

104TH CONGRESS
1ST SESSION

S. 206

To give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.

IN THE SENATE OF THE UNITED STATES

JANUARY 11 (legislative day, JANUARY 10), 1995

Mr. MCCAIN (for himself and Mr. COATS) 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 give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.

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 “Line Item Veto Act”.

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

6 (a) IN GENERAL.—Notwithstanding the provisions of
7 part B of title X of the Congressional Budget and Im-
8 poundment Control Act of 1974, and subject to the provi-
9 sions of this section, the President may rescind all or part

1 of any discretionary budget authority or veto any targeted
2 tax benefit which is subject to the terms of this Act if
3 the President—

4 (1) determines that—

5 (A) such rescission or veto would help re-
6 duce the Federal budget deficit;

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

9 (C) such rescission or veto will not harm
10 the national interest; and

11 (2) notifies the Congress of such rescission or
12 veto by a special message not later than twenty cal-
13 endar days (not including Saturdays, Sundays, or
14 holidays) after the date of enactment of a regular or
15 supplemental appropriation Act or a joint resolution
16 making continuing appropriations providing such
17 budget authority or a revenue Act containing a tar-
18 geted tax benefit.

19 The President shall submit a separate rescission message
20 for each appropriation Act and for each revenue Act under
21 this paragraph.

22 **SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DIS-**
23 **APPROVED.**

24 (a)(1) Any amount of budget authority rescinded
25 under this Act as set forth in a special message by the

1 President shall be deemed canceled unless, during the pe-
2 riod described in subsection (b), a rescission/receipts dis-
3 approval bill making available all of the amount rescinded
4 is enacted into law.

5 (2) Any provision of law vetoed under this Act as set
6 forth in a special message from the President shall be
7 deemed repealed unless, during the period described in
8 subsection (b), a rescission/receipts disapproval bill restor-
9 ing that provision is enacted into law.

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

11 (1) a congressional review period of twenty cal-
12 endar days of session during which Congress must
13 complete action on the rescission/receipts disapproval
14 bill and present such bill to the President for ap-
15 proval or disapproval;

16 (2) after the period provided in paragraph (1),
17 an additional ten days (not including Sundays) dur-
18 ing which the President may exercise his authority
19 to sign or veto the rescission/receipts disapproval
20 bill; and

21 (3) if the President vetoes the rescission/re-
22 cepts disapproval bill during the period provided in
23 paragraph (2), an additional five calendar days of
24 session after the date of the veto.

1 (c) If a special message is transmitted by the Presi-
2 dent under this Act and the last session of the Congress
3 adjourns sine die before the expiration of the period de-
4 scribed in subsection (b), the rescission or veto, as the case
5 may be, shall not take effect. The message shall be deemed
6 to have been retransmitted on the first day of the succeed-
7 ing Congress and the review period referred to in sub-
8 section (b) (with respect to such message) shall run begin-
9 ning after such first day.

10 **SEC. 4. DEFINITIONS.**

11 As used in this Act:

12 (1) The term “rescission/receipts disapproval
13 bill” means a bill or joint resolution which—

14 (A) only disapproves a rescission of discre-
15 tionary budget authority, in whole, rescinded, or

16 (B) only disapproves a veto of any targeted
17 tax benefit, in a special message transmitted by
18 the President under this Act.

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

22 (3) The term “targeted tax benefit” means any
23 provision of a revenue Act which the President de-
24 termines would provide a Federal tax benefit to five
25 or fewer taxpayers.

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

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

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

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

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

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

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

1 (b) TRANSMISSION OF MESSAGES TO HOUSE AND
2 SENATE.—

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

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

17 (c) REFERRAL OF RESCISSION/RECEIPTS DIS-
18 APPROVAL BILLS.—Any rescission/receipts disapproval
19 bill introduced with respect to a special message shall be
20 referred to the appropriate committees of the House of
21 Representatives or the Senate, as the case may be.

22 (d) CONSIDERATION IN THE SENATE.—

23 (1) An rescission/receipts disapproval bill re-
24 ceived in the Senate from the House shall be consid-

1 ered in the Senate pursuant to the provision of this
2 Act.

3 (2) Debate in the Senate on any rescission/re-
4 ceipts disapproval bill and debatable motions and ap-
5 peals in connection therewith, shall be limited to not
6 more than ten hours. The time shall be equally di-
7 vided between, and controlled by, the majority leader
8 and the minority leader or their designees.

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

21 (4) A motion to further limit debate is not de-
22 batable. A motion to recommit (except a motion to
23 recommit with instructions to report back within a
24 specified number of days not to exceed one, not

1 counting any day on which the Senate is not in ses-
2 sion) is not in order.

3 (e) POINTS OF ORDER.—

4 (1) It shall not be in order in the Senate or the
5 House of Representatives to consider any rescission/
6 receipts disapproval bill that relates to any matter
7 other than the rescission of budget authority or veto
8 of the provision of the law transmitted by the Presi-
9 dent under this Act.

10 (2) It shall not be in order in the Senate or the
11 House of Representatives to consider any amend-
12 ment to a rescission/receipts disapproval bill.

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

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