

108TH CONGRESS  
2D SESSION

# H. R. 3995

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mr. HILL (for himself, Mr. SCHIFF, Mrs. TAUSCHER, Mr. JOHN, Mr. BISHOP of Georgia, Mr. STENHOLM, Mr. COOPER, Ms. HARMAN, Mr. CARDOZA, Mr. BERRY, Mr. BOYD, Mr. POMEROY, Mr. MATHESON, Mr. BOSWELL, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, Mr. CASE, Mr. TANNER, Mr. THOMPSON of California, Mr. MOORE, Mr. TAYLOR of Mississippi, Mr. MICHAUD, Mr. TURNER of Texas, and Mr. SANDLIN) 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Assuring Fiscal Hon-  
3 esty and Accountability Act of 2004”.

4 **SEC. 2. EXTENSION OF THE DISCRETIONARY SPENDING**  
5 **CAPS.**

6       (a) IN GENERAL.—Section 251(c) of the Balanced  
7 Budget and Emergency Deficit Control Act of 1985 is  
8 amended—

9           (1) in paragraph (2), by inserting a dash after  
10 “2005”, by redesignating the remaining matter as  
11 subparagraph (B) and moving it two ems to the  
12 right, and by inserting before such redesignated  
13 matter the following:

14                   “(A) for the discretionary category:  
15                   \$822,903,000,000 in new budget authority and  
16                   \$902,920,000,000 in outlays; and”;

17           (2) in paragraph (3), by inserting a dash after  
18 “2006”, by redesignating the remaining matter as  
19 subparagraph (B) and moving it two ems to the  
20 right, and by inserting before such redesignated  
21 matter the following:

22                   “(A) for the discretionary category:  
23                   \$845,042,000,000 in new budget authority and  
24                   \$894,031,000,000 in outlays; and”;

25           (3) by redesignating paragraphs (4) through  
26 (9) as paragraphs (5) through (10), respectively,

1 and inserting after paragraph (3) the following new  
2 paragraphs:

3 “(4) with respect to fiscal year 2007 for the  
4 discretionary category: \$870,003,000,000 in new  
5 budget authority and \$900,651,000,000 in outlays;  
6 and”.

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

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

11 (a) PURPOSE.—Section 252(a) of the Balanced  
12 Budget and Emergency Deficit Control Act of 1985 is  
13 amended by striking “2002” and inserting “2009”.

14 (b) SEQUESTRATION.—Section 252(b)(1) of the Bal-  
15 anced Budget and Emergency Deficit Control Act of 1985  
16 is amended by striking “2002” and inserting “2009”.

17 **SEC. 4. AUTOMATIC BUDGET ENFORCEMENT FOR MEAS-**  
18 **URES CONSIDERED ON THE FLOOR.**

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

22 “BUDGET EVASION POINTS OF ORDER  
23 “SEC. 316. (a) DISCRETIONARY SPENDING CAPS.—  
24 It shall not be in order in the House of Representatives  
25 or the Senate to consider any bill or resolution (or amend-  
26 ment, motion, or conference report on that bill or resolu-

tion) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

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

“(c) DIRECTED SCORING.—It shall not be in order in the House of Representatives or the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

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

1 on the budget and would have the effect of reducing the  
2 surplus 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 **SEC. 5. DISCLOSURE OF INTEREST COSTS.**

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

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

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

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

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

1           for such fiscal year (or fiscal years) and each  
2           of the four 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  
11                   and outlays (or new budget authority and  
12                   the outlays flowing therefrom) for the pre-  
13                   vention or mitigation of, or response to,  
14                   loss of life or property, or a threat to na-  
15                   tional security; and

16                   “(ii) is unanticipated.

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

20                   “(i) sudden, which means quickly  
21                   coming into being or not building up over  
22                   time;

23                   “(ii) urgent, which means a pressing  
24                   and compelling need requiring immediate  
25                   action;

1 “(iii) unforeseen, which means not  
2 predicted or anticipated as an emerging  
3 need; and

4 “(iv) temporary, which means not of a  
5 permanent duration.”.

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

18 (c) SEPARATE HOUSE VOTE ON EMERGENCY DES-  
19 IGNATION.—(1) Rule XXII of the Rules of the House of  
20 Representatives is amended by adding at the end the fol-  
21 lowing new clause:

22 “13. In the consideration of any measure for amend-  
23 ment in the Committee of the Whole containing any emer-  
24 gency spending designation, it shall always be in order un-  
25 less specifically waived by terms of a rule governing con-

1 sideration of that measure, to move to strike such emer-  
2 gency spending designation from the portion of the bill  
3 then open to amendment.”.

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

11 (d) COMMITTEE NOTIFICATION OF EMERGENCY  
12 LEGISLATION.—Whenever the Committee on Appropria-  
13 tions or any other committee of either House (including  
14 a committee of conference) reports any bill or joint resolu-  
15 tion that provides budget authority for any emergency, the  
16 report accompanying that bill or joint resolution (or the  
17 joint explanatory statement of managers in the case of a  
18 conference report on any such bill or joint resolution) shall  
19 identify all provisions that provide budget authority and  
20 the outlays flowing therefrom for such emergency and in-  
21 clude a statement of the reasons why such budget author-  
22 ity meets the definition of an emergency pursuant to the  
23 guidelines described in subsection (b).

1 **SEC. 7. APPLICATION OF BUDGET ACT POINTS OF ORDER**  
2 **TO UNREPORTED LEGISLATION.**

3 (a) Section 315 of the Congressional Budget Act of  
4 1974 is amended by striking “reported” the first place it  
5 appears.

6 (b) Section 303(b) of the Congressional Budget Act  
7 of 1974 is amended—

8 (1) in paragraph (1), by striking “(A)” and by  
9 redesignating subparagraph (B) as paragraph (2)  
10 and by striking the semicolon at the end of such new  
11 paragraph (2) and inserting a period; and

12 (2) by striking paragraph (3).

13 **SEC. 8. BUDGET COMPLIANCE STATEMENTS.**

14 Clause 3(d) of rule XIII of the Rules of the House  
15 of Representatives is amended by adding at the end the  
16 following new subparagraph:

17 “(4) A budget compliance statement prepared  
18 by the chairman of the Committee on the Budget,  
19 if timely submitted prior to the filing of the report,  
20 which shall include assessment by such chairman as  
21 to whether the bill or joint resolution complies with  
22 the requirements of sections 302, 303, 306, 311,  
23 and 401 of the Congressional Budget Act of 1974  
24 or any other requirements set forth in a concurrent  
25 resolution on the budget and may include the budg-  
26 etary implications of that bill or joint resolution

1 under section 251 or 252 of the Balanced Budget  
2 and Emergency Deficit Control Act of 1985, as ap-  
3 plicable.”.

4 **SEC. 9. REQUIREMENTS FOR BUDGET ACT WAIVERS IN THE**  
5 **HOUSE OF REPRESENTATIVES.**

6 (a) JUSTIFICATION FOR BUDGET ACT WAIVERS.—  
7 Clause 6 of rule XIII of the Rules of the House of Rep-  
8 resentatives is amended by adding at the end the following  
9 new paragraph:

10 “(h) It shall not be in order to consider any resolution  
11 from the Committee on Rules for the consideration of any  
12 reported bill or joint resolution which waives section 302,  
13 303, 311, or 401 of the Congressional Budget Act of  
14 1974, unless the report accompanying such resolution in-  
15 cludes a description of the provision proposed to be  
16 waived, an identification of the section being waived, the  
17 reasons why such waiver should be granted, and an esti-  
18 mated cost of the provisions to which the waiver applies.”.

19 (b) SEPARATE VOTE TO WAIVE MAJOR BUDGET ACT  
20 POINT OF ORDER.—(1) Section 905 of the Congressional  
21 Budget Act of 1974 is amended by adding at the end the  
22 following new subsection:

23 “(h)(1) It shall not be in order in the House of Rep-  
24 resentatives to consider a rule or order that waives the

1 application of a major budget act point of order as defined  
2 in paragraph (2).

3 “(2) For the purposes of this subsection, the term  
4 ‘major budget point of order’ means any point of order  
5 arising under any section listed in section 904.

6 “(3)(A) In order to be cognizable by the Chair, a  
7 point of order under the sections referenced in paragraph  
8 (2) must specify the precise language on which it is pre-  
9 mised.

10 “(B) As disposition of points of order under the sec-  
11 tions referenced in paragraph (2), the Chair shall put the  
12 question of consideration with respect to the proposition  
13 that is the subject of the points of order.

14 “(C) A question of consideration under the sections  
15 referenced in paragraph (2) shall be debatable for 10 min-  
16 utes by each Member initiating a point of order and for  
17 10 minutes by an opponent on each point of order, but  
18 shall otherwise be decided without intervening motion ex-  
19 cept one that the House adjourn or that the Committee  
20 of the Whole rise, as the case may be.

21 “(D) The disposition of the question of consideration  
22 under this subsection with respect to a bill or joint resolu-  
23 tion shall be considered also to determine the question of  
24 consideration under this subsection with respect to an  
25 amendment made in order as original text.”.

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

2 (a) The first sentence of section 402 of the Congress-  
3 sional Budget Act of 1974 is amended as follows:

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

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

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

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

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

○