

108TH CONGRESS
1ST SESSION

H. R. 1278

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2003

Mr. HILL (for himself, Mr. TAYLOR of Mississippi, Mr. BERRY, Mr. MOORE, Mr. SANDLIN, Mr. STENHOLM, Mr. TURNER of Texas, Mr. HOLDEN, Mr. MATHESON, Mr. THOMPSON of California, Mr. PETERSON of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, Mr. SCHIFF, Mrs. TAUSCHER, Mr. TANNER, Mr. JOHN, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Assuring Honesty and
5 Accountability Act of 2003”.

1 **SEC. 2. EXTENSION OF THE DISCRETIONARY SPENDING**

2 **CAPS.**

3 (a) IN GENERAL.—Section 251(c) of the Balanced
4 Budget and Emergency Deficit Control Act of 1985 is
5 amended—

6 (1) in paragraph (8), strike “(8) with respect to
7 fiscal year 2004”, redesignate the remaining matter
8 as subparagraph (C), and before such redesignated
9 matter insert the following:

10 “(8) with respect to fiscal year 2004—

11 “(A) for the defense category:
12 \$399,683,000,000 in new budget authority and
13 \$389,746,000,000 in outlays;

14 “(B) for the nondefense category:
15 \$392,517,000,000 in new budget authority and
16 \$429,054,000,000 in outlays;”;

17 (2) in paragraph (9), strike “(9) with respect to
18 fiscal year 2004”, redesignate the remaining matter
19 as subparagraph (C), and before such redesignated
20 matter insert the following:

21 “(9) with respect to fiscal year 2005—

22 “(A) for the defense category:
23 \$420,019,000,000 in new budget authority and
24 \$409,737,000,000 in outlays;

1 “(B) for the nondefense category:
2 \$393,481,000,000 in new budget authority and
3 \$440,264,000,000 in outlays;”;

4 (3) in paragraph (10), strike “(10) with respect
5 to fiscal year 2006”, redesignate the remaining mat-
6 ter as subparagraph (C), and before such redesi-
7 gnated matter insert the following:

8 “(10) with respect to fiscal year 2006—

9 “(A) for the defense category:
10 \$440,044,000,000 in new budget authority and
11 \$422,808,000,000 in outlays;

12 “(B) for the nondefense category:
13 \$402,256,000,000 in new budget authority and
14 \$446,992,000,000;”; and

15 (4) redesignate paragraphs (11) through (16)
16 as paragraphs (13) through (18), respectively, and
17 insert after paragraph (10) the following new para-
18 graphs:

19 “(11) with respect to fiscal year 2007—

20 “(A) for the defense category:
21 \$460,309,000,000 in new budget authority and
22 \$436,164,000,000 in outlays; and

23 “(B) for the nondefense category:
24 \$412,091,000,000 in new budget authority and
25 \$455,236,000,000;

1 “(12) with respect to fiscal year 2008—

2 “(A) for the defense category:
3 \$480,747,000,000 in new budget authority and
4 \$460,190,000,000 in outlays; and

5 “(B) for the nondefense category:
6 \$494,853,000,000 in new budget authority and
7 \$465,710,000,000;”.

8 (b) EXPIRATION.—Section 275 of the Balanced
9 Budget and Emergency Deficit Control Act of 1985 (2
10 U.S.C. 900 note) is amended by striking subsection (b).

11 **SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.**

12 (a) PURPOSE.—Section 252(a) of the Balanced
13 Budget and Emergency Deficit Control Act of 1985 is
14 amended by striking “enacted before October 1, 2002;”.

15 (b) SEQUESTRATION.—Section 252(b) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985
17 is amended by striking “enacted before October 1, 2002”.

18 **SEC. 4. AUTOMATIC BUDGET ENFORCEMENT FOR MEAS-**

19 **URES CONSIDERED ON THE FLOOR.**

20 (a) IN GENERAL.—Title III of the Congressional
21 Budget Act of 1974 is amended by adding at the end the
22 following new section:

23 “BUDGET EVASION POINTS OF ORDER

24 “SEC. 316. (a) DISCRETIONARY SPENDING CAPS.—

25 It shall not be in order in the House of Representatives
26 or the Senate to consider any bill or resolution (or amend-

1 ment, motion, or conference report on that bill or resolu-
2 tion) that waives or suspends the enforcement of section
3 251 of the Balanced Budget and Emergency Deficit Con-
4 trol Act of 1985 or otherwise would alter the spending
5 limits set forth in that section.

6 “(b) PAY-AS-YOU-GO.—It shall not be in order in the
7 House of Representatives or the Senate to consider any
8 bill or resolution (or amendment, motion, or conference
9 report on that bill or resolution) that waives or suspends
10 the enforcement of section 252 of the Balanced Budget
11 and Emergency Deficit Control Act of 1985 or otherwise
12 would alter the balances of the pay-as-you-go scorecard
13 pursuant to that section.

14 “(c) DIRECTED SCORING.—It shall not be in order
15 in the House of Representatives or the Senate to consider
16 any bill or resolution (or amendment, motion, or con-
17 ference report on that bill or resolution) that directs the
18 scorekeeping of any bill or resolution.

19 “(d) FAR-OUTYEARS.—It shall not be in order in the
20 House of Representatives or the Senate to consider any
21 bill or resolution (or amendment, motion, or conference
22 report on that bill or resolution) that contains a provision
23 providing new budget authority which reduces revenues
24 which first takes effect after the first 5 fiscal years covered
25 in the most recently adopted concurrent resolution on the

1 budget and that would have the effect of reducing the sur-
2 plus or increasing the deficit in any fiscal year.

3 “(e) ENFORCEMENT IN THE HOUSE OF REPRESENT-
4 ATIVES.—(1) It shall not be in order in the House of Rep-
5 resentatives to consider a rule or order that waives the
6 application of this section.

7 “(2)(A) This subsection shall apply only to the House
8 of Representatives.

9 “(B) In order to be cognizable by the Chair, a point
10 of order under this section must specify the precise lan-
11 guage on which it is premised.

12 “(C) As disposition of points of order under this sec-
13 tion, the Chair shall put the question of consideration with
14 respect to the proposition that is the subject of the points
15 of order.

16 “(D) A question of consideration under this section
17 shall be debatable for 10 minutes by each Member initi-
18 ating a point of order and for 10 minutes by an opponent
19 on each point of order, but shall otherwise be decided with-
20 out intervening motion except one that the House adjourn
21 or that the Committee of the Whole rise, as the case may
22 be.

23 “(E) The disposition of the question of consideration
24 under this subsection with respect to a bill or joint resolu-
25 tion shall be considered also to determine the question of

1 consideration under this subsection with respect to an
2 amendment made in order as original text.”.

3 (b) WAIVER AND APPEAL IN THE SENATE.—Section
4 904 of the Congressional Budget Act of 1974 is amend-
5 ed—

6 (1) in subsection (c)(1), by inserting “316,”
7 after “313,”; and

8 (2) in subsection (d)(2), by inserting “316,”
9 after “313,”.

10 (c) TABLE OF CONTENTS.—The table of contents for
11 the Congressional Budget Act of 1974 is amended by in-
12 serting after the item for section 315 the following:

“Sec. 316. Budget evasion points of order.”.

13 (d) RESERVE FUND FOR HOMELAND SECURITY.—

14 (1) Upon the enactment of any bill or joint resolution that
15 provides new budget authority (and outlays flowing there-
16 from) for operations of the Department of Homeland Se-
17 curity or grants to States and localities for homeland secu-
18 rity, the Director of the Office of Management and Budget
19 shall make an appropriate adjustment to the discretionary
20 spending limits (and those limits as adjusted) as set forth
21 in section 251(c) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 by the amount provided by
23 that measure for that purpose, but the total adjustment
24 for all measures considered under this subsection shall not
25 exceed \$10,000,000,000 in new budget authority for fiscal

1 year 2004 and outlays flowing therefrom. Adjustments
2 may only be made under this paragraph for items included
3 in the funding requests set forth in the report referred
4 to in paragraph (2).

5 (2) The Secretary of Homeland Security shall con-
6 duct a homeland security needs assessment in consultation
7 with all Federal agencies with responsibilities for home-
8 land security and State and local governments. The Sec-
9 retary shall submit a report to Congress with additional
10 funding requests, if any, identified in the needs assess-
11 ment. Such report shall also include a compilation of the
12 needs assessments submitted by State and local govern-
13 ments.

14 **SEC. 5. DISCLOSURE OF INTEREST COSTS.**

15 Section 308(a)(1) of the Congressional Budget Act
16 of 1974 (2 U.S.C. 639(a)(1)) is amended—

17 (1) in subparagraph (B), by striking “and”
18 after the semicolon;

19 (2) in subparagraph (C), by striking the period
20 and inserting “; and”; and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(D) containing a projection by the Con-
24 gressional Budget Office of the cost of the debt
25 servicing that would be caused by such measure

1 for such fiscal year (or fiscal years) and each
2 of the 4 ensuing fiscal years.”.

3 **SEC. 6. ACCOUNTABILITY IN EMERGENCY SPENDING.**

4 (a) OMB EMERGENCY CRITERIA.—Section 3 of the
5 Congressional Budget and Impoundment Control Act of
6 1974 is amended by adding at the end the following new
7 paragraph:

8 “(11)(A) The term ‘emergency’ means a situa-
9 tion that—

10 “(i) requires new budget authority and
11 outlays (or new budget authority and the out-
12 lays flowing therefrom) for the prevention or
13 mitigation of, or response to, loss of life or
14 property, or a threat to national security; and

15 “(ii) is unanticipated.

16 “(B) As used in subparagraph (A), the term
17 ‘unanticipated’ means that the situation is—

18 “(i) sudden, which means quickly coming
19 into being or not building up over time;

20 “(ii) urgent, which means a pressing and
21 compelling need requiring immediate action;

22 “(iii) unforeseen, which means not pre-
23 dicted or anticipated as an emerging need; and

24 “(iv) temporary, which means not of a per-
25 manent duration.”.

1 (b) DEVELOPMENT OF GUIDELINES FOR APPLICA-
2 TION OF EMERGENCY DEFINITION.—Not later than 5
3 months after the date of enactment of this Act, the chair-
4 men of the Committees on the Budget (in consultation
5 with the President) shall, after consulting with the chair-
6 men of the Committees on Appropriations and applicable
7 authorizing committees of their respective Houses and the
8 Directors of the Congressional Budget Office and the Of-
9 fice of Management and Budget, jointly publish in the
10 Congressional Record guidelines for application of the def-
11 inition of emergency set forth in section 3(11) of the Con-
12 gressional Budget and Impoundment Control Act of 1974.

13 (c) RESERVE FUND FOR EMERGENCIES IN PRESI-
14 DENT’S BUDGET.—Section 1105 of title 31, United States
15 Code is amended by adding at the end the following new
16 subsections:

17 “(h) The budget transmitted pursuant to subsection
18 (a) for a fiscal year shall include a reserve fund for emer-
19 gencies. The amount set forth in such fund shall be cal-
20 culated as provided under section 317(b) of the Congres-
21 sional Budget Act of 1974.

22 “(i) In the case of any budget authority requested
23 for an emergency, such submission shall include a detailed
24 justification of the reasons that such emergency is an
25 emergency within the meaning of section 3(11) of the Con-

1 gressional Budget Act of 1974, consistent with the guide-
2 lines described in section 6(b) of the Assuring Honesty
3 and Accountability Act of 2003.”.

4 (d) SEPARATE HOUSE VOTE ON EMERGENCY DES-
5 IGNATION.—(1) Rule XXII of the Rules of the House of
6 Representatives is amended by adding at the end the fol-
7 lowing new clause:

8 “13. In the consideration of any measure for amend-
9 ment in the Committee of the Whole containing any emer-
10 gency spending designation, it shall always be in order un-
11 less specifically waived by terms of a rule governing con-
12 sideration of that measure, to move to strike such emer-
13 gency spending designation from the portion of the bill
14 then open to amendment.”.

15 (2) The Committee on Rules shall include in the re-
16 port required by clause 1(d) of rule XI (relating to its
17 activities during the Congress) of the Rules of House of
18 Representatives a separate item identifying all waivers of
19 points of order relating to emergency spending designa-
20 tions, listed by bill or joint resolution number and the sub-
21 ject matter of that measure.

22 (e) COMMITTEE NOTIFICATION OF EMERGENCY LEG-
23 ISLATION.—Whenever the Committee on Appropriations
24 or any other committee of either House (including a com-
25 mittee of conference) reports any bill or joint resolution

1 that provides budget authority for any emergency, the re-
2 port accompanying that bill or joint resolution (or the joint
3 explanatory statement of managers in the case of a con-
4 ference report on any such bill or joint resolution) shall
5 identify all provisions that provide budget authority and
6 the outlays flowing therefrom for such emergency and in-
7 clude a statement of the reasons why such budget author-
8 ity meets the definition of an emergency pursuant to the
9 guidelines described in subsection (b).

10 **SEC. 7. APPLICATION OF BUDGET ACT POINTS OF ORDER**
11 **TO UNREPORTED LEGISLATION.**

12 (a) Section 315 of the Congressional Budget Act of
13 1974 is amended by striking “reported” the first place it
14 appears.

15 (b) Section 303(b) of the Congressional Budget Act
16 of 1974 is amended—

17 (1) in paragraph (1), by striking “(A)” and by
18 redesignating subparagraph (B) as paragraph (2)
19 and by striking the semicolon at the end of such new
20 paragraph (2) and inserting a period; and

21 (2) by striking paragraph (3).

22 **SEC. 8. BUDGET COMPLIANCE STATEMENTS.**

23 Clause 3(d) of rule XIII of the Rules of the House
24 of Representatives is amended by adding at the end the
25 following new subparagraph:

1 “(4) A budget compliance statement prepared
2 by the chairman of the Committee on the Budget,
3 if timely submitted prior to the filing of the report,
4 which shall include assessment by such chairman as
5 to whether the bill or joint resolution complies with
6 the requirements of sections 302, 303, 306, 311,
7 and 401 of the Congressional Budget Act of 1974
8 or any other requirements set forth in a concurrent
9 resolution on the budget and may include the budg-
10 etary implications of that bill or joint resolution
11 under section 251 or 252 of the Balanced Budget
12 and Emergency Deficit Control Act of 1985, as ap-
13 plicable.”.

14 **SEC. 9. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE**
15 **HOUSE OF REPRESENTATIVES.**

16 Clause 6 of rule XIII of the Rules of the House of
17 Representatives is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(h) It shall not be in order to consider any resolution
20 from the Committee on Rules for the consideration of any
21 reported bill or joint resolution which waives section 302,
22 303, 311, or 401 of the Congressional Budget Act of
23 1974, unless the report accompanying such resolution in-
24 cludes a description of the provision proposed to be
25 waived, an identification of the section being waived, the

1 reasons why such waiver should be granted, and an esti-
2 mated cost of the provisions to which the waiver applies.”.

3 **SEC. 10. CBO SCORING OF CONFERENCE REPORTS.**

4 (a) The first sentence of section 402 of the Congres-
5 sional Budget Act of 1974 is amended as follows:

6 (1) Insert “or conference report thereon,” be-
7 fore “and submit”.

8 (2) In paragraph (1), strike “bill or resolution”
9 and insert “bill, joint resolution, or conference re-
10 port”.

11 (3) At the end of paragraph (2) strike “and”,
12 at the end of paragraph (3) strike the period and in-
13 sert “; and”, and after such paragraph (3) add the
14 following new paragraph:

15 “(4) A determination of whether such bill, joint
16 resolution, or conference report provides direct
17 spending.”.

18 (b) The second sentence of section 402 of the Con-
19 gressional Budget Act of 1974 is amended by inserting
20 before the period the following: “, or in the case of a con-
21 ference report, shall be included in the joint explanatory
22 statement of managers accompanying such conference re-
23 port if timely submitted before such report is filed”.

○