

Line-Item Veto Proposal Would Give President Authority to Cut Programs

What is a Line-Item Veto?

One of the top priorities of the Bush administration and some in Congress is to pass legislation giving the President line-item veto authority. Under existing law, when Congress passes an appropriation (spending) bill, the President may either sign the bill into law or veto the bill. If the President vetoes the bill, Congress may attempt to enact the bill into law by overriding the President's veto by a two-thirds vote of both the House and the Senate. The President must either approve the entire bill or disapprove the entire bill.

Line-item veto authority would allow the President to sign an appropriation bill into law but single out one or more specific spending provisions in that bill for a veto. Under the most recent line-item veto proposal, Congress would then have to vote on whether to approve the proposed vetoes.

Proponents of a Presidential line-item veto have suggested that giving the President this new authority to single out specific items in appropriations bills would force Congress to become more fiscally disciplined. But in fact, the latest line-item veto proposal could help the President to cancel funding for nearly any service or program, even if a large majority of Congress supports that funding.

Line-Item Veto Proposal Would Give the President Unprecedented Authority

The most recent proposal to give the President line-item veto authority is contained in a bill by Senator Judd Gregg called S. 3521. The Gregg bill goes well beyond the traditional concept of the line-item veto in several significant ways:

- **It significantly extends the amount of time the President has to propose a veto.** The President would have up to one year after a bill is passed by Congress to propose the veto of individual items in the bill. The President could then choose to withhold the appropriated funds for 45 days after submitting a veto request to Congress. The President could even use this new procedure to withhold some appropriated funds through the end of a fiscal year, which could cause the authority to spend those funds to expire and the appropriation to be cancelled.
- **It allows the President to continue to withhold funds even after Congress votes down a proposed veto.** Even if Congress votes down a proposed line-item veto of program funding, the President could continue to withhold funds for that program up to the limit of 45 days.
- **It allows the President to “bundle” vetoed items from several different bills into one package, making it more difficult for the Congress to override the veto.**
- **It would allow the President to propose line-item vetoes of provisions in other bills, not just annual appropriations legislation.** Under the Gregg bill, the President could also veto provisions to improve or expand entitlement programs, such as Medicare, Medicaid, and Food Stamps. This would give the President significant new power to influence the funding and structure of these services.

Federal Line-Item Veto Different from Minnesota's

Some proponents of a Presidential line-item veto have noted that the governors of many states, including Minnesota, currently have such line-item authority; that is, they may veto individual items in appropriations bills passed by their state legislatures.

This argument, however, incorrectly assumes that the proposed federal line-item veto would work the same way it does at the state level. As we've seen above, it would not. Unlike what the Gregg bill proposes, the governor of Minnesota is *not* permitted to continue withholding appropriations after the governor's line-item veto has been defeated by the Legislature. Neither may the governor bundle together line-item vetoes from separate appropriations bills in order to make it more difficult for the Legislature to override the governor's line-item vetoes.

An Invitation to Mischief

Some assert that new line-item veto authority for the President would be used against so-called wasteful "pork barrel" spending or "earmarks" (when a member of Congress adds spending items helpful to his or her district into large appropriations bills in order to ease their passage). However, there is nothing in the Gregg bill's line-item veto authority that would limit the President's line-item veto just to earmarks.

In addition, there is nothing to prevent the President from using line-item veto authority to gain negotiating leverage or bargaining power, just as members of Congress engage in whenever they write and pass appropriations bills or, for that matter, any other kind of legislation. A president could spare the programs of political allies from strict scrutiny while using or threatening to use the line-item veto to delay or cancel funding for the programs of political adversaries. A president could threaten to use the line-item veto in order to gain a senator's or representative's support on some other piece of legislation. And it would make it more difficult to craft compromises as legislators would have no guarantee that the President would not line-item veto portions of a carefully negotiated compromise.

In short, there is no guarantee that new line-item veto authority for the President will produce better fiscal policy. And the notion that the President will somehow be above political considerations in using line-item veto authority is unsupportable.

Better Ways to Achieve Accountability

If the goal of line-item veto proponents is to stop the use of earmarks in appropriations bills, Congress can do this already. Congress could more carefully screen items which are added into appropriations bills both in committee and on the House and Senate floor. The Senate in particular could begin enforcing a "germaneness" rule like the House to prevent unrelated items from being added to appropriation bills.

If the goal of line-item veto proponents is deficit reduction, Congress could rededicate itself to a fair and balanced "pay-as-you-go" (PAYGO) process which would require that both new spending and new tax cuts be subject to stricter budget rules. Proponents of new spending could be required to identify which programs would be cut or what new revenue source would be available to pay for the new spending. Similarly, proponents of tax cuts could be required to identify which programs they would cut or what other new revenue source would be used to pay for any new tax cut.

Finally, this line-item veto proposal would make it more difficult for the public to track and participate in spending decisions about federal programs that affect the lives of millions of Americans. It raises real questions about our democracy if the President is allowed to cancel

spending that has been approved by the people's representatives in Congress by circumventing the process established in the Constitution for a Presidential veto of legislation.