

CRS Report for Congress

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Line Item Vetoes in the 105th Congress, First Session: A Finding Aid

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Summary

This report provides a summary of the President's use of the line item veto in the 105th Congress. By the end of the first session, President Clinton had used the line item veto authority 11 times, affecting nine appropriations laws and canceling a total of 82 items. On October 24, 1997, three federal law suits challenging the constitutionality of the Line Item Veto Act were consolidated into one, assigned to U.S. District Judge Thomas Hogan. On January 6, 1998, one was resolved with a settlement in which the Clinton Administration conceded that the President had exceeded his authority with the line-item veto that overturned a congressional measure permitting federal employees to switch pension systems found in P.L. 105-61. This settlement rescinded the President's veto. On February 12, 1998, U.S. District Judge Thomas F. Hogan issued his ruling that the President's line item veto authority is unconstitutional, but Hogan's decision only affects two of the 82 vetoed items. It is anticipated that the Supreme Court will eventually rule on the constitutionality of the line item veto. The remaining 80 vetoed items are not affected by Judge Hogan's ruling. On February 5, 1998, the House of Representatives voted 347-69 to override a presidential veto of Public Law 105-45, which appropriated \$287 million for 38 military construction projects. This report provides citations to more detailed information. Line item vetoes that occur in the 105th Congress, second session, will be addressed in a separate report.

The Line Item Veto Act of 1996 (P.L. 104-130) amends the Congressional Budget and Impoundment Control Act of 1974. It provides the President with special authority (during the years of 1997 through 2004) to cancel items of discretionary spending in annual appropriation acts, items of new direct spending, and limited tax benefits in reconciliation and other budgetary legislation, without vetoing the entire measure. The President may invoke the cancellation authority if he determines that it will reduce the federal deficit and will not harm the national interest or impair vital government functions.

For background information on the Line Item Veto Act, see CRS Report 96-765, *The Line Item Veto Act*, CRS Report 96-973, *The Line Item Veto Act: Procedural Issues*, CRS Issue Brief 89148, *Item Veto and Expanded Impoundment Proposals*, and CRS Report 97-549, *Line Item Veto: Bibliography-in-Brief*. The House Committee on Rules provides an electronic committee publication on the line item veto rules at their Web site: [<http://www.house.gov/rules/lineveto.htm>]. The process of a line item veto and the resulting documents is as follows:

1. The President has 5 days (Sundays excluded) after signing the law in which to transmit to Congress a special message identifying line item veto cancellations. This special message is printed the following working day in the *Federal Register*, a government publication available at most large public libraries. It is also printed as a House document, and citations to both are listed in the following table. The full text of the line item veto notices (with canceled items) is also available electronically from the Internet at the following Web site: [<http://www.access.gpo.gov/nara/nara004.html>]. The President's special messages (without canceled items) are also printed in the *Congressional Record*.

2. The Congressional Budget Office (CBO) is required to provide congressional budget committees with estimates of the reductions in budget authority and outlays resulting from a presidential cancellation. These budgetary estimates are available from CBO by contacting the Scorekeeping Unit at 202-226-2850.

3. Congress has 30 calendar days of session (i.e., days when both chambers are in session) after receipt of a special message to consider and pass by a majority vote a disapproval bill under expedited procedures. A disapproval measure must be introduced no later than 5 days after the special message is received in the House, but anytime during the 30-day period in the Senate. If the President vetoes the disapproval measure, a two-thirds majority vote in both chambers is needed to override the veto. Disapproval measures are printed in the *Congressional Record*.

Table 1. Presidential Line Item Vetoes

Number of Canceled Items	Public Law	Date	Title	<i>Federal Register</i> Citations	House Document Numbers
2	P.L. 105-34	8/11/97	Taxpayer Relief Act of 1997	8/12/97 p. 43265-7	105-116
1	P.L. 105-33	8/11/97	Balanced Budget Act of 1997	8/12/97 p. 43262-3	105-115
38	P.L. 105-45	10/6/97	Military Construction	10/7/97 p. 52452-69	105-147
14	P.L. 105-56	10/14/97	Defense	10/15/97 p. 53704-10	105-155

Number of Canceled Items	Public Law	Date	Title	Federal Register Citations	House Document Numbers
1	P.L. 105-61	10/16/97	Treasury/ Postal	10/17/97 p. 54338	105-156
8	P.L. 105-62	10/17/97	Energy/ Water	10/20/97 p. 54564-68	105-157
7	P.L. 105-65	11/1/97	Veterans	11/4/97 p. 59765-69	105-167
3	P.L. 105-66	11/1/97	Transporta- tion	11/4/97 p. 59769-71	105-168
2	P.L. 105-83	11/20/97	Interior	11/24/97 p. 62681-83	105-180
5	P.L. 105-86	11/20/97	Agriculture	11/24/97 p. 62684-86	105-179
1	P.L. 105-119	12/2/97	Commerce	12/3/97 p. 64130	105-181

Source: [<http://access.gpo.gov/nara/nara004.html>]

Public Laws Affected by the Line Item Veto with Corresponding CRS Products

1. Taxpayer Relief Act, P.L. 105-34

CRS Report 97-620, *Budget Reconciliation in the 105th Congress: Achieving a Balanced Budget by 2002*

CRS Report 97-773, *Citations to Provisions in the 1997 Reconciliation Acts Canceled Under the Line Item Veto Act*

CRS Report 97-854, *Taxpayer Relief Act of 1997: An Overview*

2. Balanced Budget Act of 1997, P.L. 105-33

CRS Report 97-620, *Budget Reconciliation in the 105th Congress: Achieving a Balanced Budget by 2002*,

CRS Report 97-773, *Citations to Provisions in the 1997 Reconciliation Acts Canceled Under the Line Item Veto Act*

3. Military Construction Appropriations for FY1998, P.L. 105-45

CRS Report 97-210, *Appropriations for FY1998: Military Construction*

President vetoed H.R. 2631, a disapproval bill, and the House voted (347-69) to override his regular veto.

4. Defense Appropriations for FY1998, P.L. 105-56

CRS Report 97-205, *Appropriations for FY1998: Defense*

5. Treasury, Postal Service, Executive Office of the President, and General Government Appropriations for FY1998, P.L. 105-61

CRS Report 97-202, *Appropriations for FY1998: Treasury, Postal Service, Executive Office of the President, and General Government*

U.S. District Court the District of Columbia consent order [Doc. no. 97-2399] rendered certain presidential actions moot, thus recinded this use of line item authority.

6. Energy and Water Development Appropriations for FY1998, P.L. 105-62

CRS Report 97-207, *Appropriations for FY1998: Energy and Water Development*

7. Veterans, HUD, and Independent Agencies Appropriations for FY1998, P.L. 105-65

CRS Report 97-204, *Appropriations for FY1998: VA, HUD, and Independent Agencies*

8. Transportation and Related Agencies Appropriations for FY1998, P.L. 105-66

CRS Report 97-208, *Appropriations for FY1998: Department of Transportation and Related Agencies*

9. Commerce, Justice, State, and the Judiciary Appropriations for FY1998, P.L. 105-119

CRS Report 97-209, *Appropriations for FY1998: Commerce, Justice, State, the Judiciary, and Related Agencies*

To buy copies of the Line Item Veto Act, any cited legislation, the *Congressional Record*, and *Federal Register*, contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. For credit card orders (MasterCard, VISA, or Discover/NOVUS) call 202-512-1800; fax 202-512-2250. These publications are also available in some large public libraries and in university, bar association, and law school libraries. All public laws passed by Congress are compiled and published in the annual volumes of the *United States Statutes at Large* and eventually codified in the *United States Code*. A private publication, *U.S. Code Congressional and Administrative News*, while not an official source, provides a more timely source of the text of public laws, and more a timely and easier-to-use codification of standing laws.

Those with access to the Internet can find this information on the GPO Access Web site's Superintendent of Documents Home Page, which can be searched by state and/or area code. It is available at:

[http://www.access.gpo.gov/su_docs/dpos/adpos003.html]

Beginning with the 104th Congress (1995), the full text of public laws is also available online at the following World Wide Web sites:

- THOMAS, an access system of legislative and congressional information, produced by the Library of Congress. The public law is in the form of the enrolled bill, the final form of a bill as it is sent to the President for his signature. The World Wide Web site is: [<http://thomas.loc.gov>]
For laws of the 104th Congress, when the public law number is known, click on "Bill Summary and Status." Click next on the "Browse: List of Public Laws"

link for the public law number. For laws of the 105th Congress, go directly to “Public Laws This Congress: By Law Number.”

- GPO Access provides public laws in the form of slip laws, the pamphlet form as processed and printed by the Office of the Federal Register after they have passed into law, with access by public law number. The World Wide Web site is: [http://www.access.gpo.gov/su_docs]