



BUDGET COMMITTEE



Judd Gregg, Chairman
<http://budget.senate.gov/republican>

Contact: Betsy Holahan (202)224-6011
Jeff Turcotte (202)224-2574

Senate Budget Committee Chairman Judd Gregg (R-NH)

Senate Floor Speech on “Second Look at Wasteful Spending” (Line-Item Veto) Amendment to the Ethics Reform Bill (S. 1)

(Unofficial Transcript)
Wednesday, January 10, 2007

Mr. Gregg: This amendment that I'm offering on behalf of myself and Senator DeMint and a large number of cosponsors is what we called a waste amendment. It is a child of the original line-item veto, although it's not a line-item veto. As the Congress will remember, we passed a line-item veto in the early 1990's. We gave President Clinton that authority. He actually used that authority. It was challenged in court, and it was held to be unconstitutional what we had passed. But that line-item veto was passed rather strongly by this Congress and by the Senate. And it was a bipartisan effort, which I hope this will be, to try to allow the executive branch more opportunity to address what we call omnibus bills around here.

This proposal which we've put forward is a line-item veto because it doesn't have the same constitutional impact. It is truly a “second look at waste” amendment where we basically say to the executive branch if you get one of these omnibus bills, it's filled with different initiatives, and these omnibus bills can be hundreds of pages long and can involve hundreds of millions -- billions of dollars of spending and massive amounts of an authorization. If you get one of these bills and in those bills it's not unlikely that there's going to be a fair amount of activity that is put in there because somebody knows it's an omnibus bill and they know it's going to have to have to pass, and therefore, they know the bill will go forward even though the language they put in there may be questionable as to purpose or policy or just plain waste, it gets stuck in this. It's baggage thrown on the train, as they say. That baggage can never be looked at. The President has no capacity to take another look at it, the Congress takes an omnibus boat - we get, as members, one vote. Sometimes here in the Senate we get more shots at it, but they aren't really scrutinized at an intensity level that they should be.

So this language, this “Second Look at Waste” language essentially says that the President can, on four different occasions during the year, send up what amounts to an enhanced rescission package where if he's gotten bills that have had in them things which the executive branch deems to be inappropriate, most likely wasteful spending or spending which is unnecessary or may be counterproductive even, he can ask the Congress, or she maybe in the next round can ask the Congress, to take a level look at that spending and there is a fast-track procedure where that goes to a vote. The savings, should they occur as a result of a rescission, and it is presumed that all rescissions will involve savings, will go to deficit reduction.

The language itself is essentially modeled after language which was offered as a Democratic substitute by the Democratic leadership back when we were debating the original line-item bill which President Clinton ended up having the authority to use. We have tried to structure it in a bipartisan -- using bipartisan language as -- versus, for example, language which was originally sent up by the White House as to how they would have liked to handle this, which we felt overreached the authority of the executive significantly and we have basically set that language aside and moved forward with this language, which is much more restrictive on executive rights. It truly does retain the right of the legislative branch to control these spending issues, but it does ask us, as a legislative branch, to take another look at things which may be of questionable interest.

And of course, if both branches don't approve the rescission request from the President, then the spending stays in place. So it's one of these light-of-day amendments that really tracks very closely what is being proposed in both houses in the area of earmarks. It's really an attempt to address what is a common event, which is a cluster or a significant earmark, not necessarily individually directed, but maybe more expansive that is put in a bill that you just simply can't not sign, the executive branch can't not sign and that the Congress can't not pass. It's to basically bring some transparency, brings some light-of-day on some of these things that occur around here and are referred to as occurring in the middle of the night.

It is an initiative which has very strong support by a large number of groups. A few of the ones would be the Chamber of Commerce, the Center for Individual Freedom, the Concord Coalition, Americans for Tax Reform, groups which are interested -- National Taxpayers' Union, groups which are interested -- Citizens Against Government Waste -- groups which are interested in having more discipline over the fiscal process of this government.

And all this is, really, is another disciplining mechanism. It essentially gives the executive branch the opportunity to come forward and say, hey, listen, did you really want to do this? Did you really want to spend this money in this way? And if the Congress concludes that yes, it did, the matter's over. And in fact, it takes an affirmative action of the Congress to confirm the decision of the executive or the request of the executive, it's not a decision, a request of the executive to pursue this course of action or not spending this money.

Now, the original Presidential proposal would have allowed them to send up numerous rescission requests, which could have tied the Congress up technically and practically for months. This avoids that. This is very limited. They can only send up four, and one has to come up with a budget. The original request from the executive branch would have said that they could withhold spending on something that they decided to send a rescission on for up to 180 days with the practical effect being that they could have withheld spending for almost ever. This bill dramatically shortens that to 45 days or until the Congress acts. It is like a BRAC commission approach, in other words. It essentially says you tell us what you think should be rescinded, we will act within a very short time frame as to whether or not we agree with that, we disagree, or if we decide not to act in a way that is consistent with your request, then the matter's over, the money gets spent. If we agree with you, then the rescission occurs and both houses must concur in the rescission. So it is an exercise in good government. It is an exercise in transparency. It is an exercise in trying to give the American people the information they need on bills that are very complex and sometimes have a lot of questionable activity buried in them, give them another chance to have those decisions reviewed. And it is an exercise in fiscal discipline because the money saved will go to deficit reduction.

And as I said, it has very strong support. I would hope that my colleagues would join us in supporting this. I see the Senator from South Carolina joining us on the floor. It is an initiative that he's been a strong spokesperson for. At this time, I will send my amendment to the desk.

#