

## NOES—156

Ackerman	Honda	Ortiz
Allen	Hooley	Owens
Andrews	Hoyer	Pallone
Baca	Inslee	Pascarell
Baldwin	Israel	Pastor
Becerra	Jackson (IL)	Payne
Berman	Jackson-Lee	Pelosi
Bishop (NY)	(TX)	Pomeroy
Blumenauer	Johnson, E. B.	Price (NC)
Brady (PA)	Jones (OH)	Rangel
Brown (OH)	Kanjorski	Reyes
Brown, Corrine	Kaptur	Rothman
Butterfield	Kennedy (RI)	Roybal-Allard
Capps	Kildee	Rush
Capuano	Kilpatrick (MI)	Sabo
Cardin	Kind	Sánchez, Linda
Carnahan	Kucinich	T.
Carson	Langevin	Sanchez, Loretta
Cleaver	Lantos	Sanders
Clyburn	Larson (CT)	Schakowsky
Conyers	Lee	Schiff
Cooper	Levin	Schwartz (PA)
Crowley	Lewis (GA)	Scott (VA)
Cummings	Lipinski	Sherman
Davis (AL)	Lofgren, Zoe	Slaughter
Davis (CA)	Lowe	Smith (WA)
Davis (IL)	Lynch	Snyder
DeFazio	Maloney	Solis
DeGette	Markley	Spratt
Delahunt	Matsui	Stark
DeLauro	McCarthy	Strickland
Dicks	McCollum (MN)	Stupak
Dingell	McDermott	Tauscher
Doggett	McGovern	Taylor (MS)
Doolittle	McKinney	Thompson (MS)
Doyle	McNulty	Tiahrt
Emanuel	Meehan	Tierney
Engel	Meek (FL)	Towns
Eshoo	Meeks (NY)	Udall (CO)
Etheridge	Michaud	Udall (NM)
Farr	Millender-	Van Hollen
Fattah	McDonald	Velázquez
Frank (MA)	Miller (NC)	Visclosky
Gonzalez	Miller, George	Wasserman
Green, Al	Moore (KS)	Schultz
Green, Gene	Moore (WI)	Watson
Grijalva	Moran (VA)	Watt
Gutierrez	Murtha	Waxman
Harman	Nadler	Weiner
Hastings (FL)	Napolitano	Wexler
Higgins	Neal (MA)	Woolsey
Hinchey	Oberstar	Wu
Holden	Obey	
Holt	Oliver	

## NOT VOTING—8

Berkley	Johnson, Sam	Shays
Davis (FL)	Pitts	Waters
Evans	Serrano	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 5638, the bill just passed.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LEGISLATIVE LINE ITEM VETO  
ACT OF 2006

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 886, I call up the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 886, the bill is considered read.

The text of the bill is as follows:

H.R. 4890

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Legislative Line Item Veto Act of 2006”.

## SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

## “PART C—LEGISLATIVE LINE ITEM VETO

“SEC. 1021. (a) PROPOSED RESCISSIONS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

## “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

## “(1) SPECIAL MESSAGE.—

“(A) IN GENERAL.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

“(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

“(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

“(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

“(iii) the reasons why such budget authority or item of direct spending should be rescinded;

“(iv) 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;

“(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

“(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

## “(2) ENACTMENT OF RESCISSION BILL.—

“(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

“(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date

of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 302(a) to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.

“(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

## “(1) IN GENERAL.—

“(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President’s draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

“(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection 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) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection 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 reconsider a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

“(C) APPEALS.—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) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, 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 bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

“(3) CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(F) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(d) AMENDMENTS AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. 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). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

“(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

“(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

“(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

“(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the

President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

“(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“(g) DEFINITIONS.—For purposes of this section—

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

“(2) the term ‘deferral’ has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase ‘deferral of budget authority’ defined in section 1011(i) in part B (2 U.S.C. 682(1));

“(3) the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority and obligation limitations—

“(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

“(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

“(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

“(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

“(4) the terms ‘rescind’ or ‘rescission’ mean to modify or repeal a provision of law to prevent—

“(A) budget authority from having legal force or effect;

“(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

“(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

“(5) the term ‘direct spending’ means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

“(6) the term ‘item of direct spending’ means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code,

and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget;

“(7) the term ‘suspend the execution’ means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit; and

“(8)(A) the term ‘targeted tax benefit’ means—

“(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

“(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986;

“(B) a provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

“(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

“(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

“(iii) any difference in the treatment of persons is based solely on—

“(I) in the case of businesses and associations, the size or form of the business or association involved;

“(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

“(III) the amount involved; or

“(IV) a generally-available election under the Internal Revenue Code of 1986;

“(C) a provision shall not be treated as described in subparagraph (A)(ii) if—

“(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

“(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

“(D) for purposes of subparagraph (A)—

“(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

“(ii) all qualified plans of an employer shall be treated as a single beneficiary;

“(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

“(E) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

“(i) the first fiscal year for which the provision is effective; or

“(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

“(F) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

“(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.”

(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 “1017, and 1021”; and

(2) in subsection (d), by striking “section 1017” and inserting “sections 1017 and 1021”.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking “Parts A and B” before “title X” and inserting “Parts A, B, and C”; and

(B) striking the last sentence and inserting at the end the following new sentence: “Part C of title X also may be cited as the ‘Legislative Line Item Veto Act of 2006’.”

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

“PART C—LEGISLATIVE LINE ITEM VETO

“Sec. 1021. Expedited consideration of certain proposed rescissions.”

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

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

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 109-518, is adopted.

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

H.R. 4890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Legislative Line Item Veto Act of 2006”.

**SEC. 2. LEGISLATIVE LINE ITEM VETO.**

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

“PART B—LEGISLATIVE LINE ITEM VETO

“LINE ITEM VETO AUTHORITY

“SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit. If the 45 calendar-day period expires during a period where either House of Congress stands ad-

journing *sine die* at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

“(b) TRANSMITTAL OF SPECIAL MESSAGE.—

“(1) SPECIAL MESSAGE.—

“(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits.

“(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, or targeted tax benefits to be canceled—

“(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), or the targeted tax benefit that the President proposes be canceled;

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

“(iii) the reasons why such discretionary budget authority, item of direct spending, or targeted tax benefit should be canceled;

“(iv) 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 cancellation;

“(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, or the targeted tax benefit is provided;

“(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, or targeted tax benefits proposed in that special message; and

“(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

“(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, or targeted tax benefit more than one time under this Act.

“(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

“(2) ENACTMENT OF APPROVAL BILL.—

“(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

“(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.”

“PROCEDURES FOR EXPEDITED CONSIDERATION

“SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment *sine die* at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment *sine die* at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. 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 disposed of shall not be in order.

“(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

“(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

“(3) CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(F) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

“PRESIDENTIAL DEFERRAL AUTHORITY

“SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND DIRECT SPENDING.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any item of direct spending proposed to be canceled in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special

message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“(d) EXTENSION OF 45-DAY PERIOD.—The President may transmit to the Congress not more than one supplemental special message to extend the period to suspend the implementation of any discretionary budget authority, item of direct spending, or targeted tax benefit, as applicable, by an additional 45 calendar days. Any such supplemental message may not be transmitted to the Congress before the 40th day of the 45-day period set forth in the preceding message or later than the last day of such period.

“IDENTIFICATION OF TARGETED TAX BENEFITS

“SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the ‘chairmen’) shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

“(b) STATEMENT INCLUDED IN LEGISLATION.—

“(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

“(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: ‘Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall \_\_\_\_\_ apply to \_\_\_\_\_’, with the blank spaces being filled in with—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space; or

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

“(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.”

“(d) PRESIDENT’S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

“(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

“TREATMENT OF CANCELLATIONS

“SEC. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

“REPORTS BY COMPTROLLER GENERAL

“SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“DEFINITIONS

“SEC. 1017. As used in this part:

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) APPROVAL BILL.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed cancellations transmitted by the President on \_\_\_\_\_’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations \_\_\_\_\_’, the blank space being filled in with a list of the cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on \_\_\_\_\_’, the blank space being filled in with the appropriate date, ‘regarding \_\_\_\_\_’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or that are identified as targeted tax benefits pursuant to section 1014;

“(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: ‘The President shall cease the suspension of the implementation of the following under section 1013 of the

Legislative Line Item Veto Act of 2006: \_\_\_\_\_', the blank space being filled in with the list of such proposed cancellations; and

"(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

"(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

"(A) budget authority from having legal force or effect;

"(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

"(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect; or

"(D) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

"(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

"(6) DIRECT SPENDING.—The term 'direct spending' means—

"(A) budget authority provided by law (other than an appropriation law);

"(B) entitlement authority; and

"(C) the food stamp program.

"(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term "dollar amount of discretionary budget authority" means the entire dollar amount of budget authority—

"(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

"(B) The term 'dollar amount of discretionary budget authority' does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

"(iii) any existing budget authority canceled in an appropriation law; or

"(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

"(8) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to

the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. However, such item does not include an extension or reauthorization of existing direct spending, but instead only refers to provisions of law that increase such direct spending.

"(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

"(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

"(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

"(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

"(11) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

"(B) for purposes of subparagraph (A)—

"(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

"(iii) all employees of an employer shall be treated as a single beneficiary;

"(iv) all qualified plans of an employer shall be treated as a single beneficiary;

"(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

"(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

"(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

"(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

"(i) the first fiscal year for which the provision is effective; or

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

"(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

#### "EXPIRATION

"SEC. 1018. This title shall have no force or effect on or after October 1, 2012."

#### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) 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 "1017" and inserting "1012"; and

(2) in subsection (d), by striking "section 1017" and inserting "section 1012".

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting "(a)" after "402." and by adding at the end the following new subsection:

"(b) Upon the receipt of a special message under section 1011 proposing to cancel any item of direct spending, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed cancellation relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate."

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking "rescinded or that is to be reserved" and insert "canceled" and by striking "1012" and inserting "1011".

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

#### "PART B—LEGISLATIVE LINE ITEM VETO

"Sec. 1011. Line item veto authority.

"Sec. 1012. Procedures for expedited consideration.

"Sec. 1013. Presidential deferral authority.

"Sec. 1014. Identification of targeted tax benefits.

"Sec. 1015. Treatment of cancellations.

"Sec. 1016. Reports by Comptroller General.

"Sec. 1017. Definitions.

"Sec. 1018. Expiration.

"Sec. 1019. Suits by Comptroller General.

"Sec. 1020. Proposed Deferrals of budget authority."

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

#### SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

#### GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the gentleman

from Wisconsin (Mr. RYAN), the chief sponsor of the bill and a member of the Budget Committee, be allowed to control the balance of my time after I speak and also be authorized to yield blocks of time to other speakers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

One of the most important obligations Congress has is to be good stewards of the tax dollars is to spend it wisely, to spend it prudently, and with the Nation's best interests in mind. I think it is fair to say honoring this obligation is as important today, if not more so, than probably any time in our history.

We have made progress over the past few years in regaining control of our nonsecurity and nonemergency spending, both on the appropriations side of the budget as well as on the enormous entitlement programs. We are going to continue to build on those efforts.

With economic growth in our country and the economy, with growth of jobs, now 5 million and counting, the economy is growing. Revenues are coming into the Treasury. We are holding down spending and reforming government, and the good news is the deficit is coming down.

Each and every day on the floor we bring appropriations bills from the great committee under the leadership of JERRY LEWIS to continue that trend that we have started, and that is controlling spending, rooting out all waste, fraud and abuse. That committee is doing an excellent job, and I commend them.

But I hear criticism, and I think many Members do, when we go back home to talk to our constituents, whether it is in Iowa where I live or across the country, that they really are tired of what they hear about when it comes to this earmark or special-interest spending that goes on that sometimes only benefits a very few people.

They also tend to surprise a lot of Members in the final conference reports that come through on a number of bills, not just the appropriation bills, but across the gamut of the work Congress does.

We all know the game; and frankly, most of us play the game. Members take the opportunity to slip in a special-interest goodie for their district into these enormous spending bills; and rarely, if ever, do we take the opportunity to look at each one of those projects that affects other people's districts. As a result, we don't get to look at all of the so-called pork-barrel spending that oftentimes goes into these projects. We all know full well that many of these so-called extras or extra spending would really never survive if it was subjected to all 435 of us providing our scrutiny.

But we also know that no one person can vote against these items because doing so would mean you would have to

vote against the entire bill, most of which is for legitimate purposes. So we are never going to completely eliminate the appetite on both sides of the aisle for tacking onto these large bills these special-interest projects. But what we can do and what we continue to try and do today is reform the process and minimize the impact of these wasteful items on the taxpayer.

That brings us to the bill at hand. The Legislative Line Item Veto Act of 2006 introduced by the gentleman from Wisconsin (Mr. RYAN) provides an additional effective tool for reducing wasteful spending. It is endorsed, it is supported, it is cosponsored by a bipartisan majority of this House, men and women on both sides of the aisle, that for years on both sides of the aisle in a bipartisan way have been working not only to reform the budget process, but to figure out ways to adopt a so-called line item veto.

Presidents, for time immemorial, have chided Congress for not working on this. Our President today has done the same. We need to get this done. We need to put it into law. We need to try it with a sunset attached in order to make sure that we can move this down the field and reform wasteful spending.

Don't use the excuse that this is not a perfect bill. Don't use the excuse that this is somehow the wrong time. That's an excuse in an election year when you don't want to go home and explain to your voters why every press release you said you were for it, why every time you cosponsored it, why every time you voted for it, except this time. This time somehow it is not perfect; this time somehow it is political; this time the timing just doesn't quite seem right. Those are not excuses that will hold water with the constituents back home.

We need to take this opportunity to do what is right and move the Legislative Line Item Veto Act of 2006.

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

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I can't help but notice the juxtaposition on the estate tax bill that will decrease revenues by \$823 billion over its first 10 years of implementation and this bill which comes to us wearing the mantle of fiscal responsibility, but will barely dent the addition to the deficit we just made if that bill becomes law.

Mr. Speaker, I have written and brought to the floor of this House and seen to passage at least two, maybe three, expedited rescission bills back in the 1990s. But I can't bring those bills to this floor today because the Rules Committee won't let me. They shut me out 100 percent. Every amendment I requested was rejected, even though they were serious and substantive amendments.

So I would say to others who were here on previous occasions: Look at this bill carefully because it is not the same bill we have voted upon before.

This bill allows the President a window of 45 days in which to pick items to be rescinded. It allows the President to send five rescission bills for every appropriation bill. Five times 11, there are 11 appropriation bills, equals 55. If we have a President who makes full use of this, we are inviting chaos.

The original bill and the substitute I would have offered provide the President 10 days, which is enough. Furthermore, the more time you give the President, the more apt that the cuts he makes will be for political purposes rather than budgetary purposes. Ten days is enough for a budgetary review.

Secondly, this bill allows the House, us, Congress, to vote up or down. That's it, no amendments, no way that we can cull through the list that the President sends back up here and pick out what is a worthy project and make the case for them.

The original bill which we voted upon before and my substitute allowed a Member to go get 99 others and remove a worthy spending item from the rescission list.

Next, this bill allows the President to strike something called direct spending items. That's budget talk for Social Security, Medicare, Medicaid, veterans benefits, agriculture benefits, on and on. What we have in this bill is a fast track, an expedited track to passage, summary treatment of things that the President sends up here that are supposed to be turned around in less than 30 days, and that is no way to decide substantive changes in Medicare and Social Security, but that is what this bill provides.

The original bill and my substitute have no mention of Medicare or Social Security direct spending in it. It applied to discretionary spending, as it should.

This bill allows the President to strike targeted tax benefits. So did the original bill. I offered that amendment. But this bill defines targeted tax benefits to mean those with fewer than 100 beneficiaries. That was a targeted tax benefit.

This bill defines the number down to one beneficiary and lets the Ways and Means Committee chairman be the arbiter of that. This is a sham. It is a serious deficiency in this bill, and it distinguishes this bill from the others that have come before it.

This bill allows the President to impose a 90-day impoundment on spending items for which he seeks rescission, but by the track set up in this bill, it will only take 30 days for a rescission to run its course. Why not simply confine the amount of impoundment time to something close to the amount of time it will take to consider a rescission request?

This may seem like a small point, but we are giving a substantial grant of authority to the President. If it is abused or not used in a way that we approve, then we better keep it on tight rein. This bill sunsets in 6 years. We would sunset it in 2 years. Keep it on a



tight rein in case it is abused. It may be a small point, but it could be a major point as well.

There are other things that we would have proposed in amendments that we would offer that would make this bill better. The gentleman just talked about earmarks. We put earmark reforms in our substitute. You will not find the word "earmark" anywhere in this bill.

If you are going to do this, and your objective is to take down the deficit, then let's put something in here known to work toward that end, and that is the PAYGO rule. It worked so well for us in the 1990s and can work again for us. Why not use this moving vehicle in the name of fiscal responsibility to pass PAYGO as well as rescission? If we did something like that, you truly would have a bipartisan bill.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 10 seconds to the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I congratulate the gentleman from Wisconsin (Mr. RYAN) for the work he has done on this very important bill. We have had our differences, but in the meantime he has been more than cooperative.

Mr. Speaker, I rise in opposition to the Legislative Line Item Veto Act. My opposition is based on Congress's experience with previous efforts to give the President line item veto authority, as well as my serious concerns over what this bill would do to the balance of budgetary power between the Legislative and Executive Branches.

During 1997, President Clinton exercised his authority under the Line Item Veto Act of 1996 to cancel spending authority or tax benefits 82 times. Total cancellations of discretionary budget authority amounted to \$479 million, or less than three one-hundredths of one percent of the total fiscal year 1998 Federal budget.

The cancellations made during this period were mired in controversy. On October 6, 1997, President Clinton cancelled \$287 million for 38 military construction projects in 24 States. Soon after the cancellations were announced, the administration admitted, in response to bipartisan criticism, that they had used flawed information in deciding to cancel nearly half of the projects.

The administration used three criteria in making these decisions. The cancelled projects: (1) were not requested by the military; (2) could not make contributions to the national defense in fiscal year 1998; and (3) would not benefit the quality of life and well-being of military personnel. These criteria were applied by the bureaucrats within the White House and OMB without consulting either the Department of Defense or the Members of Congress who sponsored the projects.

Congress's motivation for funding many of these projects was safety. A Live Fire Command and Control Facility at Fort Irwin, CA, would enable the Army to safely train personnel in the live firing of ordnance. Renova-

tions at White Sands Missile Range, NM, would address the absence of fire suppression systems.

Other projects provided much-needed housing. One would provide housing at Dyess Air Force Base in Texas, where there were no existing facilities to house the 13th Bomb Squadron.

Appropriations Chairman Bob Livingston singled out a particularly egregious cancellation relating to the money for Army reserve units in Utah. He said, in a letter to President Clinton, "I can only conclude that your decision was based on something other than an altruistic yearning to cut spending. Mr. President, this was an embarrassing mistake . . ."

The Clinton Administration responded to some of the criticism by stating that many of the cancelled projects would be requested in future budgets anyway. This only fueled congressional objections, however, as Members could not understand why the projects were not necessary now when they could be considered necessary in the next budget cycle.

Congress responded by passing a bill to disapprove the President's military construction cancellations. The bill was vetoed by the President. The House voted 347-69 and the Senate voted 78-20 to override the veto, enacting the bill and nullifying the cancellations.

On June 25, 1998, the Supreme Court ruled that the Line Item Veto Act violated the presentment clause of the Constitution, thus ending a divisive and contentious fight between the Executive and Legislative branches.

The experience of the original Line Item Veto Act should cause Congress to be extremely cautious about giving the President new line item veto authority. Even though implementation under H.R. 4890 differs from the 1996 Act, the proposed bill would transfer a great deal of budgetary power to the Executive Branch.

The expedited rescission authority mandated by H.R. 4890 would give new weight to the President's rescission proposals. While under current law any rescission proposal can be disregarded by Congress if it has no merit, H.R. 4890 requires votes in the House and Senate. The President, or even bureaucrats within the agencies or the Office of Management and Budget, would set the legislative agenda by deciding what rescissions to include in a bill.

A President could also structure his rescission messages with more of an eye toward politics instead of good policy. For example, a President, encouraged by his political advisors, could propose rescissions that target the projects of one political party. In this event, the debate over the bill would be blatantly political and would certainly lead to legislative stonewalling by the offended party. A President could also make deals with specific Members of Congress to further his legislative agenda. He could easily threaten to cancel an item directly benefiting a particular Member's district, and then back off his threat if that Member votes in favor of the President's program. If a President is interested in trading Members' projects for their support for expanded entitlement spending, for example, overall spending would actually increase.

H.R. 4890 could also present Congress with a procedural nightmare. Each rescission bill would use up to five hours of debate time in the House and ten hours in the Senate. The President could submit up to five rescission

messages for each enacted spending or tax bill, or up to ten messages for an omnibus bill. A multiple-rescission-bill scenario could easily eat up precious legislative time when the legislative calendar is already severely limited.

A Republican Congress might tend to support a Republican President's rescission proposals. However, there may not always be a Republican President in the White House. Expedited rescission authority would provide new opportunities for conflict between a White House and Congress of differing parties. The result could be a legislative deadlock manufactured by the Executive Branch.

The experience of the Line Item Veto Act under President Clinton showed how contentious the debate could become over saving a relatively small amount of money. Congress should have serious reservations over giving the Executive Branch so much sway over the funding of congressional priorities and the framework of the legislative agenda.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I am pleased to be bringing this bill to the floor today, and I would like to explain why we are doing this, why this is needed.

Just last year, according to the CRS or Citizens Against Government Waste, whichever group you want to talk about, we had over 10,000 earmarks here, totaling almost \$28 billion.

Mr. Speaker, not every one of those earmarks came in just conference reports, but many of them did.

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Mr. Speaker, we need more transparency and more accountability in how we spend the taxpayer dollars. In particular, Mr. Speaker, we ought to have the ability to be able to have votes on the individual merits of spending items, particularly those that we never have a chance to vote on, things that go into conference reports.

The earmark reform legislation that was passed earlier by this body did a lot to address bringing more transparency and accountability to the spending system as bills come to the floor. This is a perfect complement to that, the legislative line item veto, because after bills are considered, after conference reports are dealt with, we often find out that in conference a lot of things get put into those bills that we didn't get a chance to scrutinize. We ought to be able to vote on those things.

Now, how does this work?

And I want to get to the constitutional point in just a moment. Here is exactly how the process is laid out under this constitutional legislative line item veto: number one, after a bill becomes law, the President identifies an item of discretionary spending, direct spending or special interest tax break in legislation that is being signed into law. The President then submits a special message to Congress, no more than five, asking for the rescission of a spending item or items. After receiving this bill or messages, the House and the Senate have a total of 14 legislative days to bring it to the

floor for an up-or-down vote. If the House and Senate pass the President's rescission request, it is sent to the President and becomes law. If either House votes against it, the rescission is not enacted.

This is far different than the earlier legislative line item veto. This is not your father's line item veto. In fact, I agree with the Supreme Court ruling that said that the earlier line item veto was unconstitutional, because that line item veto, among other things, violated the separation of powers. This protects the prerogatives of the legislative branch, specifically, because this: the action is executed by Congress, not the administration. Under the old version the administration made the decision. Line item veto. That is the end of it. If Congress didn't like it, they would have to come up with a two-thirds vote to override that. That is not how this situation works.

Under this system, the President, who already has similar existing rescission authority, sends a rescission request to the Congress, just like he can do today. Only under this situation, we simply add a fast track authority, like we do with a lot of other legislation, like trade legislation, whereby we can't duck the vote by within 14 legislative days the House and the Senate vote on this, up or down. We decide in Congress. We vote to affirm the rescission. If we choose not to pass the rescission, the rescission does not take place. The money is spent. This is constitutional to the point where the gentleman who argued against the line item veto successfully in the Supreme Court in 1998 came to testify in three different committee hearings, Charles Cooper, as to the constitutionality of this, that this does, in fact, protect the prerogatives of the legislative branch; that this is consistent with the bicameralism and presentment clause in the Constitution, and maintains the separation of powers.

Now, we have worked with a lot of parties. We have worked with Democrats, constitutional experts, Republicans, OMB. In fact, this bill has been so bipartisan in the past, similar legislation has been proposed. In 1993, H.R. 1578 received 250 votes, including 174 Democrats. In 1994, H.R. 4600 received 342 votes, an expedited rescission bill, 173 Democrats. Two years ago, Congressman Charles Stenholm and I, a Blue Dog Democrat, brought it to the floor. We got 174 votes for virtually the same legislation, where we got 45 Democrats.

Now, the gentleman from South Carolina, the ranking member, has brought a lot of good points to the table. He is a gentleman who has watched this process for many years and understands this process very, very well. In particular, he brought six items of concern to the committee 3 weeks ago, which I took very, very copious notes of, which I took to heart. And because of that, we have made six big changes to this bill to try and im-

prove this legislation, because I think the gentleman from South Carolina made excellent suggestions.

We limited time on the President's submission of a rescission request. We limited the number of requests. We wrote a ban on duplicative requests so the President couldn't send a request over and over and over and tie us into knots. We shortened the deferral period to the minimum amount necessary. We clarified that existing entitlements are exempt. Not Medicare, not Social Security, not other entitlements. We put a sunset in here so that we can revisit this law in 6 years to make sure that the balance of power is maintained.

Why is this needed, Mr. Speaker?

I think the success of this tool will be judged more in how much wasteful spending doesn't get put into bills and less on how much wasteful spending we take out of bills. Having this deterrence, having this extra layer of accountability will bring the level of sunshine, transparency and accountability to the spending and taxing process in Congress exactly where it is needed the most.

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

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, all this posturing about fiscal responsibility is nothing more than a side show. This legislation is not about fiscal responsibility. Look no further than the Republican estate tax bill this House just passed. Putting us nearly \$1 trillion further in debt over the next 15 years for the sake of a few of our country's wealthiest families is evidence enough of where the priorities of the Bush administration and the Republican congressional leadership lie.

In fact, the line item veto has very little to do with budgeting at all. It has everything to do with power, Presidential power. The shift of constitutional power from Congress to the executive branch has greatly accelerated since the 1990s. As congressional scholars Tom Mann and Norm Ornstein observe, the Republican Congress, under the administration of George W. Bush, has featured "a general obeisance to Presidential initiative, and passivity in the face of Presidential power."

This bill would tilt the balance of power even further in the direction of the White House. Specific provisions of the bill would give the President inordinate control over the appropriations process. For example, the President could cherry-pick from among a wide range of provisions, authorizations or appropriations, discretionary or mandatory, and package them together in whatever way he saw fit, requiring Congress to vote up or down on the entire package.

This bill would give the White House unprecedented leverage over Congress

by allowing the President to condition his support for our priorities on our acquiescence in his priorities. It is for this exact reason that many experts believe this bill would actually increase government spending, not reduce it.

Now, Mr. Speaker, I will take a back seat to no one in targeting bridges to nowhere and other examples of congressional waste. But I also know this: Presidents almost invariably ask for more money than Congress is willing to appropriate. And the profligacy of our current President is well documented.

The line item veto is not about spending versus saving. It is about letting the President, not Congress, decide what we are spending money on.

Mr. Speaker, if the leadership of this House were serious about getting our finances in order, it would never have abandoned the pay-as-you-go rules, which helped produce balanced budgets and even surpluses in the 1990s. And it would reinstate those rules today, as proposed by Mr. SPRATT's substitute.

The Spratt substitute would also have addressed several other key weaknesses of H.R. 4890. But once again, the House leadership has rigged the rules to deny us a vote on it. Instead, we get this fig-leaf bill designed to hide the fiscal sins of this Republican Congress from the American public.

Mr. Speaker, the House of Representatives has three fundamental powers: declaring war, conducting oversight, and the power of the purse. We have already gone a long way to sacrifice the first two to the executive branch. Do we really want to give away the only one we have got left?

I urge my colleagues to oppose this misguided legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, today I come to the floor in support of this bill, the Line Item Veto Act, and I applaud Congressman PAUL RYAN for his hard work on this legislation.

The Line Item Veto Act will work to eliminate wasteful spending, safeguard against questionable appropriation decisions, and further protect taxpayers' dollars from waste, fraud and abuse. It becomes another important tool that helps us restrain spending and meets the constitutional test that the line item veto given to the President during the Clinton administration but reversed by the Supreme Court could not meet. It may not be everything that line item veto was, but I think Mr. RYAN has worked hard to make it everything it could be and meet that constitutional standard.

At the same time, it increases transparency in the process, it protects legitimate spending requests that direct funds to carry out important projects that benefit Americans, and it also gives Congress the final word in that important constitutional responsibility that the previous speaker mentioned



was uniquely given to us. We bring someone else into this process in a way that helps. It will make a difference. I think it is more than barely a dent, but even a dent becomes another tool, makes a difference. I think it makes a significant difference.

Mr. RYAN has worked hard. He was given six challenges to the original proposal that he brought to this Congress. He made six significant changes.

I urge my colleagues to join him in passing this bill and giving the President and this Congress the assistance that this and future Congresses need to help us restrain spending in Washington.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I would support the proposal before this House today if there were just one additional provision, and that is something I moved during the Budget Committee last week, to reinstate and add as an amendment to this PAYGO provisions that Mr. SPRATT mentioned early.

PAYGO sounds complex. All it really is if you have a new spending proposal or a new tax cut proposal, the first section is, here is my proposal. The second provision is, here is how it will be paid for.

If we want to truly restore fiscal responsibility to this body, and to our Nation, we need to reinstate PAYGO that expired in 2002.

Over the last 5 years Congress has raised the debt limit four times by \$3 trillion; raised the debt limit by \$3 trillion in the last 5 years. The most recent was almost \$800 billion in March of this year.

Unfortunately, our current fiscal carelessness is going to land squarely on the shoulders of our kids and grandkids. We are putting our children and grandchildren in a hole so deep they may never be able to climb out. Each person in this country now has their share of the national debt at \$28,000.

This debt tax, Mr. Speaker, that we are imposing on our children and grandchildren cannot be repealed and can only be reduced if we take responsible steps now. We should and must reinstate PAYGO rules. In fact, former chairman of the Federal Reserve Board Greenspan testified in front of our Budget Committee, as did David Walker, the Comptroller General of our country, in favor of reinstating this rule.

Again, I would support line item veto if we had the addition of PAYGO rules. I think we need to take this measure now, and I urge people to look at this seriously and to reinstate PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to say this: as a member of the Appropriations Committee, I am proud that

this year the House Appropriations Committee has eliminated 95 different programs and greatly reduced the number of Member projects and earmarks. In each year we receive about 25,000 requests for earmarks. And yet, if there is another tool out there that we can use to scrutinize spending, I don't think any of us should be afraid to do it.

I support the line item veto. I think that the compromise that Mr. RYAN has crafted to get around the questions that we, as a Republican Congress, gave to the Democrat President Clinton administration, I think we should support this for any administration and leave party out of it.

It would give the President of the United States a tool, and it would give a self-imposed threat to this Chamber to make sure that anything that we put in the bill would stand the test of public scrutiny and transparency. If I have put an earmark in the appropriations bill, I ought to be able to defend it, and I ought to be able to defend it not to just any Democrat or Republican on the floor of the House, but to the President of the United States and to the folks back home.

I am not afraid of this. I think this is good fiscal policy. It builds on what the Appropriations Committee has already been doing in terms of eliminating 95 existing programs and bringing down Member earmarks tremendously. So I support this bill, and I hope that everybody else will.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I share my good friend from Wisconsin's commitment to trying to lower the budget deficit.

Mr. SPRATT. Will the gentleman suspend?

I will yield you more time.

I simply want to say to my friend from Georgia, if you want transparency as to earmarks, we offered an amendment. The Rules Committee would not make it in order. Our substitute addresses the issue of earmarks. It reinstates the earmark reforms in the Obey bill which is now languishing in conference.

I yield the gentleman 2 minutes.

Mr. BAIRD. I thank my ranking member.

The gentleman from Wisconsin is well intentioned. We all, I think, recognize the need to reduce the size of this deficit.

□ 1630

But there is an irony here, and the irony is this: The gentleman spoke about the need for transparency and accountability. I absolutely agree. But I would ask my friends on the majority side, if we are talking about transparency, why is it that time after time after time you bring bills before this body, giving us less than 24 hours to read them? Ironically, this bill gives the President 45 days to look at legisla-

tion before filing a rescission, and then we have 14 legislative days to act on that. You do not give us 14 hours to read the original bills.

We offered in the Budget Committee a proposal that would give us 72 hours, a mere 3 days, to read thousands of pages, spending hundreds of billions of dollars. It was ruled out of order. Why is it that in our effort to establish fiscal responsibility we do not take responsibility ourselves, we hand it to the President and say keep us from sinning once again?

We have the authority within this body to review legislation if we would just insist that the Rules Committee pass a 72-hour rule and enforce it, not override it with the appropriately named "martial law" rules that they do. Let us require a full two-thirds vote of this institution before any bill is brought to this floor with less than 72 hours to read.

There is a Web site people can refer to, readthebill.org, and you can check this out. It is common sense. The public supports it. If we want to start bringing this House in order, let us bring our House in order, not give the keys to the executive branch, because I fear that the Framers would not have approved that.

I thank the ranking member for his leadership.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank Mr. RYAN for his leadership on this issue.

What we are dealing with today is a significant piece to a puzzle. Because it is a puzzle. There is no question that in terms of having greater accountability and having fiscal responsibility, there are a number of steps we need to take as a Congress. And the piece today is talking about opening to the light of day certain earmarks that ought to be open to the light of day. And I would echo the comments of Mr. KINGSTON. If I have an earmark, I ought to be willing to put it up for an up-or-down vote. Everybody in this Congress has requested earmarks, and everyone should be comfortable defending those earmarks. And this is all about shedding the light of day on that process. And it will result, even without having a rescission, it is going to result in Members of Congress being a little more careful and being a little more substantive in the proposals they make, and it is going to make this body more accountable.

So with that in mind, I encourage my colleagues in a bipartisan way to embrace this work and to continue the work after this bill because, as I said, there are a number of steps we can take to encourage accountability and encourage greater fiscal responsibility. But this is an important piece and important step in pursuing that goal.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this bill, which threatens the ability of the Agriculture Committee to develop farm policy that addresses the new challenges that face American agriculture.

For 16 years I have represented a rural district in Congress, and during that time I have served on the Agriculture Committee, helping to write the last three farm bills. Those of us who serve on the Agriculture Committee have spent a lot of time learning about and talking to those involved in American agriculture. We have a responsibility to develop farm policy that is fiscally responsible and that keeps our farmers competitive and strong.

As the Agriculture Committee begins the process of writing the next farm bill, we will try to address the many emerging challenges that face American producers. As we consider priorities for agriculture, any new investments in bioenergy, conservation, specialty crops, and other programs, the farm bill will face yet a new hurdle. The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the real possibility that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

In closing, I want to remind my colleagues that in 1993, when Democrats controlled the Congress and the Presidency, we reduced spending \$192 billion over 5 years. Why is it that the Republicans can only hand us more deficit spending and a spiraling debt? This Line Item Veto Act is an admission, in my opinion, of the inability on the other side to control spending.

This bill fails to recognize what we should be doing: working together in Congress and with the White House to set priorities and to spend the taxpayers' money responsibly.

Mr. RYAN of Wisconsin. Mr. Speaker, I think the gentleman from Minnesota will be happy to know that under the way this bill works, you cannot go after mandatory programs in the farm bill that already exist. So you cannot go back and take a commodity program out.

Mr. Speaker, I yield 2 minutes to the distinguished Member from Florida (Mr. CRENSHAW), a member of the Budget Committee.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his hard work, working on this legislation.

I am proud to be a cosponsor of this and rise to ask my colleagues to vote in favor of this.

I cannot help but be a little bit amused when I hear some of the opponents stand up and say that they kind of think this gives too much power to the President. It is like some brand new secret idea that the Republicans dreamed up to give a Republican President more power than he ought to have.

I just want to remind everyone this is not a brand new idea. It has been around a good while. People have pointed out that 43 governors in the States around the country have the same or similar kind of power, that we passed legislation like this through the Congress before. In fact, people have said they like it, both Democrats and Republicans.

Let me read you what one of the strongest supporters of this legislation, this line item veto, said. He said: "The fresh air of public accountability will glow through the Federal budget. This law gives the President tools to cut wasteful spending, and even more important, it empowers our citizens, for the exercise of this veto or even the possibility of its exercise will throw a spotlight of public scrutiny onto the darkest corners of the Federal budget."

Do you know who said that? President Clinton said that when he signed similar legislation in 1996.

I could not say it any better. I just urge my colleagues to add this tool to our arsenal. If you are serious about getting a handle on controlling spending, you will vote in favor of this.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend for yielding me this time, but also for the substitute that he was hoping to offer here today so we could have a legitimate and honest debate about the direction we need to go for fiscal responsibility in the House. Unfortunately, because of the way the rules are structured, we are prohibited from offering any amendments or this gentleman's substitute, which I think has a lot of merit.

I can understand that people with good intent, and there are many in this Chamber, can support a piece of legislation. Philosophically I agree that we need to get at the heart of earmark reform. We need to move forward on earmark reform as this session progresses because this legislation alone will not deal with the issue. And I could support a piece of legislation like that if I thought there was the institutional will here in Congress and also down on Pennsylvania Avenue to finally get serious about fiscal responsibility.

But the facts are what they are, that under the Republican leadership over the last 6 years, we have had the largest and quickest increase in national debt in our Nation's history, that this President is the first President since Thomas Jefferson who has refused to

veto one spending bill during his entire administration. He is not even using the rescission powers that are already granted to him that this legislation now is meant to expedite, and that is unfortunate.

But the real issue, if we are going to get serious about getting back on fiscal track as a Nation, is we have got to go to what has proven to work. And what worked in the 1990s was something very simple called pay-as-you-go. It required tough budgeting decisions on both the spending and the revenue sides that led to 4 years of budget surpluses where we were paying down the national debt rather than increasing the debt burden for our children and grandchildren and, even more importantly, becoming more dependent on foreign countries such as China to be financing our deficits today.

I am one of the institutionalists around here who feel that we have ceded too much power, too much control, too much authority to this administration or future administrations. And if anyone in this Chamber wants to stand up and claim that we are a co-equal branch of government today, they are fooling themselves. This legislation will make it even worse.

Mr. RYAN of Wisconsin. Mr. Speaker, given that my friend from Wisconsin voted for virtually the same bill 2 years ago when Charlie Stenholm and I had it on the floor, I hope we can count on his support again.

Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank Congressman RYAN and Ranking Member SPRATT.

I am a cosponsor of this legislation because my belief and my experience show me that this is an effective tool to restoring accountability in our government. Mr. Speaker, this legislation is a good starting point to begin the process of eliminating wasteful spending in government.

This bill gives the President the latitude to recommend that appropriations, direct spending, or tax breaks be cut. These items are commonsense in nature and cross party lines. A spending item is as eligible for cancellation as a tax break. The items that are eligible for cancellation or rescission send a clear message to our constituents that we are serious about government accountability.

Common misperception holds that the President has the final say on items that he wishes to eliminate, but this is not correct. Under this legislation Congress has the final say. The President can recommend, but it is up to Congress to vote up or down on his particular cuts. Congress retains the power to say "no." There is no threat to our constitutional powers of the purse.

To address the concerns that the line item veto is a political tool, I urge my colleagues to keep in mind that neither party has a monopoly on the executive

branch. While the President is of one party today, this can certainly change tomorrow.

I urge my colleagues to vote for this bill that helps restore accountability in Washington and restores the faith of our constituents.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill has nothing to do with fiscal responsibility. If we were interested in fiscal responsibility, we would not have passed the tax bill just a few minutes ago that adds, over the course of just a few years, trillions of dollars in new deficits without any way to pay for it.

Mr. Speaker, 5 years ago we had a \$5.5 trillion 10-year surplus. Now those 10 years look like they are going to come in at about a \$3.5 trillion deficit, a \$9 trillion reversal. If this bill had been in effect during those years and the President had used his new powers the way we might hope, we might have saved a few hundred thousand dollars, a few million, maybe even a few billion, but that is negligible compared to the \$9 trillion reversal. And that is if the President used the new power in a fiscally responsible manner. Nothing in the bill prevents the President from using his new powers to coerce even more irresponsibility, such as using it as a hammer to coerce Members to support new tax cuts without paying for them.

Finally, Mr. Speaker, on the tax provisions, the bill only allows the President to veto teeny weeny, little targeted tax cuts, but does not allow him to veto huge, gargantuan, irresponsible, unpaid-for tax cuts.

Mr. Speaker, this path to fiscal responsibility is paved with hard choices. This ineffective gimmick is not one of them. We should reject the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 20 seconds to answer what the gentleman mentioned on tax cuts.

The reason we go after tax rifle shots is we do not want to give the President the power of setting policy that Congress has. We are going after pork, tax pork, spending pork, not tax policy. That would be to abrogate our responsibility of setting policy to the executive branch, and we do not want to do that. That is why the bill was written as it is today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin for what he has done and for yielding.

Mr. Speaker, I would just like to add this as my own personal perspective. I was a State legislator and lieutenant governor and I was a governor. So I had this both used in a situation in which I was worried about it, in a situation in which I used it, and then I came to Congress and I actually introduced leg-

islation on this early on and later was a cosponsor of that legislation which became law and was later overruled by the Supreme Court.

I have heard a lot of arguments today, and I have listened to this both in the rule debate and here pretty intently. And there were discussions like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which will help us move in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

□ 1645

This particular President, if people are concerned about that, will only be President 2½ more years. At some point we will have a different makeup of the Congress, a different makeup of the Presidency, and hopefully this will be around for 100 years.

But it is a very significant budgetary tool. The reason it is significant, Mr. Speaker, is because it makes people get together and talk about this, and people are very reluctant to proceed with something that may put in the light of day that which they may not want to see in the light of day. So you see a lot of restrictions.

It brings the executive branch and the legislative branch together in terms of planning where we are going to go as far as budgets are concerned. Unfortunately, that is not happening enough today. I think we are all concerned about budget deficits, we are all concerned about a lot of the problems which exist out there, and I think we need to work together to get this done.

So in my mind, adopting this is relatively simple. It is something we should be doing; it is something I would hope 100 percent of this Congress would support. I urge everyone to support it.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to address an issue that Mr. RYAN spoke to just a moment ago.

This bill does apply to new direct spending items. Now, there could be some disagreement over what that means, but direct spending is mandatory spending, it is entitlement spending, and under that broad rubric falls Medicare, Medicaid, Social Security and veterans benefits.

The reason we are very concerned about broadening the reach to include mandatory programs like that is that these are programs people depend upon; and what this bill essentially does is create a fast track, a 30-day turnaround. The President sends a bill here,

we can't amend it in committee, we can't amend it on the floor, we only have an up-or-down vote, we have a limited amount of time for debate. It is a fast track with no substantive input from Congress, and I would hate to see us make an ill-advised change in Social Security or Medicare simply because it got wrapped up with other spending issues and was pushed through here on such a small fast track that we didn't realize the consequences until we woke up a month or two later.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in the end, there are only three essential powers that make the Congress the greatest legislative body in the history of the world. The first is the power to investigate; the second is the power to declare war; and the third is the power of the purse.

This Congress has already supinely given away most of its ability to declare war. It ceded that largely to the President.

This Congress has also engaged in a pitiful amount of oversight and investigation over the past 5 years.

The only remaining power that Congress has is the power of the purse. If Members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this underlying bill. If you think it wouldn't be a good idea to do that, then you ought to vote against it.

Can you imagine what a President like LBJ would have done with these powers to someone like Gaylord Nelson, from my own State, one of the three people who cast a vote against the original appropriation for Vietnam? LBJ would have put his arm around Gaylord's shoulder and he would have said, Gaylord, if you can't see your way through to be with me on the war, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

I believe that the most pernicious aspect of this proposal is that it will further gut the ability of Congress to review a President's foreign policy initiatives in an independent fashion. God knows we have already failed in our responsibilities with respect to keeping us out of the dumbest war since the War of 1812, in Iraq, and this ill-advised proposition will simply make those matters worse.

I would urge an "aye" vote for the Spratt substitute and a "no" vote on the underlying bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to respond to something that the gentleman from South Carolina said. He said under this bill we could go after mandatory programs like Social Security, Medicare, veterans benefits.

Let me be very clear: you cannot with this program go after Social Security, Medicare and veterans benefits as we know it today. We are saying new programs. Why do we say it that way? Why new direct spending programs?

There are 5,000-plus earmarks in the transportation bill just this last year. Why should that be taken off the table? If you did that, then the Bridge to Nowhere would be exempt from the line item veto. I think most people who know this stuff think the Bridge to Nowhere ought to be one of the things that the President would want to go after under the line item veto.

We are talking about new programs, not the existing entitlement programs that we have come to know and enjoy for many of our constituents.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding, and I rise with great respect for my friends on my side of the aisle when it comes to this proposal today.

I took an interest in this starting 2 years ago when it seemed to me we needed some additional tools to bring these budget deficits under control. We have gone from surpluses to enormous deficits, and from reducing our national debt to increasing the debt tax on our children; and it is my opinion that this bill will help us begin to bring our budget back into balance.

As has been mentioned here, it follows the approach of our former colleague Charlie Stenholm, and it also mirrors what 43 Governors have, as our friend Congressman CASTLE mentioned earlier today. It also mirrors a bill that I introduced in the last Congress as well.

So, in sum, this will promote accountability. It will promote transparency. It is a small start. I believe that it balances the constitutional responsibilities between the President and the Congress; and perhaps if we pass this today, then we create some momentum so that we move toward putting PAYGO back in place and reining in the earmark situation that we now face in this Congress that in part has led us to these enormous deficits.

So let's pass this. Let's work together. Let's find a way to balance the budget and not pass on the debt tax to our children.

I thank the gentleman for yielding, and, again, I rise in support of this important piece of legislation.

Mr. Speaker, over the last 5 years we've seen a dramatic change in the Federal budget—a change for the worse.

We've gone from budget surpluses to big deficits, and from reducing the national debt to increasing the "debt tax" on our children.

There's no mystery about how this happened.

Partly, it was caused by a recession.

Partly, it was caused by the increased spending needed for national defense, homeland security, and fighting terrorism.

And in part it was caused by excessive and unbalanced tax cuts the president pushed for and Congress passed.

This bill does not directly address those major causes of our budgetary problems.

Fixing them will take long-term work on several fronts, including taxes.

And it will take stronger medicine than this—such as restoring the "PAYGO" rules that helped bring the budget into balance in the past.

That's why I thought the House should have been able to at least debate a stronger version of this bill, in the form of the substitute proposed by the gentleman from South Carolina, Mr. SPRATT.

And that's why I voted against the Republican leadership's restrictive rule that prevents even debating that substitute.

But, even so, I support this bill because it can help, at least a little, to promote transparency and accountability about spending items and tax breaks.

We have heard a lot of talk about spending "earmarks"—meaning spending based on proposals by Members of Congress instead of the Administration.

Some people are opposed to all earmarks—but I am not one of them.

I think Members of Congress know the needs of their communities, and I think Congress as a whole has the responsibility to decide how tax dollars are spent.

And earmarks can help fund nonprofits and other private-sector groups to do jobs that Federal agencies are not able to do as well. In short, not all earmarks are bad.

In fact, I have sought earmarks for various items that have benefited Coloradans—and I intend to keep on doing that.

And a similar case can be made for targeted tax breaks, as well.

Still, we all know some bills have included spending earmarks or special tax breaks that might not have been approved if they were considered separately.

That's why the President—like his predecessors—has asked for the kind of "line-item veto" that can be used by Governors in Colorado and several other States.

And that's why about 10 years ago Congress actually passed a law intended to give President Clinton that kind of authority.

But the Supreme Court ruled in 1998 that the legislation was unconstitutional.

And I think the Court got it right.

I think trying to allow the President to in effect repeal a part of a law he has already signed—and saying it takes a two-thirds vote in both Houses of Congress to restore that part—went too far.

I think that kind of line-item veto would undermine the checks and balances between the Executive and Legislative branches of the government.

So, I could not support that kind of line-item veto.

But this bill is different.

It is a practical, effective—and, best of all, Constitutional—version of a line-item veto.

It is not unprecedented. It follows the approach of legislation passed by the House of Representatives several times during the Clinton administration under the leadership of our former colleague Charlie Stenholm and others, including Tom Carper, Tim Penny and John Kasich.

It also is similar to bills I introduced under the heading of measures to "Stimulate Leadership in Cutting Expenditures," or "SLICE."

Under this bill—as under SLICE—the President could identify specific spending items he thinks should be cut—and Congress would have to vote, up or down, on whether to cut each of them.

Current law says the President can ask Congress to rescind—that is, cancel—spending items. But Congress can ignore those requests, and often has done so.

This bill would change that.

It says if the President proposes a specific cut, Congress can't duck—it would have to vote on it, and if a majority approved the cut, that would be that.

So, it would give the President a bright spotlight of publicity he could focus on earmarks or special tax breaks, and it would force Congress to debate those items on their merits.

That would give the President a powerful tool—but it also would retain the balance between the Executive and Legislative branches.

I think that is very important, and I appreciate having had the opportunity to work with Mr. RYAN and others to fine-tune the bill while it was being considered in committee. I think the result has been to improve the bill considerably.

Mr. Speaker, under the Constitution Congress is primarily accountable to the American people for how their tax dollars are spent.

By making the taxing and spending processes more transparent and specific, this bill can promote that accountability.

Of course, without knowing what the President might propose to rescind, I don't know if I would support some, all, or any of his proposals.

But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending.

And I know that they are also demanding that we be ready to take responsibility for those decisions.

This bill will promote both transparency and accountability, and so I urge its approval.

Mr. SPRATT. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, for 5½ years now the Republican Congress and the administration have pursued what I have said repeatedly is the most reckless fiscal policy in the history of our Nation. I believe that.

When George Bush took office, he inherited a projected 10-year budget surplus of \$5.6 trillion. There is no dispute on that. George Bush said that on the floor of this House. In March of 2001, he promised the American people, "We can proceed with tax relief without fear of budget deficits, even if the economy softens."

Let's compare Republican rhetoric with reality. That projected deficit surplus has been turned into a projected budget deficit of some \$4 trillion, a historical fiscal turnaround of more than \$9 trillion.

Republicans have created the four largest budget deficits in American history. We Democrats have no power in this House or in the Senate or in the Presidency. It has been Republicans alone that have created these deficits.

They have raised the debt limit four times, and House Republicans have voted to increase it by an additional \$653 billion, to a total of \$9.6 trillion. Let me repeat: we had a \$5.6 trillion surplus in January of 2001, according to President Bush; we now have an authorized debt of \$9.6 trillion.

They have spent every single nickel of Social Security money. It is no wonder that former Republican House majority leader Dick Armey of Texas told the Wall Street Journal in 2004, "I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on the Democrats. Republicans own the town now."

Given their record, I think it takes some audacity, chutzpah perhaps would be a better word, for our Republican friends to come to this floor today with this so-called Legislative Line Item Veto Act and bemoan the growth in Federal spending and the dire fiscal condition, created by whom? Created by them. Republicans, after all, own the town, as I said Dick Armey noted.

Yet the President has failed to veto one bill. We are talking about a line item veto? This President has not vetoed a bill. This President has gone a longer period of time than any President in over 195 years in this Nation and he hasn't vetoed anything. All of the spending has been marked "approved" by George W. Bush, the President of the United States. He doesn't exercise vetoes.

This Republican majority refuses to embrace the one real method of restraining spending and restoring fiscal discipline, the pay-as-you-go budget rules that applied to both spending and taxes and were adopted, I tell my Republican friends, in bipartisan votes in 1990 and again in 1997.

But you jettisoned them. Why did you jettison them? You jettisoned those rules because you knew you couldn't fit your tax cuts into them. You didn't have the courage to cut spending to meet your tax cuts. That is a fair policy. If you don't want to spend, fine. If you want to cut taxes, fine. Cut spending. That is a fair policy. You haven't done that.

You cut revenues, and you increased very substantially revenues, period. And don't talk to me about the war. You included spending very radically on entitlement programs, the biggest increase in entitlement spending since 1965 on your watch, with very little help from Democrats, who overwhelmingly voted against those increases.

As the New York Times stated on Monday: "The line item veto bill is an attempt to look tough while avoiding the tried-and-true, and truly tough, deficit fix: reinstating the original pay-as-you-go rules."

Mr. Speaker, this bill is very different from versions introduced in the 1990s. It not only fails to include PAYGO rules, but also applies to mandatory programs, including Medicare and Social Security. It gives the Presi-

dent 45 days to send a rescission message and fails to give Congress the power to amend the rescission package.

We are the policymakers. Article I. This Congress is the most complacent, complicit Congress perhaps in history in terms of being a lap dog for the President of the United States. We are a coequal branch. We are not a branch to ask leave of the President to take action.

The majority, unfortunately, refused to allow us to consider the substitute JOHN SPRATT wanted to offer. Don't you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won't even allow the vote?

We ought to vote this down. It is a ruse, it is a fraud, it is a sham.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Texas, I would simply like to point out I think the gentleman from Maryland said we need to cut more spending. I agree. That is why we should pass this. In fact, the gentleman from Maryland voted for similar legislation that I offered with Charlie Stenholm 2 years ago and two expedited rescission bills that the gentleman from South Carolina authored in the past. So I hope we can enjoy your support this time around.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, first I want to congratulate the gentleman from Wisconsin for his principled leadership in the area of the budget and to bring the line item veto back to the House. But watching this debate, Mr. Speaker, I find it both sad and amusing to see how many Democrats who have supported line item veto in the past now oppose it. In trying to justify their new-found opposition, we are now witnessing acrobatics and contortions that we haven't seen since the circus came to town.

□ 1700

The line item veto has been supported by such Democrats as President Bill Clinton, Vice President Al Gore, Senator JOHN KERRY. The last time it was enacted in this body and became law over two-thirds of the Democrats voted for it.

But, Mr. Speaker, it is now an election year. The Democrat leadership again says no. But no is not an agenda; no is not a vision. And by saying no to the legislative line item veto, Democrats are saying yes to more wasteful spending.

Mr. Speaker, we know that almost every Governor in America already has some form of the line item veto to help combat wasteful spending. It brings transparency and accountability into a process that sorely needs it.

Now, this bill before us is frankly a very simple one. It allows the Presi-

dent to highlight examples of wasteful spending, submit them to Congress on an expedited basis, and have Congress vote on it. That is all it does. Nothing more, nothing less. But what is really important, Mr. Speaker, is that the savings, the resulting savings can only go for deficit reduction. Mr. Speaker, Democrats can't have it both ways. They can't oppose the legislative line item veto and then claim to be for deficit reduction. It cannot be done.

Now, we have just been lectured about the issue of fiscal responsibility from the gentleman from Maryland, but let us examine the record of the Democrats. For the last 10 years, every time the Republicans offer a budget, our friends from the other side of the aisle offer a budget that spends even more money. They criticize our prescription drug program, yet theirs cost even more. And thanks to their stonewalling, we were not able to reform and save Social Security for future generations. Instead, there is an extra \$2.5 trillion of unfunded obligations thanks to their stonewalling. That is what their record is.

Mr. Speaker, if you want to help end the railroads to nowhere, the hydroponic tomatoes, the indoor rainforest, say "yes" to the line item veto, say "yes" to our children's fiscal future, and let us vote for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. This Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself. They are putty, look at this putty in my hand, and the President squeezed them into doing anything that he wants even if their constituents don't agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

Let me be clear. I did not vote to give President Clinton a line item veto. I certainly would not vote to give it to this President who, like no other President in the history of this country, tramples over the rights of Congress and the rights of American people, and still to this day shows nothing but contempt for the House of Representatives.

This President has spent over \$450 billion on a war of choice that was based on lies.

The President turned a \$5.6 trillion dollar surplus into a \$3.2 trillion dollar deficit. And this is who is supposed to stop the rampant spending of this Republican-led Congress. This is a joke, and everyone here knows it.

Vote no on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to

yield 2 minutes to the gentleman from the Appropriations Committee from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Wisconsin, my next-door neighbor to the north, for this important legislation. It is a commonsense way that budget-conscious Republicans and Democrats can come together to cut spending.

Now, this legislation is needed, because the line item veto has been used by American States since 1861 to balance their budgets, and over 40 Governors, Republicans and Democrats, have this spending control.

Now, we in Congress joined with President Clinton to enact a line item veto in the 1990s, and he used that veto 82 times to defend the taxpayer. Unfortunately, the Supreme Court struck that needed reform down. And when they did, President Clinton called that a defeat for America.

The bill before the House now is modeled after the bipartisan base closings legislation that has been used to cut hundreds of millions of wasteful spending in the military by closing down bases that the Secretary of Defense and our commanders say that they do not need.

For us at this time, I think the government spends too much, that this is a needed reform tried and true for over 120 years by our Governors to keep balanced budgets and one that we need in this Congress.

We should all be worried, in the history of democracies, that while it is the best form of government on the planet, there is a troubled record of democracies spending their way into dictatorship. This needed reform helps us control spending to make sure that the American people keep their freedom, that the democracy that they live under is responsible with the taxpayer dollars, and that we do not waste those precious resources on unneeded projects. That is why we should support this. That is why this should be bipartisan. President Clinton was right to have this power. Forty Governors are right, and it should be adopted by this House.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for the recognition. I appreciate the opportunity to speak on behalf of this legislation. I also appreciate his hard work in bringing this to the floor.

I would like to make a couple of points. One, it seems the bit twisted logic for the folks on the other side to argue that the President shouldn't have these authorities that are presented in this bill, but yet at the same time gripe that he hasn't used the veto it already has, it doesn't seem to me you can have it both ways.

I am in favor of this legislation because it does apply to all spending, both discretionary and direct, and it

gives the President an opportunity to help us help ourselves in this regard.

A third point is that these savings actually will reduce the deficit. Unlike many of the opportunities that we take to try to reduce appropriations bills where that money simply stays within that pot of money and ultimately gets spent, this money would actually not get spent and therefore have a direct impact on the deficit.

The last point is that, with these powers, I can assure you that would act as a self-limiting deterrent to frivolous earmarks that might be proposed. None of us are going to want to be on the President's top 10 list when with this power he lists out the five projects in a single bill or the 10 projects in an omnibus bill. That is a distinction and a recognition that no one is going to want to have. So I think my colleagues would be much more diligent in their requests for special spending that this would address. So I rise today in favor of H.R. 4890 and urge my colleagues to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

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

Mr. SPRATT. Mr. Speaker, this could be a bipartisan bill. The gentleman from Wisconsin (Mr. RYAN) has taken the bill that the President sent us, which is a classic case of overreaching, and improved it very much and I commend him for that. But it is not good enough; it is not worthy of passage, in my opinion. If it really was to be a bipartisan bill, if that is what you wanted, why did I get shut out in the Rules Committee?

I came forward with two substitutes, one germane, one nongermane, with various individual amendments, all of them serious substantive things. Sure, we could disagree about them, but I didn't get to the opportunity under the Rules Committee's provision to come here and offer those on the floor of the House.

I think in wrapping up, it is worth showing these charts to everybody again to show the path we are on, which is this path right here: a deficit this year of \$300 billion to \$350 billion, more than \$400 billion last year; intractable, structural deficits. And, as you will see from the costs plotted by CBO, the numbers only get worse here that show the deficit sinking to almost \$500 billion in 10 years.

The consequence of that? First of all, the debt ceiling, the legal limit to which we can borrow, we have seen an increase in the debt ceiling in the United States since President Bush came to office under your watch of \$3.668 trillion. That is the increase in 5 fiscal years of the debt ceiling of the United States. And the total indebtedness of the United States is shown right here. The statutory debt was \$5.9 trillion when President Bush took of-

fice. If we continue on the track that we are on now with his budgets, we can expect to have a debt of nearly \$11.3 trillion by the year 2011. That is where we are going.

It is hard to avoid the suspicion that this bill today is sort of a diversionary tactic because, by everybody's admission, even its more ardent proponents, this won't even put a dent in the deficit. As I said, we just adopted a bill which could have an impact on revenues over 10 years, when fully implemented, of \$823 billion. This will barely, barely amount to a dent in the budget, a deficit addition of that kind.

Now, the gentleman said that I have engaged in acrobatics, as if I weren't serious and sincere about the amendments I am proposing. But I have a problem with giving the President 45 days to pick through appropriation bills, because the wider the window, the more apt he will be to use it for political purposes. I have a problem with having the President send up five bills for every appropriation bill. There are 11 appropriation bills. We could have as many as 55 rescission bills here on the House floor, and then I am sure, as we take up these bills on Christmas Eve, you will be having Members ask: Who came up with these ideas?

I have a problem with direct spending that is reaching too far. If this is an experiment to start with, why not stick to discretionary spending? None of the previous bills have included that.

So for all of these reasons, this could be a much better bill. And I would offer on a motion to recommit my only opportunity a substantial improvement to the bill, and I hope every Member will seriously consider it and will also vote for it.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to address a few of the concerns that have been mentioned by the other side of the aisle.

First of all, this is a bipartisan bill. If you paid attention, a number of the speakers came to the floor from the other side of the well to speak in favor of this. Actually, three Democrats came to the floor in favor of this bill that we are considering right now, three Democrats I am proud to call friends and supporters and coauthors of this proposal. In fact, we took an amendment of Mr. CUELLAR of Texas to improve this bill.

Other speakers have said this gives too much power to the President. Well, let us just remember one thing: the President already has rescission authority today. Today, the President can rescind something, defer spending, and send it to Congress. Here is the problem: Congress just ignores these things. In fact, President Reagan sent \$25 billion of rescissions to Congress, and they ignored every one of them.



So we want to make that process work. We are taking the existing authority he has, making it actually shorter in time frame, and we are simply guaranteeing that we are going to vote on it.

I think, if somebody sticks a wasteful pork barrel project like a \$50 million rainforest museum from Iowa, a bridge to nowhere, or something like that in a bill in a conference report where we as Members of Congress have one choice, vote "yes" or "no" on the entire bill, then the President has a similar choice: sign or veto the entire bill.

That is wrong. We ought to be able to vote on that \$50 million rainforest museum. This gives us the chance to do that, and this means that we can't duck those votes.

This is a bipartisan bill. It has been so bipartisan in the past that Mr. SPRATT has offered very similar legislation. We got 173 Democrats on one of them, 174 on another. Mr. Stenholm and I offered a bill very similar to this 2 years ago; we got 45 Democrats on it. I hope that we will continue to get this bipartisan support that we had been getting.

But more importantly, Mr. Speaker, the American people know we need every tool we can get our hands on to go after wasteful spending. That is why taxpayer watchdog groups are key on voting this bill. The American Conservative Union, the Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste, the Club For Growth, Freedom Works, National Federation of Independent Businesses, National Taxpayer Union, Taxpayers for Common Sense, the U.S. Chamber of Commerce all are key voting this vote as a key vote for the taxpayer. Other groups supporting this: ALEC, the American Taxpayer Alliance, Bond Market Association, Business Roundtable, Center for Individual Freedom, Concord Coalition, Association of Wholesale Distributors, National Restaurant Association, 60 Plus, Traditional Values. The list goes on and on.

Mr. Speaker, the American people know we need this tool to go after wasteful spending, taxpayers need this tool so we can do this, and, more importantly, we need more transparency in our process here in Congress.

We passed earmark reform so that Members of Congress have to defend their earmarks when they come to the floor of the House when we write these bills in the beginning. But a lot of this stuff gets inserted at the end of the process in the conference reports; that is why we need to have this deterrent.

I think the success of this bill will be less in how much pork we get out of legislation that we line item veto out, and more in how much pork never gets put into legislation in the first place, because there will be an extra deterrent. A Member of Congress who wants to slip in some big piece of pork barrel spending that he probably couldn't otherwise justify will think twice, because

he or she may have to come to the well of the House and the well of the other body to defend that pork barrel spending.

□ 1715

This is good government. This is transparency. This is an added layer of accountability that is right for the taxpayer, and it is constitutional. It protects the prerogatives of the legislative branch. That is why I think this is a good bill. That is why I am pleased to call this a bipartisan bill. That is why I think we should strike this vote for the taxpayer.

With that, Mr. Speaker, I urge a "aye" vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose this bill because the legislative line-item veto it seeks to create is merely a gimmick to divert attention from the majority's pitiful record when it comes to fiscal management. In addition, and even more important, this so-called line item veto represents a dangerous, and in my view unconstitutional, transfer of power from the legislative branch to the Chief Executive.

Mr. Speaker, while H.R. 4890 seeks to address an important problem—the massive deficits run up by the majority and the majority's squandering of the \$5 trillion projected surplus bequeathed it and the administration by the Clinton administration—their "solution" to the problem resorts to legislative gimmicks instead of tackling the problem directly.

Since one-party control of the government began in 2001, Federal spending has ballooned 42 percent; an increase of over \$830 billion a year, reflecting the budgets that President Bush has submitted to Congress. During that time, the President has not vetoed a single piece of legislation. In fact, President Bush has used the veto less than any President in the past 175 years.

Yet while the proposed line-item authority would give a big new stick to the executive branch, it would do little to bring fiscal sanity back to the appropriations process. Indeed, it might actually have the opposite effect of encouraging these special-interest handouts. Conservative columnist George Will observes that the President may simply use the authority as a form of legislative horse-trading, suggesting that the administration could "buy legislators" support on other large matters in exchange for not vetoing the legislators' favorite small items."

Both the Congressional Budget Office and the Congressional Research Service have reached similar conclusions. Indeed, it seems the President's version of the line-item veto is more about transferring power to the executive branch than actually reigning in Federal spending.

That power transfer has already once been found unconstitutional by the Supreme Court. The majority decided that "the President's role in the legislative process can be altered only through the cumbersome process of amending the Constitution," and there is no reason to believe that this attempt will be met any more favorably. In fact, the House bill actually gives the executive branch more power than the previous act, allowing the President up to 45 days to exercise the authority (instead of the previous act's five) and 90 days to withhold funds even after Congress has overridden his veto.

If Congress really wants to get a handle on spending, it should reform the earmarking process, instead of resorting to legislative gimmicks. The President could also do the unthinkable—bring out the old-fashioned veto stamp for the first time in 5 years.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the H.R. 4890 legislation giving the President Line Item Veto authority.

As a cosponsor of H.R. 4890, the Legislative Line Item Veto Act of 2006, I believe it will provide more transparency and scrutiny in the funding process while reining in Federal spending. Currently, when Congress considers appropriations legislation we have the authority to closely scrutinize funding earmarks recommended by the President before deciding whether or not to fund them. The Line Item Veto legislation gives the President an opportunity to closely examine Congressional spending priorities and submit a proposal to Congress that would defund those items the President finds objectionable. The proposals by the President would be unamendable and would be subject to a simple up or down vote in the House and Senate.

While we have been working to restrain Federal spending, including voting to terminate over 95 Federal programs this year alone, this will be one more tool in the arsenal of fiscal discipline. It has the added benefit of keeping objectionable spending out of these bills in the first place as all Members of Congress would know that last minute items added to these bills will be subject to individual scrutiny through the Line Item Veto.

In 1996, Congress passed the Line Item Veto Act of 1996. This law allowed the President to veto specific spending provisions. However, on April 10, 1997, a Federal court ruled that this legislation was unconstitutional, arguing that the power of the purse must be under the control of Congress, not the President. I voted for this law because it granted the President the authority to strike funding while ensuring that Congress could override the President's line item veto with a 2/3 vote. The Supreme Court, however, ruled that this did not leave spending decisions ultimately in the hands of Congress and struck down the law. Today's bill addresses this concern while ensuring Congress has the final say on the President's line item veto recommendations by means of a simple majority vote in the House and Senate.

It is my understanding that many Democrats are going to play politics this year, and not vote for passage of the Line Item Veto. What is particularly noteworthy is that in the 103rd Congress over 170 House Democrats voted for the line item veto.

I urge a "yes" vote on this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putty in the President's hands, and he squeezes them into doing anything he wants, even if their constituents don't agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

Now I didn't vote to give President Clinton a line-item veto, so I'm certainly not going to give it to the President who, more than any

other president in history, has trampled over the rights of Congress and the rights of the American people, and still today shows nothing but contempt for the will of the House and Senate.

This President has spent \$450 Billion dollars on a war in Iraq based on lies, and turned a \$5.6 Trillion dollar surplus into a \$3.2 Trillion dollar deficit, and this is who is supposed to stop the rampant spending of this Republican led Congress. This is a joke, and everyone here knows it.

Vote "no" on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. CANTOR. Mr. Speaker, I rise in support of the Legislative Line Item Veto Act. This bill will give Congress and the President a powerful tool to restore fiscal sanity to Washington. This bill is an important step toward reforming the Budget Act of 1974, which stripped the President of impoundment authority—effectively hobbling a vital check on the system to limit wasteful spending. Presidents Jefferson through Nixon used impoundment authority to withhold funding for wasteful spending.

In 1821 Thomas Jefferson said: "The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning knife." The legislative line item veto is the pruning knife that Jefferson envisioned.

The legislative Line Item Veto will further hold Congress accountable to the taxpayers and ensures that we continue to be good stewards of taxpayer dollars.

Mr. BLUMENAUER. Mr. Speaker, I voted against the Line-Item Veto Act of 1996 even though it was sought by a Democratic administration because I felt that it was unconstitutional and that no president either Republican or Democrat should have the unilateral power to change the law by himself. My reservations were justified when in 1998 the Supreme Court ruled this provision unconstitutional. It would be the height of irony for a Congress that already failed in its constitutional responsibility to check the inappropriate use of Federal power by this administration with a record of the largest deficits in American history to surrender even more authority.

The proposal that is being offered although called a "line item veto" is nothing of the sort. While it attempts procedurally to make it easier for the President to eliminate spending, it still may be found unconstitutional. What is especially troubling is the provision that would permit the President to withhold funding for an item in an enacted appropriation bill for up to 90 days regardless of Congressional action. This could have a devastating impact on transportation programs such as Amtrak which the administration has led a crusade to shut it down. Given the precarious financial situation that Amtrak faces, the ability to delay funding for 90 days could have the effect of pushing Amtrak over the edge in leading to its collapse.

Personally, I have been happy to vote against programs I thought were unaffordable as well as go after them on the House floor. During the 109th I have already led efforts with some of my conservative colleagues against wasteful non-priority programs such as the upper Mississippi lock and dam project and costly sugar subsidies. If Congress wants to get serious about fiscal discipline, then a

few simple but important steps taken would make a significant difference.

For example, it is long past time to restore the pay-as-you-go budget procedures. This pay-as-you-go concept required Congress and the administration to adopt a sustainable budget policy where money to pay for either new spending programs or costly tax cuts would have to be provided without increasing the deficit. In addition, just letting Congress know what it's voting on would be helpful. The Republican leadership routinely overrides the requirements in our rule that provides for three days to review conference committee reports.

One of the greatest failures of Congress for the 10 years that I have been in office has been its inability to exercise fiscal discipline. During the Bush administration we have seen year after year of record-breaking deficits with the highest increases in over 50 years. If we simply commit to follow our already established rules, we would do more good and pose less harm than the budget fig leaf that is being considered today. This bill is an attempt to disguise the fact that we have a budget problem because of the administration and Republican leadership refusal to do their job and to provide the tools to help the rest of us do ours.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of fiscal responsibility.

As stewards of the taxpayers' hard-earned money, we have the obligation to ensure it is spent wisely, sensibly, and where it is needed the most.

I want to commend Speaker HASTERT and Leader BOEHNER for working hard to improve the fiscal responsibility of Congress.

#### TRUE SPENDING REFORM

However, if we are to truly rein in spending and restore fiscal sanity, we must do more than address the aftermath of a flawed process.

Rather than waiting to restore fiscal responsibility after we pass legislation, we must work to ensure we remain committed to it as we draft legislation.

Instead of cutting spending at the end of the budgetary process, we must start the process with an eye on fiscal discipline.

True reform means leaving future generations a Federal budget that makes sense—a budget that expends only as much as it takes in.

We must make a commitment to our children and grandchildren by improving the complete budgetary process.

#### WE MUST PASS A BALANCED BUDGET AMENDMENT

To reform this flawed process, we must consider and pass the Balanced Budget Amendment.

H.J. Res. 58, which I cosponsored, is the most important tool in bringing fiscal responsibility back to America.

This amendment would force Congress to spend only as much as it receives.

It would also require the President to join us in this commitment by making him submit a balanced budget to Congress.

As we work today to cut wasteful spending at the end of the process, I believe we must also commit ourselves to complete fiscal responsibility in the entire budgetary process.

As we vote today on the Legislative Line Item Veto Act, I ask my colleagues to remember that true fiscal responsibility requires a commitment to discipline the whole way

through the process—it requires the Balanced Budget Amendment.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in strong support of the bipartisan Legislative Line-Item Veto Act of 2006. The line-item veto is a commonsense approach to restraining the growth in Federal spending.

The Legislative Line-Item Veto establishes an additional check against excessive, redundant, and narrowly focused spending provisions and special-interest tax breaks. This legislation would simply allow the President to identify questionable and unnecessary spending items in bills passed by Congress. It preserves Congress' power of the purse by requiring a simple up or down vote on the President's proposed rescissions. The final decision on spending or tax items remains in the hands of Congress.

With the passage of this important legislation, this Republican-led Congress continues to highlight its commitment to fiscal discipline and supporting policies that reform and reduce the growth of mandatory government programs. Necessary reform, such as a line-item veto, can help rein in unnecessary and wasteful government spending while protecting the hard-earned money of American taxpayers.

Congress must act to bring greater transparency and accountability to the budget process. A constitutionally sound line-item veto is a useful tool to eliminate government spending that contributes to the waste, fraud, and abuse of taxpayer dollars.

Many governors currently have this ability, including in my own State of Florida. This important tool serves the people well and will help save their hard-earned money.

The line-item veto legislation gives Congress and the President yet another opportunity to bring spending under control. I urge my colleagues on both sides of the aisle to match their rhetoric with action and support meaningful budget reform.

Mr. SIMPSON. Mr. Speaker, I rise today in opposition to the line-item veto measure before the House today.

I know the authors of this measure are sincere in their efforts and believe this measure will lead to a better Federal Government.

But being sincere doesn't make their efforts right, nor does it make them wise. Rather, they are fundamentally wrong.

For 200 years, the unfortunate truth is that power, slowly but surely, has been shifting from the legislative branch of Government to the executive branch. We all know this to be true.

It should come as no surprise that this President, or the prior one, want this expanded power. The real surprise would be if this Congress finally stood up and said no.

We all know that the President today has the ability to veto any bill Congress passes. And we all know he has not done so.

Some of my colleagues will argue that we make it too hard for him to veto a bill. That is nonsense.

Every day we have to vote on bills with many imperfections. They contain provisions we might support and others we strongly oppose. But we have to balance the good and the bad in each bill and then cast our vote and defend it to our constituents.

Why should the President be any different? Why should he get to undo a hard-earned compromise? I need not remind any Member

of this body that many times the President has a role in that compromise—yet this measure would allow him to selectively undo that deal after the fact.

Let's talk for a minute about spending.

Even the sponsors of this measure don't really believe it will save any taxpayer money.

They talk about earmarks and equate them with wasteful spending.

In reality, there are only two types of spending—that which is congressionally directed and that which is recommended by the President. This measure places the recommendations of the President higher in importance than spending directed by the U.S. Congress.

If the authors of this measure have such faith in the administrative branch of Government, why do we have 11,000 unused FEMA trailers sitting in a field in Hope, AR?

Why were millions and millions of dollars wasted on \$2,000 credit cards that didn't go to victims of Hurricanes Katrina and Rita, but were instead spent on things I ought not mention on this floor?

I could go on and on about \$600 toilet seats and \$400 hammers, but everyone here gets the point.

Let's be clear Mr. Speaker, the taxpayers aren't going to save a dime with the passage of this measure. Instead, we are going to weaken the Constitutional role of Congress, further strengthen the power of the executive branch, and provide a few Members of this body with the ability to go home and say they did something—however harmful it might be to the future of our Nation or inconsistent it might be with the intentions of our Nation's founders.

My mother used to tell me, "Be careful what you wish for, you just might get it." My mother's advice would be well heeded by those who believe this measure is in the best interests of our Nation.

Mr. PAUL. Mr. Speaker, H.R. 4890, the Legislative Line Item Veto Act, is not an effective means of reining in excessive government spending. In fact, H.R. 4890 would most likely increase the size of government because future presidents will use their line item veto powers to pressure members of Congress to vote for presidential priorities in order to avoid having their spending projects "line item" vetoed. In my years in Congress, I cannot recall a single instance where a president lobbied Congress to reduce spending. In fact, in 1996 Vice President Al Gore suggested that President Clinton could use his new line item veto power to force Congress to restore federal spending and programs eliminated in the 1996 welfare reform bill. Giving the president authority to pressure members of Congress to vote for new government programs in exchange for protecting members' pet spending projects is hardly a victory for fiscal responsibility or limited government.

H.R. 4890 supporters claim that this bill does not violate the Constitution. I am skeptical of this claim since giving the president the power to pick and choose which parts of legislation to sign into law transforms the president into a legislator, thus upending the Constitution's careful balance of powers between the Congress and the president. I doubt the drafters of the Constitution, who rightly saw that giving legislative power to the executive branch would undermine republican government and threaten individual liberty, would support H.R. 4890.

Mr. Speaker, it is simply not true that Congress needs to give the president the line item

veto power to end excessive spending. Congress can end excessive spending simply by returning to the limitations on government power contained in the United States Constitution. The problem is a lack of will among members of Congress to rein in spending, not a lack of presidential power. Congress's failure to do its duty and cut spending is no excuse for granting new authority to the executive branch.

In conclusion, Mr. Speaker, the Legislative Line Item Veto Act upsets the constitutional balance of powers between the executive and legislative branches of government. Increasing the power of the executive branch will likely increase the size and power of the federal government. Therefore, I urge my colleagues to reject this bill and instead simply vote against all unconstitutional spending.

Ms. HARMAN. Mr. Speaker, over my years in the House, I have supported budget reforms to make the process more transparent and to eliminate excessive congressional spending. I joined many of my colleagues—on both sides of the aisle—in making the hard-fought and difficult deficit-cutting votes of the 1990s.

Now, sadly, in this new decade and century, Congress must again take steps to impose fiscal discipline and balance the federal budget. In theory, the line-item veto seems to be a sensible idea, although fraught with constitutional questions, and I have voted in favor of similar legislation in the past.

At times, I have also voted in favor of cutting or eliminating the Estate Tax. In eras of government surpluses, we could afford such tax cuts.

However, times have changed.

The Line-Item Veto bill is little more than a hand-over of Congressional authority to a White House that has already elevated over-reaching to an art form.

At the same time, this new decade has seen a distinct lack of congressional oversight. In the current climate, a line-item veto is a step in the wrong direction, and cedes even more Legislative Branch power to a President accustomed to invoking extraordinary constitutional authority as needed.

To be truly effective, a line-item veto should be considered along with other measures to help restore some fiscal sanity, such as "pay-go" budget rules and earmark reform. But this transparent transfer of power to the Executive Branch is no the answer.

Ironically, on the same day that the House is considering a Line-Item Veto—purportedly in the name of budget-balancing—we are also considering a massive cut in the estate tax.

Although my family would personally benefit from a cut in the estate tax, this is the wrong tax cut, for the wrong people, at the wrong time.

We face the looming retirement of the baby boomers, a war in Iraq, and increasing obligations to our Nation's veterans. We are still inadequately prepared to respond to a terrorist attack, natural disaster or flu pandemic. Our budget deficit is spiraling out of control. And middle class Americans are being squeezed by the rising costs of healthcare, energy and education.

We cannot be so reckless with our fiscal policy.

I will oppose both initiatives.

Mr. BUYER. Mr. Speaker, I rise to speak in opposition to H.R. 4890, the Legislative Line Item Veto Act of 2006.

I will readily admit that the underlying goal of this bill is commendable. Reducing government waste and unnecessary spending is an admirable goal, one that this Congress should pursue diligently. In fact, I voted in favor of the Line Item Veto Act of 1996.

I have seen the line item veto in action . . . by President Clinton on a military construction appropriations law. Experience is a cruel, but effective teacher. That experience has shown me that the line item veto in its practical application would abrogate Congressional authority and give the executive additional power over the legislative branch, threatening the fine balance of power that our Founding Fathers wisely ensured.

Since 1996, the Supreme Court has ruled the Line Item Veto Act of 1996 unconstitutional for its violation of Article 1, Section 7, known as the Presentation Clause of the United States Constitution. Justice Kennedy stated in his opinion in *Clinton v. New York*, "Failure of political will does not justify unconstitutional remedies". I stand by the decision of the Court and believe that its judgment is applicable to the bill before us.

In the Supreme Court ruling on *Clinton v. New York* the opinion of the Court stated that the "cancellations" of the 1996 Act were not merely exercises of the President's discretionary budget authority but a violation of Article I, Sec. 7, giving the President "unilateral" power to change the language of a duly enacted statute. In plain English, the bill did not allow Congress to exercise its constitutionally invested powers.

The bill before us today, H.R. 4890, attempts to avoid this hazard by requiring an up or down vote on each rescission. While these rescissions come to Congress for forced consideration, it does not get around the objections of the Court that the President, in his rescissions, is unilaterally changing a duly enacted statute. By forcing Congress to take up rescissions I fear this measure would tip the scales of power in favor of the executive. The Clinton ruling states that "Statutory repeals must conform with Article I, (INS v. Chadha, 462 U.S. 919, 954,) but there is no constitutional authorization for the President to amend or repeal. The constitutional return is of the entire bill and takes place before it becomes law, whereas the statutory cancellations occurs after the bill becomes law and affects it only in part" (*Clinton v. New York* pp. 17–24).

This gets to the heart of my argument that Congress has still not addressed the objections of the Court. The ideals of the 1996 Act for fiscal restraint did not match the practical application leading me to question the ability of the executive to faithfully carry out this legislation, no matter how well intentioned. I cannot in good faith and a clear conscience hand over legislative authority to the executive branch and vote for legislation that seeks to dilute this process.

With regard to the practical aspects of the line item veto, when I voted in favor of the 1996 Act, it was my hope and likely the hope of everyone who supported the measure that the power would be used responsibly, wisely, and prudently. I saw this power abused and misused.

After signing the Military Construction Appropriations measure for Fiscal Year 1998, President Clinton used the line item veto authority for 38 construction projects. The Clinton administration cited three criteria for canceling

the projects. The projects (1) were not requested by the military; (2) could not make contributions to the national defense in FY 1998; and (3) would not benefit the quality of life and well-being of military personnel. The Clinton administration did not even follow its own criteria! The Clinton administration even acknowledged that it had used erroneous data as the basis for striking 18 of the 38 projects. The overwhelming majority of the projects were on the administration's own 5-year construction plan. It cut critical funding for our Nation's Guard and Reserves.

This was a blatant use of raw executive arrogance and power. It was simply an exercise of the White House wanting its way and ignoring the spending priorities set by Congress. Furthermore, the Clinton White House made very clear that it would use the line-item veto as a matter of politics, rather than objective fiscal policy. The line item veto was being used as leverage against Congress to obtain consent to the White House's demand for both more spending and for policy positions.

The Clinton administration made illegitimate the fundamental rationale for the line-item veto . . . to reduce spending. They used the power to threaten the cutting of Members' projects to extract more spending for the administration's priorities; thereby, the line item veto was used to increase spending, not decrease spending.

Despite the need to trim federal spending, I am convinced that this legislation, if enacted, could again be misused by the executive branch, as has already been proven by the example of the Clinton administration. As Justice Kennedy wrote, "That a congressional session of power is voluntary does not make it innocuous" (Clinton v. New York p. 4).

I am a voice for the Fourth District of Indiana. My constituents want controls on the budget and restraint in federal spending. But, neither will I have their voices muffled by an executive power grab. I took an oath to "defend the Constitution." I must protect the voice of my constituents and the power the Constitution invests in me as their representative.

Mr. MACK. Mr. Speaker, I rise today in strong support of the Legislative Line Item Veto Act of 2006, offered by my friend, Mr. RYAN of Wisconsin.

I have said time and again that America's long-term freedom, security and prosperity goes hand-in-hand with restoring fiscal discipline in Washington. The people of Southwest Florida and the rest of the nation deserve a government that taxes less, spends less and regulates less. With this legislation, we will move closer to that goal. Congress and the President will be able to work together to rein in the federal budget deficit—an anchor tethered to our otherwise strong economy that needs addressing.

Moreover, if used properly, the Line Item Veto can be a positive and important tool to help ensure taxpayer dollars are being spent wisely and on the key services people need.

Mr. Speaker, we should not be fooled by those who believe we are ceding budgetary authority over to the Executive Branch, for it is Congress that has the ultimate say on any White House proposal. Instead, we are simply increasing our avenues for ways to cut down spending. Additionally, clear limits will be placed on what the President is, and is not, allowed to do. Rest assured, the power of the purse—and its maintenance—will continue to rest solely with the United States Congress.

It is upon those principles I respectfully request my colleagues in the House stand together and take an important step in passing this bill authorizing the Line Item Veto. I look forward to the prospect of it being used in the fight to reign in the cost, size and scope of Washington.

Mr. PETRI. Mr. Speaker, I want to thank the Speaker and my good friend and colleague from Wisconsin, PAUL RYAN, for their willingness to work with the Transportation Committee to ensure that transportation trust fund budget protections will be preserved and that trust fund dollars are not used for deficit reduction or diverted to the general fund.

It is my understanding that we have a commitment that this bill, when and if it comes out of conference, will be in a form that also honors funding guarantees and that spending will not be below guaranteed levels.

I further appreciate the clarification by Congressman RYAN that it was not his intention to negatively impact the guarantees and that he supports continuing to spend the revenues coming into the trust funds.

This is so important because in 1998 and in subsequent votes, this Congress has reaffirmed the principle that user fees collected from aviation and highway users should be used only for their intended purpose—transportation improvements.

For too long, aviation and highway trust fund spending had been suppressed in order to increase spending in other areas or to mask the size of the federal deficit, to the point that we had ballooning balances in the trust funds.

The goal of the line item veto bill here today is to achieve savings—and it had originally provided that any vetoed item be used for deficit reduction. For direct spending, this would have applied not only to "earmarks," but to programs that are increased and supported by the trust funds!

This would be in direct conflict with the spending guarantees we have had in our two previous aviation and highway bills and undermined the principle that trust fund spending should be linked to trust fund revenues—it is spending that is paid for.

Using gas taxes for deficit reduction (as far as the Highway Trust Fund is concerned) was vigorously opposed by Republicans when President Clinton proposed it in 1993. It was the right position then and it is the right position today.

Again, this is not spending that contributes to the deficit—it is spending that is paid for and we should not break our promise that revenues collected will be spent on transportation.

Much as some may dispute it, programs that are supported by user fees are different—and they merit the different budget treatment that they currently have. It would be a terrible mistake to turn back the clock now, and I am glad that we are taking steps to ensure that it is not the case.

I look forward to continuing to work to fine-tune the provisions regarding the transportation trust funds in this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 886, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

#### TITLE I—LEGISLATIVE LINE ITEM VETO

##### SEC. 101. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

"(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

"(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

"(iv) 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 cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations

relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

“(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

“(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

“(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

“(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

“(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

“(2) ENACTMENT OF APPROVAL BILL.—

“(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

“(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

“(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

“(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

“(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

“PROCEDURES FOR EXPEDITED CONSIDERATION

“SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5

hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

“(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

“(3) CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(G) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS 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.

(c) **CONSIDERATION OF CONFERENCE REPORTS.**—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommend the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

#### “PRESIDENTIAL DEFERRAL AUTHORITY

“SEC. 1013. (a) **TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.**—

“(1) **IN GENERAL.**—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

“(2) **EARLY AVAILABILITY.**—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(b) **TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.**—

“(1) **IN GENERAL.**—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

“(2) **EARLY AVAILABILITY.**—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

#### “TREATMENT OF CANCELLATIONS

“SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

#### “REPORTS BY COMPTROLLER GENERAL

“SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

#### “DEFINITIONS

“SEC. 1016. As used in this part:

“(1) **APPROPRIATION LAW.**—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) **APPROVAL BILL.**—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed cancellations transmitted by the President on \_\_\_\_\_’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations \_\_\_\_\_’, the blank space being filled in with a list of the cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on \_\_\_\_\_’, the blank space being filled in with the appropriate date, ‘regarding \_\_\_\_\_’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) **CALENDAR DAY.**—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) **CANCEL OR CANCELLATION.**—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) budget authority from having legal force or effect; or

“(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

“(5) **CBO.**—The term ‘CBO’ means the Director of the Congressional Budget Office.

“(6) **DIRECT SPENDING.**—The term ‘direct spending’ means—

“(A) budget authority provided by law (other than an appropriation law);

“(B) entitlement authority; and

“(C) the food stamp program.

“(7) **DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.**—(A) Except as provided in subparagraph (B), the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority—

“(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

“(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

“(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

“(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

“(B) The term ‘dollar amount of discretionary budget authority’ does not include—

“(i) direct spending;

“(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

“(iii) any existing budget authority canceled in an appropriation law; or

“(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

“(8) **OMB.**—The term ‘OMB’ means the Director of the Office of Management and Budget.

“(9) **TARGETED TAX BENEFIT.**—(A) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

“(B) for purposes of subparagraph (A)—

“(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

“(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

“(iii) all employees of an employer shall be treated as a single beneficiary;

“(iv) all qualified plans of an employer shall be treated as a single beneficiary;

“(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

“(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

“(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;



“(C) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

“(i) the first fiscal year for which the provision is effective;

“(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

“(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

“(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

“(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

#### “EXPIRATION

“SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.”.

### SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

(a) 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 “1017” and inserting “1012”; and

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

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking “rescinded or that is to be reserved” and inserting “canceled” and by striking “1012” and inserting “1011”.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

#### “PART B—LEGISLATIVE LINE ITEM VETO

“Sec. 1011. Line item veto authority.

“Sec. 1012. Procedures for expedited consideration.

“Sec. 1013. Presidential deferral authority.

“Sec. 1014. Treatment of cancellations.

“Sec. 1015. Reports by Comptroller General.

“Sec. 1016. Definitions.

“Sec. 1017. Expiration.

“Sec. 1018. Suits by Comptroller General.

“Sec. 1019. Proposed Deferrals of budget authority.”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

### TITLE II—PAY-AS-YOU-GO EXTENSION

#### SEC. 201. PAY-AS-YOU-GO EXTENSION.

(a) SECTION 252 AMENDMENTS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” both places it appears and inserting “2011”.

(b) SECTION 275 AMENDMENT.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2006” and inserting “2016”.

### TITLE III—RECONCILIATION INSTRUCTIONS MAY NOT INCREASE THE DEFICIT

#### SEC. 301. DEFINITION OF RECONCILIATION.

Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(h) DEFINITION OF RECONCILIATION LEGISLATION.—As used in this Act, a reconciliation bill or reconciliation resolution is a measure that, if enacted, would reduce the deficit or increase the surplus for each fiscal year covered by such measure compared to the most recent Congressional Budget Office estimate for any such fiscal year.”.

### TITLE IV—EARMARK REFORM

#### SEC. 401. CURBING ABUSES OF POWER.

Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

“14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member’s congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

“15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

“(1) the name of the Member, Delegate, or Resident Commissioner;

“(2) the name and address of the intended recipient of such earmark;

“(3) the purpose of such earmark; and

“(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

“(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

“(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.”.

#### SEC. 402. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a dis-

trict-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).”.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(A) by striking ‘or’ at the end of subparagraph (1);

(B) by striking the period at the end of subparagraph (2) and inserting ‘; or’; and

(C) by adding at the end the following new subparagraph:

“(3) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.”.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking “2 hours” and inserting “24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after”.

#### SEC. 403. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: “A motion to request or agree to a conference on a general appropriation bill is in order only if the Senate expresses its disagreements with the House in the form of numbered amendments.”.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

“(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees’ action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.”.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees’ action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).”.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended above, is amended

(A) by striking ‘or’ at the end of subparagraph (2);

(B) by striking the period at the end of subparagraph (3) and inserting ‘; or’; and

(C) by adding at the end the following new subparagraph:

“(4) a rule or order that waives clause 12(a) or clause 13 of rule XXII.”.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### POINT OF ORDER

Mr. RYAN of Wisconsin. Mr. Speaker, I reluctantly raise a point of order to the motion to recommit on the grounds that the motion includes provisions that are not germane to the bill. On those grounds, that is why I raise the point of order.

The SPEAKER pro tempore. Does any other Member wish to speak?

Mr. SPRATT. Mr. Chairman, the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from 1990 to 2002. We reinstate that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

The SPEAKER pro tempore. Does anybody else wish to speak on the point of order?

Mr. RYAN of Wisconsin. Mr. Speaker, I will just rise to say that that is evidence of my point of order which PAYGO is outside of the germaneness of this bill. Earmark reform is outside the germaneness of the bill. It is on those grounds that I raise this point of order.

The SPEAKER pro tempore. Are there any other speakers on the point of order? Seeing none, the Chair is prepared to rule.

The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. Among the central tenets of the germaneness rule are that an amendment may not introduce a subject matter not represented in the pending bill.

The test of germaneness of a motion to recommit with instructions is the relationship of those instructions to the bill as a whole, as amended by House Resolution 886.

H.R. 4890 addresses a procedure for the President to propose cancellations of certain provisions of law, and a procedure for Congress to approve such cancellations. It further provides that the President may defer the effectiveness of the provisions of law associated with such proposed cancellations pending approval or disapproval by the Congress.

The amendment contained in the motion to recommit addresses, in part, a

reinstatement of sequestration procedures within the executive branch, a change in permissible reconciliation instructions contained in a concurrent resolution on the budget, and various points of order regarding House procedures.

Such provisions address subject matters not contained in H.R. 4890, as amended.

Accordingly, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an alternate motion to recommit, which does not contain the objectionable features.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

#### SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

#### "PART B—LEGISLATIVE LINE ITEM VETO

#### "LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

#### "(b) TRANSMITTAL OF SPECIAL MESSAGE.—

#### "(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

"(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

"(ii) any account, department, or establishment of the Government to which such

discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

"(iv) 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 cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

"(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

"(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

#### "(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

"(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

"(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

"(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the

highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

“(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

“(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

#### “PROCEDURES FOR EXPEDITED CONSIDERATION

##### “SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

##### “(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consider-

ation, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

“(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

##### “(3) CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

##### “(G) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if iden-

tical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS 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.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommend the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

#### “PRESIDENTIAL DEFERRAL AUTHORITY

##### “SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

“(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

##### “(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

#### “TREATMENT OF CANCELLATIONS

“SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or

targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

#### “REPORTS BY COMPTROLLER GENERAL

“SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

#### “DEFINITIONS

“SEC. 1016. As used in this part:

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) APPROVAL BILL.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed cancellations transmitted by the President on \_\_\_\_\_’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations \_\_\_\_\_’, the blank space being filled in with a list of the cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on \_\_\_\_\_’, the blank space being filled in with the appropriate date, ‘regarding \_\_\_\_\_’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) CANCEL OR CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) budget authority from having legal force or effect; or

“(B) a targeted tax benefit from having legal force or effect; and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

“(5) CBO.—The term ‘CBO’ means the Director of the Congressional Budget Office.

“(6) DIRECT SPENDING.—The term ‘direct spending’ means—

“(A) budget authority provided by law (other than an appropriation law);

“(B) entitlement authority; and

“(C) the food stamp program.

“(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority—

“(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

“(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

“(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

“(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

“(B) The term ‘dollar amount of discretionary budget authority’ does not include—

“(i) direct spending;

“(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

“(iii) any existing budget authority canceled in an appropriation law; or

“(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

“(8) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

“(9) TARGETED TAX BENEFIT.—(A) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

“(B) for purposes of subparagraph (A)—

“(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

“(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

“(iii) all employees of an employer shall be treated as a single beneficiary;

“(iv) all qualified plans of an employer shall be treated as a single beneficiary;

“(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

“(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

“(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

“(C) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

“(i) the first fiscal year for which the provision is effective;

“(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

“(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

“(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

“(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

#### “EXPIRATION

“SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.”

#### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) 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 “1017” and inserting “1012”; and

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

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking “rescinded or that is to be reserved” and inserting “canceled” and by striking “1012” and inserting “1011”.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

#### “PART B—LEGISLATIVE LINE ITEM VETO

“Sec. 1011. Line item veto authority.

“Sec. 1012. Procedures for expedited consideration.

“Sec. 1013. Presidential deferral authority.

“Sec. 1014. Treatment of cancellations.

“Sec. 1015. Reports by Comptroller General.

“Sec. 1016. Definitions.

“Sec. 1017. Expiration.

“Sec. 1018. Suits by Comptroller General.

“Sec. 1019. Proposed Deferrals of budget authority.”

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, let me just tell you quickly, by laundry-list fashion, the changes that this amendment would add to the bill.

First of all, we have followed the model of similar bills, the bills that were passed by this House in 1993 and 1994. We have gone back to those to create expedited rescission authority.

Secondly, we have prohibited the President or any other officer of the executive branch from using the rescission authority, that power, as a bargaining tool to extract votes on other unrelated legislation.

Number three, we have provided that during the consideration of a rescission request by the President, there is to be a motion to strike; in other words, a provision by which 100 Members of the House could ask for a separate vote on a separate item which they deem worthy, and they could have an opportunity in the well of the House to make the case for this worthy spending item.

Number four, we have limited the number of cancellation proposals that the President can send up to one appropriation bill, which is an entirely sensible change to the bill. Otherwise, under the terms of the bill, the President will be able to send 5 different rescission requests on 11 different appropriations bills, in total 55 bills, which could wreak havoc with the process and in this place. It invites chaos. It is not necessary. It was not in previous bills. It does not need to be in this bill.

Number five, we have reduced the amount of time the President has to propose a cancellation or rescission after signing a bill from 45 days to 10 days. Why is that? We think that 10 days is more than enough. The original bills passed by the House provided only 3 days. We have extended it to 10 days, but 10 days give the President all the time he needs for a budgetary scrub-down of the budget. Forty-five days is apt to cause him to look for political applications as opposed to budgetary applications.

Number six, we have reduced the amount of time that the President can withhold funds, impound funds when he proposes a rescission or cancellation from 90 days, as in the bill, to 30 days and 7 days for emergency spending. We think that is reasonable. That is roughly the time it would take for a rescission to run its course.

Then we think this is extremely important, not just reasonable, but critically important. This is a major experiment. Let us not extend it to entitlement spending. Americans depend upon Social Security and Medicare and veterans benefits. Are we going to take something that important from which people depend and put it on the fast track, the up-or-down vote process that this vote calls for? I would hope not.

This particular amendment would put Social Security and Medicare and veterans benefits beyond the reach of the President's rescission power, fast-track rescission powers.

This then defines tax benefits the way we originally defined it. One of the evolutions in the history of this bill was for us to go back and say a lot of money is spent through tax expenditures in the Tax Code. There are a lot of earmarks in the Tax Code, as well as in the appropriation bills. So let us call attention to something called the targeted tax benefits that have fewer than 100 intended beneficiaries, and let us provide as to these earmarks in the tax bill the President will have the same authority. This bill has been changed significantly from 100 beneficiaries to 1 beneficiary, which guts the meaning of that original provision.

Finally, this is an experiment. We are ceding a lot of authority to the President of the United States that the Congress has under Article I of the Constitution. In order to make sure that this authority is not misused or abused or manipulated, we are providing simply that we have a sunset of 2 years. Two full years would mean President Bush would have this authority for 2 fiscal years, but that we would review it and decide whether or not we should go forward with it or make major changes.

These are all serious, substantive amendments. They are not tilted in any direction at all except in the direction of getting a better bill which we can vote upon.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to commend the gentleman for a very substantive motion to recommit. I would like to go through a number of the provisions he raises and some of the concerns I have with them and why I have to rise in opposition.

Number one, Mr. Speaker, he excludes direct spending from the line item veto. A case in point. When we do the transportation reauthorization bill, that thing contains something like 5,000 earmarks. The bridge to nowhere is one of the most prolific examples of such things. I do not think those things should be exempt from this line item veto tool.

Number two, he reduces the number of messages from five to one. My fear with this change is that it will reduce the effectiveness of this tool. If the President only has one bite at the apple, only one bill he can send, he will only go after one or two earmarks. What if a bill has 5,000 earmarks? What if a bill has 500 earmarks? The President ought to be able to send us more votes so we can go after more earmarks and cut out more wasteful spending. If he only gets to send 1 bill, and he puts 50 pieces in that bill, then the President will be growing his vote coalition

against it. Fifty State delegations also vote against it. So I think if you just do one bill, you are going to make this tool very, very small. It will not be nearly as effective because the President will be disincentivized from putting many earmarks in it because they will fall under their own weight. That is why we put five bills so we can go after a great number of earmarks so that we can get maximum output for this.

Now, the other thing, it permits amendments to strike. I understand the intent of this. I think it is valuable, but the problem I have with permitting amendments to strike is that then you are going to ping-pong back and forth with the House and Senate. You will see no end to this.

The reason why we do not allow amendments to conference reports is because conference reports represent a conclusion of a legislative process, the end of a legislative process before a bill becomes law. But that is where a lot of mischief happens, and mischief occurs because people insert earmarks in conference reports. I think by doing this you are going to encourage that. Even if you try to come up with language to streamline the conference report process, I still think this produces those problems.

Lastly, Mr. Speaker, the tax provision. This is one that is worthy of very good debate. Mr. SPRATT wants to limit the number of tax beneficiaries from 100 to 10. Let me give you an example. We chose to do it the way we did it so we would go after tax pork, rifleshot tax policy, you know, this tax cut for this person, this tax entity, instead of tax policy. Let me just give you one example. The orphan drug tax credit.

We have the orphan drug tax credit in tax law today because there are a lot of small diseases that do not have a lot of constituencies, that do not have a lot of people—lupus, Duchenne's disease, and you are not going to see pharmaceutical companies engaging in committing millions of dollars in research to cure such small diseases, but we want cures for these smaller diseases, these rare diseases. So we created the orphan drug tax credit. How many people utilize this orphan drug tax credit? Very few, surely not 100, maybe 3, 4 companies. Researchers will research a cure for a rare disease, but if they do the research, they qualify for the tax credit. That is tax policy. Fewer than 100 beneficiaries get it, but we wanted to have a tax incentive so that researchers will commit their dollars to researching and finding cures for rare diseases. That is just one example of how broadening the scope of this goes into tax policy.

The goal of this is not to give the President the power to rewrite policy, to rewrite entitlement policy, to rewrite tax policy. The goal of the legislative line item vote is to give us the tool to go after pork, tax pork.

□ 1730

Now, what we want to accomplish with this, Mr. Speaker, is to give us the tools to go after wasteful spending, wasteful direct spending, wasteful discretionary spending, and wasteful tax pork. The key thing is that we reserve the power. The Executive can give us the bill; the Executive, the President, can pull the pork out; but who makes the decision is Congress. Congress and Congress alone, the legislative branch, are the ones who execute the action.

I think the compromise we have come up with, the base bill, is the right way to go.

And the last point I will make is the gentleman reduces the deferral period to 30 days. Here is the problem with that. That means Congress can pass a huge omnibus appropriations bill in October, as we often do, and then leave for recess until January 20, when the President has the State of the Union address. He is out of session for 3 months and Congress cannot waive the deferral period.

I urge a “no” vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, and the motion to suspend the rules on House Resolution 323.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 14, as follows:

[Roll No. 316]

## AYES—170

Abercrombie	Chandler	Ford
Ackerman	Clay	Frank (MA)
Allen	Cleaver	Gonzalez
Andrews	Clyburn	Gordon
Baca	Cooper	Green, Al
Baird	Costa	Green, Gene
Baldwin	Costello	Grijalva
Barrow	Cramer	Gutierrez
Bean	Crowley	Harman
Becerra	Cuellar	Hastings (FL)
Berry	Cummings	Herseth
Bishop (GA)	Davis (AL)	Higgins
Bishop (NY)	Davis (CA)	Hinchee
Blumenauer	Davis (IL)	Hinojosa
Boren	Davis (TN)	Holden
Boswell	DeFazio	Holt
Boucher	DeGette	Hooley
Boyd	Delahunt	Hoyer
Brady (PA)	Dingell	Insllee
Brown, Corrine	Doyle	Israel
Butterfield	Edwards	Jackson (IL)
Capps	Emanuel	Johnson, E. B.
Capuano	Engel	Jones (OH)
Cardin	Eshoo	Kaptur
Cardoza	Etheridge	Kennedy (RI)
Carnahan	Farr	Kildee
Carson	Fattah	Kilpatrick (MI)
Case	Filner	Kind

Langevin	Napolitano	Scott (VA)
Lantos	Oberstar	Sherman
Larsen (WA)	Obey	Simpson
Levin	Olver	Skelton
Lewis (GA)	Ortiz	Saxton
Lipinski	Otter	Smith (WA)
Lowe	Pallone	Snyder
Lynch	Pascrell	Spratt
Markey	Pastor	Stark
Marshall	Payne	Strickland
Matsui	Pelosi	Stupak
McCarthy	Peterson (MN)	Tanner
McCollum (MN)	Pomeroy	Tauscher
McDermott	Price (NC)	Taylor (MS)
McGovern	Rahall	Thompson (MS)
McIntyre	Reyes	Towns
McKinney	Ross	Udall (CO)
McNulty	Rothman	Udall (NM)
Meehan	Roybal-Allard	Van Hollen
Meek (FL)	Ruppersberger	Velázquez
Meeks (NY)	Rush	Visclosky
Melancon	Sabo	Wasserman
Michaud	Salazar	Schultz
Millender-	Sánchez, Linda	Watson
McDonald	T.	Watt
Miller (NC)	Sanchez, Loretta	Waxman
Moore (KS)	Sanders	Weiner
Moore (WI)	Schakowsky	Wexler
Moran (VA)	Schiff	Wynn
Nadler	Scott (GA)	

## NOES—249

Aderholt	Ferguson	LaTourette
Akin	Fitzpatrick (PA)	Leach
Alexander	Flake	Lee
Bachus	Foley	Lewis (CA)
Baker	Forbes	Lewis (KY)
Barrett (SC)	Fortenberry	Linder
Bartlett (MD)	Fossella	LoBiondo
Barton (TX)	Fox	Loftgren, Zoe
Bass	Franks (AZ)	Lucas
Beauprez	Frelinghuysen	Lungren, Daniel
Biggert	Gallely	E.
Bilbray	Garrett (NJ)	Mack
Bilirakis	Gerlach	Maloney
Bishop (UT)	Gibbons	Manzullo
Blackburn	Gilchrest	Marchant
Blunt	Gillmor	Matheson
Boehlert	Gingrey	McCauley (TX)
Boehner	Gohmert	McCotter
Bonilla	Goode	McCrery
Bonner	Goodlatte	McHenry
Bono	Granger	McHugh
Boozman	Graves	McKeon
Boustany	Green (WI)	McMorris
Bradley (NH)	Gutknecht	Mica
Brady (TX)	Hall	Miller (FL)
Brown (OH)	Harris	Miller (MI)
Brown (SC)	Hart	Miller, Gary
Brown-Waite,	Hastert	Mollohan
Ginny	Hastings (WA)	Moran (KS)
Burgess	Hayes	Murphy
Burton (IN)	Hayworth	Murtha
Buyer	Hefley	Musgrave
Calvert	Hensarling	Myrick
Camp (MI)	Herger	Neal (MA)
Campbell (CA)	Hobson	Neugebauer
Cannon	Hoekstra	Ney
Cantor	Honda	Northup
Capito	Hostettler	Norwood
Carter	Hulshof	Nunes
Castle	Hunter	Nussle
Chabot	Hyde	Osborne
Chocola	Inglis (SC)	Paul
Coble	Issa	Pearce
Cole (OK)	Istook	Pence
Conaway	Jackson-Lee	Peterson (PA)
Conyers	(TX)	Petri
Crenshaw	Jenkins	Pickering
Cubbin	Jindal	Platts
Culberson	Johnson (CT)	Poe
Davis (KY)	Johnson (IL)	Pombo
Davis, Jo Ann	Jones (NC)	Porter
Davis, Tom	Kanjorski	Price (GA)
Deal (GA)	Keller	Pryce (OH)
DeLauro	Kelly	Putnam
Dent	Kennedy (MN)	Radanovich
Diaz-Balart, L.	King (IA)	Ramstad
Diaz-Balart, M.	King (NY)	Rangel
Dicks	Kingston	Regula
Doolittle	Kirk	Rehberg
Drake	Kline	Reichert
Dreier	Knollenberg	Renzi
Duncan	Kolbe	Reynolds
Ehlers	Kucinich	Rogers (AL)
Emerson	Kuhl (NY)	Rogers (KY)
English (PA)	LaHood	Rogers (MI)
Everett	Larson (CT)	Rohrabacher
Feeney	Latham	Ros-Lehtinen

Royce	Smith (TX)	Upton
Ryan (OH)	Sodrel	Walden (OR)
Ryan (WI)	Solis	Walsh
Ryun (KS)	Souder	Wamp
Saxton	Stearns	Weldon (FL)
Schmidt	Sullivan	Weldon (PA)
Schwartz (PA)	Sweeney	Weller
Schwarz (MI)	Tancredo	Westmoreland
Sensenbrenner	Taylor (NC)	Whitfield
Sessions	Terry	Wicker
Shadegg	Thomas	Wilson (NM)
Shaw	Thompson (CA)	Wilson (SC)
Sherwood	Thornberry	Wolf
Shimkus	Tiahrt	Woolsey
Shuster	Tiberi	Wu
Simmons	Tierney	Young (AK)
Smith (NJ)	Turner	Young (FL)

## NOT VOTING—14

Berkley	Jefferson	Pitts
Berman	Johnson, Sam	Serrano
Davis (FL)	Miller, George	Shays
Doggett	Owens	Waters
Evans	Oxley	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1753

Messrs. NORWOOD, GOODLATTE, RANGEL, KUCINICH, RYAN of Ohio, DICKS, LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, and Ms. WOOLSEY changed their vote from “aye” to “no.”

Messrs. BISHOP of Georgia, OTTER, and SHERMAN changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 172, not voting 14, as follows:

[Roll No. 317]

## AYES—247

Akin	Brown (OH)	Davis (TN)
Alexander	Brown (SC)	Davis, Jo Ann
Andrews	Brown-Waite,	Davis, Tom
Bachus	Ginny	Deal (GA)
Baker	Burgess	DeFazio
Barrett (SC)	Burton (IN)	Delahunt
Barrow	Calvert	Dent
Bartlett (MD)	Camp (MI)	Diaz-Balart, L.
Barton (TX)	Campbell (CA)	Diaz-Balart, M.
Bass	Cannon	Doolittle
Bean	Cantor	Drake
Beauprez	Capito	Dreier
Biggert	Cardoza	Duncan
Bilbray	Carter	Edwards
Bilirakis	Case	Ehlers
Bishop (UT)	Castle	English (PA)
Blackburn	Chabot	Everett
Blunt	Chandler	Feeney
Boehlert	Chocola	Ferguson
Boehner	Coble	Fitzpatrick (PA)
Bonilla	Cole (OK)	Flake
Bonner	Conaway	Foley
Bono	Cooper	Forbes
Boozman	Costa	Ford
Boren	Crenshaw	Fortenberry
Boustany	Cubin	Fossella
Boyd	Cuellar	Fox
Bradley (NH)	Culberson	Franks (AZ)
Brady (TX)	Davis (KY)	Frelinghuysen



Gallegly LaTourette  
Garrett (NJ) Leach  
Gerlach Lewis (KY)  
Gibbons Linder  
Gilchrest LoBiondo  
Gillmor Lucas  
Gingrey Lungren, Daniel  
Gohmert E.  
Goode Mack  
Goodlatte Maloney  
Gordon Manzullo  
Granger Marchant  
Graves Marshall  
Green (WI) Matheson  
Gutknecht McCaul (TX)  
Hall McCotter  
Harris McCrery  
Hart McHenry  
Hastert McHugh  
Hastings (WA) McIntyre  
Hayes McKeon  
Hayworth McMorris  
Hefley Melancon  
Hensarling Mica  
Herger Miller (FL)  
Herseth Miller (MI)  
Hoekstra Miller, Gary  
Hooey Moran (KS)  
Hostettler Murphy  
Hulshof Musgrave  
Hunter Myrick  
Hyde Neugebauer  
Inglis (SC) Ney  
Inslee Norwood  
Issa Nunes  
Istook Nussle  
Jenkins Osborne  
Jindal Pearce  
Johnson (CT) Pence  
Johnson (IL) Peterson (PA)  
Keller Petri  
Kelly Pickering  
Kennedy (MN) Platts  
King (IA) Poe  
King (NY) Pombo  
Kingston Porter  
Kirk Price (GA)  
Kline Pryce (OH)  
Knollenberg Putnam  
Kolbe Radanovich  
Kuhl (NY) Ramstad  
LaHood Regula  
Langevin Rehberg  
Latham Reichert

## NOES—172

Abercrombie Etheridge  
Ackerman Farr  
Aderholt Fattah  
Allen Filner  
Baca Frank (MA)  
Baird Gonzalez  
Baldwin Green, Al  
Becerra Green, Gene  
Berry Grijalva  
Bishop (GA) Gutierrez  
Bishop (NY) Harman  
Blumenauer Hastings (FL)  
Boswell Higgins  
Boucher Hinchey  
Brady (PA) Hinojosa  
Brown, Corrine Hobson  
Butterfield Holden  
Buyer Holt  
Capps Honda  
Capuano Hoyer  
Cardin Israel  
Carnahan Jackson (IL)  
Carson Jackson-Lee  
Clay (TX)  
Cleaver Johnson, E. B.  
Clyburn Jones (NC)  
Conyers Jones (OH)  
Costello Kanjorski  
Cramer McCotter  
Crowley Kennedy (RI)  
Cummings Kildee  
Davis (AL) Kilpatrick (MI)  
Davis (CA) Kind  
Davis (IL) Kucinich  
DeGette Lantos  
DeLauro Larsen (WA)  
Dicks Larson (CT)  
Dingell Lee  
Doyle Levin  
Emanuel Lewis (CA)  
Emerson Lewis (GA)  
Engel Lipinski  
Eshoo Lofgren, Zoe

Renzi  
Reynolds  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schiff  
Schmidt  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shinkus  
Shuster  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Sodrel  
Souder  
Stearns  
Strickland  
Sullivan  
Tancredo  
Tanner  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Udall (CO)  
Upton  
Walden (OR)  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wynn  
Young (AK)  
Young (FL)

Rogers (AL)  
Rogers (KY)  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Salazar  
Saxton  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schwartz (PA)  
Scott (GA)

NOT VOTING—14  
Berkley  
Berman  
Davis (FL)  
Doggett  
Evans  
Jefferson  
Johnson, Sam  
Miller, George  
Owens  
Oxley

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority”.

A motion to reconsider was laid on the table.

## SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 323, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 323, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 318]

YEAS—393

Abercrombie Biggert  
Ackerman Bilbray  
Aderholt Bilirakis  
Akin Bishop (GA)  
Alexander Bishop (NY)  
Allen Bishop (UT)  
Andrews Blackburn  
Baca Blunt  
Bachus Boehlert  
Baird Boehner  
Baker Bonilla  
Baldwin Bonner  
Barrett (SC) Boozman  
Barrow Boren  
Bartlett (MD) Boswell  
Barton (TX) Boucher  
Bass Boustany  
Bean Boyd  
Beauprez Bradley (NH)  
Becerra Brady (PA)  
Berry Brady (TX)

Towns  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walsh  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Pitts  
Serrano  
Shays  
Waters  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emerson  
Engel  
English (PA)  
Etheridge  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseth  
Higgins  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Holt  
Honda  
Hoya  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Inslee  
Issa  
Istook  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Jones (NY)  
Kantor  
Kane  
Kaptur  
Karl  
Kaspar  
Kawatra  
Kennedy (RI)  
Kilpatrick (MI)  
Kind  
Kucinich  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
Lofgren, Zoe

Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Otter  
Pallone  
Pascarelli  
Pastor  
Paul  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Petri  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherman  
Sherwood  
Shinkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Sodrel  
Solis  
Spratt  
Stark  
Stearns  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher