Seastrand

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It was decided in the Yeas 156

negative Nays 266

- "(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.
- (b) EXERCISE OF RULEMAKING POWERS.— Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended-
- (1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and
- (2) in subsection (d), by striking "section 1017 and inserting "sections 1012 and 1017";
 - (c) CONFORMING AMENDMENTS.-
- (1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3)
- (2) Section 1014 of such Act (2 U.S.C. 685) is amended-
- (A) in subsection (b)(1), by striking "or the reservation"; and
- (B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation'
- (3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.
- (4) Section 1017 of such Act (2 U.S.C. 687) is amended-
- (A) in subsection (a), by striking "rescission bill introduced with respect to a special message or'';
- (B) in subsection (b)(l), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may
- (C) in subsection (b)(2), by striking "bill or" each place it appears;
- (D) in subsection (c), by striking "rescission" each place it appears and by striking 'bill or' each place it appears;
- (E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)":
 - (F) in subsection (d)(2)—
 - (i) by striking the first sentence;
- (ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";
 - (iii) by striking the third sentence; and
- (iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting 'debatable motion'
- (G) in paragraph (d)(3), by striking the second and third sentences; and
- (H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).
- (d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:
- "Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits."

[Roll No. 93] 920.19AYES-156 Gonzalez Ackerman Obey Baldacci Gordon Olver Barcia Ortiz Green Barrett (WI) Gutierrez Orton Hall (OH) Hall (TX) Beilenson Pastor Bentsen Payne (VA) Berman Hamilton Pelosi Peterson (FL) Bevill Harman Bishop Hastings (FL) Pickett Bonio Hayes Pomeroy Borski Hefner Poshard Hinchey Richardson Brewster Browder Brown (CA) Holden Rivers Hoyer Jackson-Lee Roemer Brown (OH) Rose Jacobs Johnson (SD) Bryant (TX) Rush Cardin Sabo Chapman Johnson, E.B. Sanders Johnston Kennedy (MA) Clement Sawyer Schroeder Clyburn Kennedy (RI) Coleman Schumer Condit Kennelly Scott Sisisky Costello Kildee LaFalce Coyne Skaggs Cramer Lantos Laughlin Skelton Danner Slaughter de la Garza Levin Spratt Deal Lincoln Stark DeFazio Stenholm Lipinski Lofgren DeLauro Studds Lowey Dellums Stupak Dicks Luther Tanner Dingell Maloney Tauzin Taylor (MS) Tejeda Dixon Manton Doggett Markey Dooley Mascara Thompson Dovle Matsui Thornton Durbin McCarthy Thurman Edwards McDermott Torricelli Eshoo McKinney Towns Farr McNulty Vento Fattah Meehan Visclosky Volkmer Fazio Meek Menendez Ward Mfume Miller (CA) Flake Waxman Williams Foglietta Frank (MA) Minge Moakley Wilson Furse Wise Woolsey

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Hyde Inglis Istook Johnson (CT) Johnson, Sam Jones Kanjorski Kaptur Kasich Kelly Kim King Kingston Kleczka Klink Klug Knollenberg Kolbe LaHood Largent Latham LaTourette Lazio Leach Lewis (CA) Lewis (GA) Lewis (KY) Lightfoot Linder Livingston LoBiondo Longley Lucas Manzullo Martinez Martini McCollum McCrery McHale McHugh McInnis McIntosh McKeon Metcalf Meyers Mica Miller (FL) Mineta

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Mollohan Moorhead Shadegg Shaw Murtha Shays Myers Myrick Nethercutt Shuster Skeen Neumann Smith (MI) Ney Norwood Smith (NJ) Smith (TX) Nussle Smith (WA) Oberstar Solomon Souder Owens Oxley Spence Packard Stearns Pallone Stockman Parker Stokes Paxon Stump Payne (NJ) Talent Petri Tate Taylor (NC) Pombo Porter Thomas Portman Thornberry Pryce Tiahrt Quillen Torkildsen Quinn Torres Radanovich Traficant Rahall Upton Ramstad Velazquez Vucanovich Rangel Reed Waldholtz Regula Walker Reynolds Walsh Wamp Riggs Roberts Waters Watt (NC) Rogers Rohrabacher Weldon (FL) Weldon (PA) Ros-Lehtinen Roth Weller Roukema White Whitfield Rovbal-Allard Royce Wicker Salmon Wolf Young (AK) Sanford Saxton Young (FL) Scarborough Zeliff Schaefer Zimmer Schiff

NOT VOTING-12

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So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. KLUG, assumed the Chair.

When Mr. BOEHNER, Chairman, pursuant to House Resolution 55, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act'

SEC. 2. LINE ITEM VETO AUTHORITY.

- (a) IN GENERAL.—Notwithstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any dollar amount of any discretionary budget authority specified in an appropriation Act or conference report or joint explanatory statement accompanying a conference report on the Act, or veto any targeted tax benefit which is subject to the terms of this Act if the President-
- (1) determines that-
- (A) such rescission or veto would help reduce the Federal budget deficit;
- (B) such rescission or veto will not impair any essential Government functions; and

Hunter

Fields (LA)

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this section.

(d) LIMITATION.—No special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation Act

any appropriation Act.

(e) SPECIAL RULE FOR FISCAL YEAR 1995 AP-PROPRIATION MEASURES.—Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995, the President may rescind all or part of that discretionary budget authority under the terms of this Act if the President notifies the Congress of such rescission by a special message not later than ten calendar days (not including Sundays) after the date of enactment of this Act.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolu-

tion which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on ______", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on ______", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term ''calendar days of session'' shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) Presidential Special Message.— Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

 the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved:

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 2.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this Act.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) Points of Order.—

- (i) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.
- (2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.
- (3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at oneyear intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 7. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW —

- (1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.
- (2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Passed the House of Representatives February 6, 1995.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. COLLINS of Illinois moved to recommit the bill to the Committee on Government Reform and Oversight with instructions to report the bill back to the House forthwith with the following amendment:

Paragraph (3) of section 4 is amended to read as follows:

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. KLUG, announced that the nays had it.

Mrs. COLLINS of Illinois demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

¶20.20 [Roll No. 94] AYES—185

Abercrombie Gonzalez Owens Ackerman Gordon Pallone Allard Green Pastor Gutierrez Payne (NJ) Andrews Baesler Hall (OH) Pelosi Peterson (FL) Hamilton Baldacci Hastings (FL) Pickett Barrett (WI) Hefner Pomerov Beilenson Hilliard Poshard Bentsen Hinchey Rahall Berman Holden Rangel Bevill Reed Hover Reynolds Bishop Jackson-Lee Bonior Jacobs Richardson Borski Johnson (SD) Rivers Boucher Johnson, E. B. Roemer Brewster Johnston Rose Roybal-Allard Browder Kanjorski Brown (CA) Kaptur Rush Kennedy (MA) Brown (FL) Sabo Brown (OH) Kennedy (RI) Sawyer Bryant (TX) Kennelly Schroeder Kildee Schumer Chapman Clay Kleczka Scott Clayton Klink Serrano LaFalce Clement Sisisky Lantos Lewis (GA) Clyburn Skaggs Coleman Skelton Collins (IL) Slaughter Lincoln Collins (MI) Lipinski Spratt Convers Lofgren Stark Costello Stenholm Lowey Coyne Luther Stokes Cramer Maloney Studds Danner Manton Stupak de la Garza Markey Tanner Taylor (MS) DeFazio Martinez DeLauro Mascara Tejeda Dellums Matsui Thompson McCarthy Deutsch Thornton McDermott Dicks Thurman Dingell McHale Torres Torricelli McKinney Dixon Doggett McNulty Towns Dooley Meehan Traficant Doyle Meek Upton Menendez Velazquez Vento Visclosky Edwards Miller (CA) Engel Mineta Volkmer Eshoo Minge Farr Mink Ward Fattah Moakley Waters Mollohan Watt (NC) Fazio Fields (LA) Montgomery Waxman Williams Filner Moran Wilson Flake Nadler Foglietta Neal Wise Frank (MA) Oberstar Woolsey Obey Wyden Furse Gejdenson Olver Wynn Gephardt Ortiz Yates Gibbons Orton

NOES-241

Bilirakis Archer Calvert Camp Canady Armey Bliley Bachus Blute Baker (CA) Boehlert Cardin Baker (LA) Boehner Castle Bonilla Ballenger Chabot Barr Bono Chambliss Barrett (NE) Brownback Chenoweth Bartlett Bunn Christensen Bunning Chrysler Bass Burr Clinger Bateman Burton Coble Coburn Collins (GA) Bilbray Callahan