with instructions to report back within a
16 specified number of days, not to exceed 1, not count-
17 ing any day on which the Senate is not in session)
18 is not in order.

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

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

4 “(3) Paragraphs (1) and (2) may be waived or sus-
5 pended in the Senate only by a vote of three-fifths of the
6 members duly chosen and sworn.”.

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