Congress, Don’t Cede Budgetary Power to President

S
ome Members of Congress are starting to take an inter-
est in giving the president an item veto to help control budget
deficit spending. The question has been before last month asked experts and attor-
ey whether federal courts are likely to find constitutional a form of direct veto called “expedited rescission.” It would authorize the president, upon signing an appro-
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a bill, to put together a list of projects to be canceled. The pro-
cedure requires Congress to take a vote on this package within a fixed period of time, with no op-
portunity for amendment.

It is not sufficient at a Congress-
pional hearing to predict whether expedited rescission might be up-
held in the courts. The judiciary is not entrusted to protect the legis-
late.

If the budget is not in balance, little
presidential favorites. Beyond these institutional and

costs to Congress. Legislative changes usually affect
the budget the president submits
is in balance.

When the president wins decisively. Law-
makers have realized that the ap-
propriations bill and identify
projects to be canceled. On what
grounds can it be argued that presi-
dential priorities are estab-
lished under the Constitution of 1974. That statute rested on this
basic constitutional principle: Con-
gress controls spending priorities,

Likewise, when Congress, by a majoriti-
y vote, the conversation shifts ever so
slightly. The lawmaker is advised that he
or she might be willing to support a bill, treat
or nomination desired by the
president. Through this quid pro quo (hidden from the public)

What we know about the item veto reveals quite strongly that poten-

tial savings, if any, would be extremely
modest. In 1992, the then-General Accounting Office released a report
estimating the savings that could be achieved through an item veto. Es-

sures if any, would be extremely

Also, the targets for rescission will be
only Congressional preferences,
not presidential priorities.

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tional law at the Law Library of Congress. The views expressed here are his own.