

Union Calendar No. 255

108TH CONGRESS
2D SESSION

H. R. 3973

[Report No. 108-442]

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2004

Mr. NUSSLE introduced the following bill; which was referred to the Committee on the Budget

MARCH 19, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 16, 2004]

A BILL

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Spending Control Act*
 3 *of 2004”.*

4 **SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.**

5 (a) *DISCRETIONARY SPENDING LIMITS.—(1) Section*
 6 *251(c)(2) of the Balanced Budget and Emergency Deficit*
 7 *Control Act of 1985 is amended by inserting a dash after*
 8 *“2005”, by redesignating the remaining portion of such*
 9 *paragraph as subparagraph (B) and by moving it two ems*
 10 *to the right, and by inserting after the dash the following*
 11 *new subparagraph:*

12 *“(A) for the general purpose discretionary*
 13 *category: \$_____ in new budget authority*
 14 *and \$_____ in outlays; and”.*

15 (2) *Section 251(c)(3) of the Balanced Budget and*
 16 *Emergency Deficit Control Act of 1985 is amended by in-*
 17 *serting a dash after “2006”, by redesignating the remaining*
 18 *portion of such paragraph as subparagraph (B) and by*
 19 *moving it two ems to the right, and by inserting after the*
 20 *dash the following new subparagraph:*

21 *“(A) for the general purpose discretionary*
 22 *category: \$_____ in new budget authority*
 23 *and \$_____ in outlays; and”.*

24 (3) *Section 251(c) of the Balanced Budget and Emer-*
 25 *gency Deficit Control Act of 1985 is amended by redesign-*
 26 *ating paragraphs (4) through (9) as paragraphs (7)*

1 through (12) and inserting after paragraph (3) the fol-
 2 lowing new paragraphs:

3 “(4) with respect to fiscal year 2007 for the gen-
 4 eral purpose discretionary category: \$_____ in
 5 new budget authority and \$_____ in outlays;

6 “(5) with respect to fiscal year 2008 for the gen-
 7 eral purpose discretionary category: \$_____ in
 8 new budget authority and \$_____ in outlays; and

9 “(6) with respect to fiscal year 2009 for the gen-
 10 eral purpose discretionary category: \$_____ in
 11 new budget authority and \$_____ in outlays;”.

12 (b) *ADVANCE APPROPRIATIONS*.—Section 251 of the
 13 *Balanced Budget and Emergency Deficit Control Act of*
 14 *1985* is amended by adding at the end the following new
 15 subsection:

16 “(d) *ADVANCE APPROPRIATIONS*.—In any of fiscal
 17 years 2005 through 2009, discretionary advance appropria-
 18 tions provided in appropriation Acts in excess of
 19 \$_____ shall be counted against the discretionary
 20 spending limits for the fiscal year for which the appropria-
 21 tion Act containing the advance appropriation is enacted.”.

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

23 (a) *PURPOSE*.—Section 252(a) of the *Balanced Budget*
 24 *and Emergency Deficit Control Act of 1985* is amended to
 25 read as follows:

1 “(a) *PURPOSE.*—*The purpose of this section is to as-*
 2 *sure that any legislation that is enacted before October 1,*
 3 *2009, that causes a net increase in direct spending will trig-*
 4 *ger an offsetting sequestration.*”.

5 (b) *TIMING.*—*Section 252(b)(1) of the Balanced Budg-*
 6 *et and Emergency Deficit Control Act of 1985 is amended*
 7 *by striking “any net deficit increase” and all that follows*
 8 *through “2002,” and by inserting “any net increase in di-*
 9 *rect spending enacted before October 1, 2009,”.*

10 (c) *CALCULATION OF DIRECT SPENDING INCREASE.*—
 11 *Section 252(b)(2) of the Balanced Budget and Emergency*
 12 *Deficit Control Act of 1985 is amended—*

13 (1) *by striking “deficit” the first place it ap-*
 14 *pears and inserting “direct spending”;*

15 (2) *in subparagraph (A) by striking “and re-*
 16 *ceipts”;*

17 (3) *in subparagraph (C) by striking “and re-*
 18 *ceipts”; and*

19 (4) *by amending the heading to read as follows:*
 20 *“CALCULATION OF DIRECT SPENDING INCREASE.—”.*

21 (d) *CONFORMING AMENDMENTS.*—(1) *The heading of*
 22 *section 252(c) of the Balanced Budget and Emergency Def-*
 23 *icit Control Act of 1985 is amended to read as follows:*
 24 *“ELIMINATING A DIRECT SPENDING INCREASE.—”.*

1 (2) Paragraphs (1), (2), and (4) of section 252(d) of
 2 the Balanced Budget and Emergency Deficit Control Act
 3 of 1985 are amended by striking “or receipts” each place
 4 it appears.

5 (3) Section 252(e) of the Balanced Budget and Emer-
 6 gency Deficit Control Act of 1985 is amended by striking
 7 “or receipts” and by striking “, outlays, and receipts” and
 8 inserting “and outlays”.

9 (4) Section 254(c)(3) of the Balanced Budget and
 10 Emergency Deficit Control Act of 1985 is amended—

11 (A) in subparagraph (A) by striking “net deficit
 12 increase or decrease” and by inserting “net increase
 13 or decrease in direct spending”;

14 (B) in subparagraph (B) by striking “amount of
 15 deficit increase or decrease” and by inserting “in-
 16 crease or decrease in direct spending”; and

17 (C) in subparagraph (C) by striking “a deficit
 18 increase” and by inserting “an increase in direct
 19 spending”.

20 **SEC. 4. DEFINITIONS.**

21 (a) *IN GENERAL.*—Section 250(c) of the Balanced
 22 Budget and Emergency Deficit Control Act of 1985 is
 23 amended by adding at the end the following new para-
 24 graphs:

1 “(20) *The term ‘advance appropriation’ means*
 2 *appropriations that first become available one fiscal*
 3 *year or more beyond the fiscal year for which an ap-*
 4 *propriation Act making such funds available is en-*
 5 *acted.*

6 “(21)(A) *Except as provided by subparagraph*
 7 *(B), the term ‘emergency requirement’ means any*
 8 *provision that provides new budget authority and re-*
 9 *sulting outlays for a situation that poses a threat to*
 10 *life, property, or national security and is—*

11 “(i) *sudden, quickly coming into being, and*
 12 *not building up over time;*

13 “(ii) *an urgent, pressing, and compelling*
 14 *need requiring immediate action;*

15 “(iii) *subject to subparagraph (B), unfore-*
 16 *seen, unpredictable, and unanticipated; and*

17 “(iv) *not permanent, temporary in nature.*

18 “(B) *An emergency that is part of an aggregate*
 19 *level of anticipated emergencies, particularly when*
 20 *normally estimated in advance, is not unforeseen.”.*

21 **(b) CONTINGENCY OPERATIONS RELATED TO GLOBAL**
 22 **WAR ON TERRORISM.—***Section 251(b)(2) of the Balanced*
 23 *Budget and Emergency Deficit Control Act of 1985 is*
 24 *amended by adding at the end the following new subpara-*
 25 *graph:*

1 “(I) *CONTINGENCY OPERATIONS RELATED*
2 *TO GLOBAL WAR ON TERRORISM.*—If supple-
3 *mental appropriations for discretionary accounts*
4 *are enacted for contingency operations related to*
5 *the global war on terrorism that, pursuant to*
6 *this subparagraph, the President designates as a*
7 *contingency operation related to the global war*
8 *on terrorism and the Congress so designates in*
9 *statute, the adjustment shall be the total of such*
10 *appropriations in discretionary accounts so des-*
11 *ignated and the outlays flowing in all fiscal*
12 *years from such appropriations.”.*

13 (c) *CONFORMING AMENDMENT.*—The second sentence
14 of section 250(c)(4)(A) of the *Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985 is amended to read as*
16 *follows: “The general purpose discretionary category shall*
17 *consist of accounts designated in the joint explanatory*
18 *statement of managers accompanying the conference report*
19 *on the Spending Control Act of 2004.”.*

20 **SEC. 5. PROJECTIONS UNDER SECTION 257.**

21 Section 257(c) of the *Balanced Budget and Emergency*
22 *Deficit Control Act of 1985 is amended by inserting after*
23 *paragraph (6) the following new paragraph:*

24 “(7) *EMERGENCIES.*—New budgetary resources
25 *designated under section 251(b)(2)(A) or 251(b)(2)(I)*

1 *shall not be assumed beyond the fiscal year for which*
2 *they have been enacted.”.*

3 **SEC. 6. EXCEPTION FOR OUTLAY COMPONENTS OF EXPIR-**
4 **ING RECEIPTS LEGISLATION.**

5 *Section 252(d)(4) of the Balanced Budget and Emer-*
6 *gency Deficit Control Act of 1985 is amended by striking*
7 *“and” at the end of subparagraph (A), by striking the pe-*
8 *riod and inserting “; and” at the end of subparagraph (B),*
9 *and by adding at the end the following new subparagraph:*
10 *“(C) extending provisions in the Economic*
11 *Growth and Tax Relief Reconciliation Act of*
12 *2001 or provisions in sections 101 through 104,*
13 *section 202, or sections 301 and 302 of the Jobs*
14 *and Growth Tax Relief Reconciliation Act of*
15 *2003.”.*

16 **SEC. 7. REPORTS.**

17 *Subsections (c)(2) and (f)(2)(A) of section 254 of the*
18 *Balanced Budget and Emergency Deficit Control Act of*
19 *1985 are amended by striking “2002” and inserting*
20 *“2009”.*

21 **SEC. 8. EXPIRATION.**

22 *Section 275(b) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985 is amended by striking “2002”*
24 *and inserting “2009” and by striking “2006” and inserting*
25 *“2013”.*

1 **SEC. 9. TECHNICAL CORRECTIONS TO THE BALANCED**
 2 **BUDGET AND EMERGENCY DEFICIT CONTROL**
 3 **ACT OF 1985.**

4 *Part C of the Balanced Budget and Emergency Deficit*
 5 *Control Act of 1985 is amended as follows:*

6 (1) *In section 250(a), strike “SEC. 256. GEN-*
 7 *ERAL AND SPECIAL SEQUESTRATION*
 8 *RULES” and insert “Sec. 256. General and special*
 9 *sequestration rules” in the item relating to section*
 10 *256.*

11 (2) *In subparagraphs (F), (G), (H), (I), (J), and*
 12 *(K) of section 250(c)(4), insert “subparagraph” after*
 13 *“described in” each place it appears.*

14 (3) *In section 250(c)(18), insert “of” after “ex-*
 15 *penses”.*

16 (4) *In section 251(b)(1)(A), strike “committees”*
 17 *the first place it appears and insert “Committees”.*

18 (5) *In section 251(b)(1)(C)(i), strike “fiscal*
 19 *years” and insert “fiscal year”.*

20 (6) *In section 251(b)(1)(D)(ii), strike “fiscal*
 21 *years” and insert “fiscal year”.*

22 (7) *In section 252(b)(2)(B), insert “the” before*
 23 *“budget year”.*

24 (8) *In section 252(c)(1)(C)(i), strike “paragraph*
 25 *(1)” and insert “subsection (b)”.*

1 (9) *In section 254(c)(3)(A), strike “subsection”*
2 *and insert “section”.*

3 (10) *In section 254(f)(4), strike “subsection” and*
4 *insert “section” and strike “sequesterable” and insert*
5 *“sequestrable”.*

6 (11) *In section 255(g)(1)(B), move the fourteenth*
7 *undesignated clause 2 ems to the right.*

8 (12) *In section 255(g)(2), insert “and” after the*
9 *semicolon at the end of the next-to-last undesignated*
10 *clause.*

11 (13) *In section 255(h)—*

12 (A) *strike “and” after the semicolon in the*
13 *ninth undesignated clause;*

14 (B) *insert “and” after the semicolon at the*
15 *end of the tenth undesignated clause; and*

16 (C) *strike the semicolon at the end and in-*
17 *sert a period.*

18 (14) *In section 256(k)(1), strike “paragraph (5)”*
19 *and insert “paragraph (6)”.*

20 (15) *In section 257(b)(2)(A)(i), strike*
21 *“differenes” and insert “differences”.*

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