

**Floor Statement by Senator Kent Conrad (D-ND)
on Line Item Rescission Authority Amendment
January 22, 2007**

I hope colleagues have been listening to the Senator from West Virginia, Mr. Byrd. He is a wise man. He is an experienced man. And what he has been warning this body about this amendment is the truth. This is a dangerous amendment. It is offered by somebody with whom I work closely. Senator Gregg is the former chairman of the Budget Committee. As the incoming chairman of the Budget Committee, we work together virtually every day. I respect him. I like him. But I believe this amendment is profoundly dangerous.

It is suggested that this amendment will help deal with our budget shortfall. It will not. Virtually everyone who has examined it will say it makes virtually no difference with respect to our deficits and debt. What it will do, without question, is transfer power to the President of the United States. Senator Byrd has made it clear that it is not a question of this President; it is a question of any President.

Make no mistake, I believe this measure and any measure like it is unconstitutional. The Founding Fathers had great wisdom. They did not want to repeat the abuses of the King, so they wanted the spending to be in the hands of the bodies closest to the people -- the House of Representatives and the U.S. Senate. They did not want any individual, any President, to have the power of the purse because they recognized the inherent dangers in concentrating power in the hands of one person.

Anybody who has any doubt about how this would be used -- perhaps by this President but certainly by some President -- only needs to reflect on what has happened in the past when people had this kind of unchecked power. I was told by a colleague of ours who served in a State legislature about a situation where the Governor had this kind of power. She got legislation passed that was very important to her. She was called to the Governor's office, and the Governor had her legislation on one side of his desk and a bill he wanted on the other side of his desk. He told her: You know, I am probably going to have to line-item veto your legislation. But I have this bill which is important to me, and if you could see your way clear on that, I might be able to help you on your legislation. Anyone who doubts this President or a future President would use that power on Members of this body ought to think again.

The problems with this line-item veto proposal -- and we know line-item veto proposals in the past have been declared unconstitutional by the Supreme Court. I believe this measure would be declared unconstitutional, but we shouldn't abdicate our responsibility. We shouldn't wait for the Supreme Court to make a judgment. We should make this judgment.

This line-item veto proposal represents an abdication of congressional responsibility. It shifts too much power to the executive branch, and with very little impact on the deficit. It provides a President up to 1 year to submit rescission requests. It requires Congress to vote within 10 days. It provides no opportunity to filibuster proposed rescissions. And it allows a President to cancel new mandatory spending proposals passed by Congress, such as those dealing

with Social Security, Medicare, veterans, and agriculture.

Colleagues, that is an extraordinary grant of power to any President. Just with this final piece on mandatory spending, we know we have big problems in the future with Medicare and Social Security. We might labor for months to come to an agreement with the President on the future of those programs, and then under this amendment, after the difficult compromises had been reached, this President or a future President could go back and cherry-pick the provisions he or she did not like. I hope colleagues are listening. That is truly an extraordinary grant of power to this President or any President.

Here is what *USA Today* said last year in reference to line-item veto. They called it a convenient distraction. “The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are. The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true cost of government.” A convenient distraction.

This is what the *Roanoke Times* said last year with respect to this or a similar proposal: “The President already has the only tool he needs: the veto. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths, and mistakes that have dogged Bush and sent his approval rating south. The current problems are not systemic; they are ideological. A [line-item] veto will not magically grant lawmakers and the President fiscal discipline and economic sense.”

Here is what the former Acting CBO Director, Mr. Marron, said in testimony before the House last year about line-item veto: “Such tools, however, cannot establish fiscal discipline unless there is a political consensus to do so...In the absence of that consensus, the proposed changes to the rescission process...are unlikely to greatly affect the budget's bottom line.”

The proponent of this amendment said this last year: “Passage of the [line-item veto] legislation would be a ‘political victory’ that would not address long-term problems posed by growing entitlement programs.” This is the statement of the author of this amendment last year.

He went on to say further: “It would have ‘very little impact’ on the budget deficit.” He was telling the truth.

Here is what conservative columnist George Will said about the line-item veto proposal: “It would aggravate an imbalance in our constitutional system that has been growing for seven decades: The expansion of executive power at the expense of the legislature.” I hope colleagues are listening. I truly believe this is a dangerous amendment.

A scholar at the American Enterprise Institute went even further and called the proposal “shameful.” This is what he said: “The larger reality is that this [line-item] veto proposal gives the President a great additional mischief-making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things,

without having any noticeable impact on budget growth or restraint.”

I hope colleagues are listening. We are going to have a change in President in 2 years. This amendment might live forever and fundamentally erode the basic concept of a House and a Senate and the division of powers between the legislative branch and the executive branch.

Mr. Ornstein, from the American Enterprise Institute, went on to say: “More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility of budget restraint where it belongs -- on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.” That was last year.

Senator Gregg has indicated his proposal closely tracks the proposal of our colleague, Senator Daschle, from 1995. It does not. There are significant differences.

Can the President propose to rescind a few mandatory items, such as Social Security and Medicare reforms? The Gregg proposal, yes; Senator Daschle, no. That is a profound difference. Mandatory proposals would be subject to the President's line-item veto under the Gregg amendment, not under the Daschle amendment. That proposal alone is enough to lead anyone who supported the Daschle proposal to oppose this one.

Second, can the President propose rescissions from multiple bills in one rescissions package? Under the Gregg measure, yes; under the Daschle proposal, no. What difference does that make? Let me give an example. Remember the bridge to nowhere? That was something that people responded to, depending on its merits. A lot of people thought it was a waste of money. The President could couple that measure, which many would have supported in terms of elimination, with something that was less well-known that really had merit. Under the Gregg proposal, you could jackpot unpopular things with popular things and get them eliminated, giving the President an extraordinary power to leverage individual Members of Congress to get votes from them on completely unrelated matters.

For example, maybe the President puts up a controversial judge and then uses this power to leverage a Senator to vote for a judge that he might not otherwise support in exchange for allowing that Senator's spending proposal to go forward. That is a dangerous power.

Finally, how long does the President have to propose rescissions? Under the Daschle proposal, 20 days, or in the next budget; under the Gregg proposal, 1 year.

I truly believe this is an extraordinarily dangerous amendment. It is dangerous to the balance of powers between the executive branch and the legislative branch of Government. It is an extraordinary granting of power to a President. Remember, the next President might be of a different party. I would make this same speech if a Democrat were advancing it. I would make this same speech if a Democrat were the President of the United States.

This is a dangerous amendment. It will do virtually nothing about our deficit, but it will

transfer power to a President who already has too much power. I hope my colleagues pay very close attention to this debate. I hope they reject the Gregg amendment.