

104TH CONGRESS
1ST SESSION

S. 14

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. DOMENICI (for himself, Mr. EXON, Mr. CRAIG, Mr. BRADLEY, Mr. COHEN, and Mr. DOLE) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

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”.

1 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
2 **POSED RESCISSIONS AND REPEALS OF TAX**
3 **EXPENDITURES AND DIRECT SPENDING.**

4 (a) IN GENERAL.—Title X of the Congressional
5 Budget and Impoundment Control Act of 1974 (2 U.S.C.
6 621 et seq.) is amended by adding after section 1012 the
7 following new section:

8 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
9 RESCISSIONS AND REPEALS OF TAX EXPENDITURES
10 AND DIRECT SPENDING

11 “SEC. 1012A. (a) PROPOSED CANCELLATION OF
12 BUDGET ITEM.—The President may propose, at the time
13 and in the manner provided in subsection (b), the cancella-
14 tion of any budget item provided in any Act.

15 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

16 “(1)(A) Subject to the time limitations provided
17 in subparagraph (B), the President may transmit to
18 Congress a special message proposing to cancel
19 budget items and include with that special message
20 a draft bill that, if enacted, would only cancel those
21 budget items as provided in this section. The bill
22 shall clearly identify each budget item that is pro-
23 posed to be canceled including, where applicable,
24 each program, project, or activity to which the bud-
25 get item relates. The bill shall specify the amount, if
26 any, of each budget item that the President des-

1 ignates for deficit reduction as provided in para-
2 graph (4).

3 “(B) A special message may be transmitted
4 under this section—

5 “(i) during the 20-calendar-day period (ex-
6 cluding Saturdays, Sundays, and legal holidays)
7 commencing on the day after the date of enact-
8 ment of the provision proposed to be rescinded
9 or repealed; or

10 “(ii) at the same time as the President’s
11 budget.

12 “(2) In the case of an Act that includes budget
13 items within the jurisdiction of more than one com-
14 mittee of a House, the President in proposing to
15 cancel such budget item under this section shall
16 send a separate special message and accompanying
17 draft bill for each such committee.

18 “(3) Each special message shall specify, with
19 respect to the budget item proposed to be canceled—

20 “(A) the amount that the President pro-
21 poses be canceled;

22 “(B) any account, department, or estab-
23 lishment of the Government to which such
24 budget item is available for obligation, and the

1 specific project or governmental functions in-
2 volved;

3 “(C) the reasons why the budget item
4 should be canceled;

5 “(D) to the maximum extent practicable,
6 the estimated fiscal, economic, and budgetary
7 effect (including the effect on outlays and re-
8 cepts in each fiscal year) of the proposed can-
9 cellation; and

10 “(E) all facts, circumstances, and consider-
11 ations relating to or bearing upon the proposed
12 cancellation and the decision to effect the pro-
13 posed cancellation, and to the maximum extent
14 practicable, the estimated effect of the proposed
15 cancellation upon the objects, purposes, and
16 programs for which the budget item is provided.

17 “(4)(A) Not later than 5 days after the date of
18 enactment of a bill containing an amount designated
19 by the President for deficit reduction under para-
20 graph (1), the President shall—

21 “(i) with respect to a rescission bill, reduce
22 the discretionary spending limits under section
23 601 of the Congressional Budget Act of 1974
24 for the budget year and each outyear to reflect
25 such amount; and

1 “(ii) with respect to a repeal of a tax ex-
2 penditure or direct spending, adjust the bal-
3 ances for the budget year and each outyear
4 under section 252(b) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985 to
6 reflect such amount.

7 “(B) Not later than 5 days after the date of en-
8 actment of a bill containing an amount designated
9 by the President for deficit reduction under para-
10 graph (1), the chairs of the Committees on the
11 Budget of the Senate and the House of Representa-
12 tives shall revise levels under section 311(a) and ad-
13 just the committee allocations under section 602(a)
14 to reflect such amount.

15 “(c) PROCEDURES FOR EXPEDITED CONSIDER-
16 ATION.—

17 “(1)(A) Before the close of the second day of
18 session of the Senate and the House of Representa-
19 tives, respectively, after the date of receipt of a spe-
20 cial message transmitted to Congress under sub-
21 section (b), the majority leader or minority leader of
22 each House shall introduce (by request) the draft
23 bill accompanying that special message. If the bill is
24 not introduced as provided in the preceding sentence
25 in either House, then, on the third day of session of

1 that House after the date of receipt of that special
2 message, any Member of that House may introduce
3 the bill.

4 “(B) The bill shall be referred to the appro-
5 priate committee or (in the House of Representa-
6 tives) committees. The committee shall report the
7 bill without substantive revision and with or without
8 recommendation. The committee shall report the bill
9 not later than the seventh day of session of that
10 House after the date of receipt of that special mes-
11 sage. If the committee fails to report the bill within
12 that period, the committee shall be automatically
13 discharged from consideration of the bill, and the
14 bill shall be placed on the appropriate calendar.

15 “(C) A vote on final passage of the bill shall be
16 taken in the Senate and the House of Representa-
17 tives on or before the close of the 10th day of ses-
18 sion of that House after the date of the introduction
19 of the bill in that House. If the bill is passed, the
20 Clerk of the Senate or the House of Representatives,
21 as the case may be, shall cause the bill to be en-
22 grossed, certified, and transmitted to the other
23 House within one calendar day of the day on which
24 the bill is passed.

1 “(2)(A) During consideration under this sub-
2 section in the House of Representatives, any Mem-
3 ber of the House of Representatives may move to
4 strike any proposed cancellation of a budget item if
5 supported by 49 other Members.

6 “(B) A motion in the House of Representatives
7 to proceed to the consideration of a bill under this
8 subsection shall be highly privileged and not debat-
9 able. An amendment to the motion shall not be in
10 order, nor shall it be in order to move to reconsider
11 the vote by which the motion is agreed to or dis-
12 agreed to.

13 “(C) Debate in the House of Representatives on
14 a bill under this subsection shall not exceed 4 hours,
15 which shall be divided equally between those favoring
16 and those opposing the bill. A motion further to
17 limit debate shall not be debatable. It shall not be
18 in order to move to recommit a bill under this sub-
19 section or to move to reconsider the vote by which
20 the bill is agreed to or disagreed to.

21 “(D) Appeals from decisions of the Chair relat-
22 ing to the application of the Rules of the House of
23 Representatives to the procedure relating to a bill
24 under this section shall be decided without debate.

1 “(E) Except to the extent specifically provided
2 in this section, consideration of a bill under this sec-
3 tion shall be governed by the Rules of the House of
4 Representatives. It shall not be in order in the
5 House of Representatives to consider any rescission
6 bill introduced pursuant to the provisions of this sec-
7 tion under a suspension of the rules or under a spe-
8 cial rule.

9 “(3)(A) During consideration of a bill under
10 this subsection in the Senate, any Member of the
11 Senate may move to strike any proposed cancellation
12 of a budget item if supported by 11 other Members.

13 “(B) It shall not be in order to move to recon-
14 sider the vote by which the motion is agreed to or
15 disagreed to.

16 “(C) Debate in the Senate on a bill under this
17 subsection, and all debatable motions and appeals in
18 connection therewith (including debate pursuant to
19 subparagraph (D)), shall not exceed 10 hours. The
20 time shall be equally divided between, and controlled
21 by, the majority leader and the minority leader or
22 their designees.

23 “(D) Debate in the Senate on any debatable
24 motion or appeal in connection with a bill under this
25 subsection shall be limited to not more than 1 hour,

1 to be equally divided between, and controlled by, the
2 mover and the manager of the bill, except that in
3 the event the manager of the bill is in favor of any
4 such motion or appeal, the time in opposition there-
5 to, shall be controlled by the minority leader or his
6 designee. Such leaders, or either of them, may, from
7 time under their control on the passage of a bill,
8 allot additional time to any Senator during the con-
9 sideration of any debatable motion or appeal.

10 “(E) A motion in the Senate to further limit
11 debate on a bill under this subsection is not debat-
12 able. A motion to recommit a bill under this sub-
13 section is not in order.

14 “(F) If the Senate proceeds to consider a bill
15 introduced in the House of Representatives under
16 paragraph (1)(A), then any Senator may offer as an
17 amendment the text of the companion bill introduced
18 in the Senate under paragraph (1)(A) as amended
19 if amended (under subparagraph (A)). Debate in the
20 Senate on such bill introduced in the House of Rep-
21 resentatives, and all debatable motions and appeals
22 in connection therewith (including debate pursuant
23 to subparagraph (D)), and any amendment offered
24 under this subparagraph, shall not exceed 10 hours
25 minus such times (if any) as Senators consumed or

1 yielded back during consideration of the companion
2 bill introduced in the Senate under paragraph
3 (1)(A).

4 “(4) Debate in the House of Representatives or
5 the Senate on the conference report on any bill con-
6 sidered under this section shall be limited to not
7 more than 2 hours, which shall be divided equally
8 between the majority leader and the minority leader.
9 A motion further to limit debate is not debatable. A
10 motion to recommit the conference report is not in
11 order, and it is not in order to move to reconsider
12 the vote by which the conference report is agreed to
13 or disagreed to.

14 “(d) AMENDMENTS AND DIVISIONS PROHIBITED.—
15 Except as otherwise provided by this section, no amend-
16 ment to a bill considered under this section shall be in
17 order in either the Senate or the House of Representa-
18 tives. It shall not be in order to demand a division of the
19 question in the House of Representatives (or in a Commit-
20 tee of the Whole). No motion to suspend the application
21 of this subsection shall be in order in the House of Rep-
22 resentatives, nor shall it be in order in the House of Rep-
23 resentatives to suspend the application of this subsection
24 by unanimous consent.

1 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
2 GATION.—Any budget item proposed to be canceled in a
3 special message transmitted to Congress under subsection
4 (b) shall not be made available for obligation or take effect
5 until the day after the date on which either House rejects
6 the bill transmitted with that special message.

7 “(f) DEFINITIONS.—For purposes of this section—

8 “(1) the term ‘appropriation Act’ means any
9 general or special appropriation Act, and any Act or
10 joint resolution making supplemental, deficiency, or
11 continuing appropriations;

12 “(2) the term ‘direct spending’ shall have the
13 same meaning given such term in section 250(c)(8)
14 of the Balanced Budget and Emergency Deficit Con-
15 trol Act of 1985;

16 “(3) the term ‘budget item’ means—

17 “(A) an amount, in whole or in part, of
18 budget authority provided in an appropriation
19 Act;

20 “(B) an amount of direct spending; or

21 “(C) a targeted tax benefit;

22 “(4) the term ‘cancellation of a budget item’
23 means—

24 “(A) the rescission of any budget authority
25 provided in an appropriation Act;

1 “(B) the repeal of any amount of direct
2 spending; or

3 “(C) the repeal of any targeted tax benefit;
4 and

5 “(5) the term ‘targeted tax benefit’ means any
6 provision which has the practical effect of providing
7 a benefit in the form of a different treatment to a
8 particular taxpayer or a limited class of taxpayers,
9 whether or not such provision is limited by its terms
10 to a particular taxpayer or a class of taxpayers.
11 Such term does not include any benefit provided to
12 a class of taxpayers distinguished on the basis of
13 general demographic conditions such as income,
14 number of dependents, or marital status.”.

15 (b) EXERCISE OF RULEMAKING POWERS.—Section
16 904 of the Congressional Budget Act of 1974 (2 U.S.C.
17 621 note) is amended—

18 (1) in subsection (a), by striking “and 1017”
19 and inserting “1012A, and 1017”; and

20 (2) in subsection (d), by striking “section
21 1017” and inserting “sections 1012A and 1017”.

22 (c) CLERICAL AMENDMENTS.—The table of sections
23 for subpart B of title X of the Congressional Budget and
24 Impoundment Control Act of 1974 is amended by insert-
25 ing after the item relating to section 1012 the following:

“Sec. 1012A. Expedited consideration of certain proposed rescissions and repeals of tax expenditures and direct spending.”.

1 (d) EFFECTIVE PERIOD.—The amendments made by
2 this Act shall—

3 (1) take effect on the date of enactment of this
4 Act;

5 (2) apply only to budget items provided in Acts
6 enacted on or after the date of enactment of this
7 Act; and

8 (3) cease to be effective on September 30,
9 1998.

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