

107TH CONGRESS
2D SESSION

S. 2791

To provide budget discipline and enforcement for fiscal year 2003 and beyond.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2002

Mr. DOMENICI (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

A BILL

To provide budget discipline and enforcement for fiscal year 2003 and beyond.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BUDGET DISCIPLINE AND ENFORCEMENT FOR**
4 **FISCAL YEAR 2003.**

5 (a) STATUTORY DISCRETIONARY SPENDING LIM-
6 ITS.—

7 (1) IN GENERAL.—Section 251(c) of the Bal-
8 anced Budget and Emergency Deficit Control Act of

1 1985 (2 U.S.C. 901(c)) is amended by striking para-
2 graph (7) and inserting the following:

3 “(7) with respect to fiscal year 2003—

4 “(A) for the nondefense discretionary cat-
5 egory: \$373,410,000,000 in new budget author-
6 ity and \$372,224,000,000 in outlays;

7 “(B) for the defense discretionary cat-
8 egory: \$392,757,000,000 in new budget author-
9 ity and \$380,228,000,000 in outlays;

10 “(C) for the highway category:
11 \$28,922,000,000 in outlays;

12 “(D) for the mass transit category:
13 \$6,030,000,000 in outlays; and

14 “(E) for the conservation spending cat-
15 egory: \$1,922,000,000 in new budget authority
16 and \$1,872,000,000 in outlays;”.

17 (2) SPECIAL RULE.—Section 250(c)(4)(D)(ii) of
18 the Balanced Budget and Emergency Deficit Control
19 Act of 1985 (2 U.S.C. 900(c)(4)(D)(i)) is amended
20 by adding at the end the following: “Any budget au-
21 thority for the mass transit category shall be consid-
22 ered nondefense category budget authority or disre-
23 ctionary category budget authority.”.

24 (b) REPEAL OF OBSOLETE PROVISIONS.—

4 (A) by striking paragraphs (2) through
5 (5); and

6 (B) by redesignating paragraph (6) as
7 paragraph (2).

12 (A) by striking subparagraphs (C) through
13 (F); and

14 (B) by redesignating subparagraph (G) as
15 subparagraph (C).

16 (c) CONFORMING AMENDMENTS.—Section 254 of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985 is amended—

19 (1) in subsection (c)(2), by striking “2002”
20 each time it appears and inserting “2003”; and

21 (2) in subsection (f)(2)(A), by striking “2002”
22 each time it appears and inserting “2003”.

23 SEC. 2. ENFORCEMENT EXTENSIONS.

24 (a) EXTENSION OF BUDGET ENFORCEMENT ACT
25 PROVISIONS.—

5 “(b) EXPIRATION.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), sections 251 and 258B of this Act and
8 sections 1105(f) and 1106(c) of title 31, United
9 States Code, shall expire September 30, 2007. The
10 remaining sections of part C of this title shall expire
11 on September 30, 2011.”.

12 “(2) EXCEPTION FOR ON-BUDGET SUR-
13 PLUSES.—If prior to September 30, 2007, the Final
14 Monthly Treasury Statement for any of the fiscal
15 years 2002 through 2006 reports an on-budget sur-
16 plus, section 252 shall expire at the end of the fol-
17 lowing fiscal year and the President, in the next
18 budget, shall submit to Congress a recommendation
19 for pay-as-you-go enforcement procedures that the
20 President believes are appropriate when there is an
21 on-budget surplus.”.

22 (2) CONFORMING AMENDMENT.—Subsections
23 (a) and (b)(1) of section 252 of the Balanced Budg-
24 et and Emergency Deficit Control Act of 1985 is

1 amended by striking “2002” each place it appears
2 and inserting “2007”.

3 (b) EXTENSION OF SUPERMAJORITY DISCIPLINE IN
4 THE SENATE.—Section 904(e) of the Congressional Budg-
5 et Act of 1974 is amended by striking “2002” and insert-
6 ing “2007”.

7 **SEC. 3. SENATE ENFORCEMENT.**

8 (a) ALLOCATIONS TO THE COMMITTEE ON APPRO-
9 PRIATIONS OF THE SENATE.—Upon the enactment of this
10 Act, the Chairman of the Committee on the Budget of the
11 Senate shall file allocations to the committee on Appro-
12 priations of the Senate consistent with this Act pursuant
13 to section 302(a) of the Congressional Budget Act of
14 1974.

15 (b) RESTRICTIONS ON ADVANCE APPROPRIATIONS IN
16 THE SENATE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), it shall not be in order in the Senate to
19 consider any reported bill or joint resolution, or
20 amendment thereto or conference report thereon,
21 that would provide an advance appropriation.

22 (2) EXCEPTION.—An advance appropriation
23 may be provided—

24 (A) for fiscal year 2004 for programs,
25 projects, activities, or accounts identified in the

1 joint explanatory statement of managers accom-
2 panying this Act under the heading “Accounts
3 Identified for Advance Appropriations” in an
4 aggregate amount not to exceed
5 \$23,159,000,000 of new budget authority; and
6 (B) for the Corporation for Public Broad-
7 casting.

8 (3) APPLICATION OF POINT OF ORDER IN THE
9 SENATE.—

10 (A) WAIVER AND APPEAL.—In the Senate,
11 paragraph (1) may be waived or suspended in
12 the Senate only by an affirmative vote of three-
13 fifths of the Members, duly chosen and sworn.
14 An affirmative vote of three-fifths of the Mem-
15 bers of the Senate, duly chosen and sworn, shall
16 be required in the Senate to sustain an appeal
17 of the ruling of the Chair on a point of order
18 raised under paragraph (1).

19 (B) FORM OF THE POINT OF ORDER.—A
20 point of order under paragraph (1) may be
21 raised by a Senator as provided in section
22 313(e) of the Congressional Budget Act of
23 1974.

24 (C) CONFERENCE REPORTS.—If a point of
25 order is sustained under paragraph (1) against

1 a conference report in the Senate, the report
2 shall be disposed of as provided in section
3 313(d) of the Congressional Budget Act of
4 1974.

5 (4) DEFINITION.—In this subsection, the term
6 “advance appropriation” means any discretionary
7 new budget authority in a bill or joint resolution
8 making general appropriations or continuing appro-
9 priations for fiscal year 2003 that first becomes
10 available for any fiscal year after 2003.

11 (c) PROHIBITION ON DIVERTING CRIME VICTIMS
12 FUND.—

13 (1) PURPOSE.—The purpose of this subsection
14 is to ensure that amounts deposited in the Crime
15 Victims Fund are distributed in a timely manner to
16 assist victims of crime as intended by current law
17 and are not diverted to offset increased spending
18 when such offset devices produce no permanent
19 budgetary or economic effects.

20 (2) BUDGETARY RULE.—For purposes of points
21 of order under the Congressional Budget Act of
22 1974 with respect to fiscal year 2003 and any subse-
23 quent fiscal year, any reduction in spending in the
24 Crime Victims’ Fund (15–5041–0–2–754) enacted

1 in appropriations legislation shall not be scored as
2 discretionary savings.

3 (d) PAY-AS-YOU-GO POINT OF ORDER IN THE SEN-
4 ATE.—

5 (1) PURPOSE.—The Senate declares that it is
6 essential to continue the pay-as-you-go enforcement
7 system.

8 (2) POINT OF ORDER.—

9 (A) IN GENERAL.—It shall not be in order
10 in the Senate to consider any direct spending or
11 revenue legislation that would cause or increase
12 the on-budget deficit for any 1 of the 3 applica-
13 ble time periods as measured in subparagraphs
14 (E) and (F).

15 (B) APPLICABLE TIME PERIODS.—For
16 purposes of this subsection the term “applicable
17 time period” means any 1 of the 3 following pe-
18 riods:

19 (i) The budget year.
20 (ii) The period of the budget year and
21 the following 4 fiscal years.

22 (iii) The period of the 5 fiscal years
23 following the 5 fiscal years described in
24 clause (ii).

1 (C) DIRECT-SPENDING LEGISLATION.—For
2 purposes of this subsection and except as pro-
3 vided in subparagraph (D), the term “direct-
4 spending legislation” means any bill, joint reso-
5 lution, amendment, motion, or conference re-
6 port that affects direct spending as that term is
7 defined by and interpreted for purposes of the
8 Balanced Budget and Emergency Deficit Con-
9 trol Act of 1985.

10 (D) EXCLUSION.—The terms “direct-
11 spending legislation” and “revenue legislation”
12 do not include—

13 (i) any concurrent resolution on the
14 budget; or

21 (E) BASELINE.—Estimates prepared pur-
22 suant to this subsection shall—

23 (i) use the baseline used for the most
24 recently adopted concurrent resolution on
25 the budget; and

7 (F) PRIOR SURPLUS.—If direct spending
8 or revenue legislation causes or increases the
9 on-budget deficit when taken individually, then
10 it must also cause or increase the on-budget
11 deficit when taken together with all direct
12 spending and revenue legislation enacted since
13 the beginning of the calendar year not ac-
14 counted for in the baseline under subparagraph
15 (E)(i), except that direct spending or revenue
16 effects resulting in net deficit reduction enacted
17 pursuant to reconciliation instructions since the
18 beginning of that same calendar year shall not
19 be available.

24 (4) APPEALS.—Appeals in the Senate from the
25 decisions of the Chair relating to any provision of

1 this subsection shall be limited to 1 hour, to be
2 equally divided between, and controlled by, the ap-
3 pellant and the manager of the bill or joint resolu-
4 tion, as the case may be. An affirmative vote of
5 three-fifths of the Members of the Senate, duly cho-
6 sen and sworn, shall be required in the Senate to
7 sustain an appeal of the ruling of the Chair on a
8 point of order raised under this subsection.

(5) DETERMINATION OF BUDGET LEVELS.—

10 For purposes of this subsection, the levels of new
11 budget authority, outlays, and revenues for a fiscal
12 year shall be determined on the basis of estimates
13 made by the Committee on the Budget of the Sen-
14 ate.

15 (e) EXERCISE OF RULEMAKING POWERS.—The Sen-

16 ate adopts the provisions of this section—

(f) ADDITIONAL ENFORCEMENT.—Section 205(g) of H. Con. Res. 290 (106th Congress) is repealed.

3 SEC. 4. REPEAL OF OBSOLETE PROVISIONS.

4 (a) IN GENERAL.—Section 253 of the Balanced
5 Budget and Emergency Deficit Control Act of 1985 is re-
6 pealed.

7 (b) CONFORMING AMENDMENTS.—

12 (A) by repealing subsection (c); and

13 (B) by redesignating subsections (d)
14 through (f) as subsections (c) through (e).

19 (A) in section 251(a)(1), by striking “and
20 section 253”; and

21 (B) in section 252(b)—

22 (i) in paragraph (1), by striking “or
23 section 253”; and

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