

108TH CONGRESS
2D SESSION

H. R. 4649

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

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

A BILL

To amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.

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 “Discretionary Spend-
5 ing Control Act of 2004”.

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

7 (a) DISCRETIONARY SPENDING LIMITS.—(1) Section
8 251(c)(1) of the Balanced Budget and Emergency Deficit
9 Control Act of 1985 (relating to fiscal year 2004) is
10 amended—

1 (A) in subparagraph (A), by striking
2 “\$31,834,000,000” and inserting
3 “\$28,052,000,000”; and

4 (B) in subparagraph (B), by striking
5 “\$1,462,000,000” and inserting “\$1,436,000,000”
6 and by striking “\$6,629,000,000” and inserting
7 “\$6,271,000,000”.

8 (2) Section 251(c)(2) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 is amended by in-
10 serting a dash after “2005”, by redesignating the remain-
11 ing portion of such paragraph as subparagraph (D) and
12 by moving it two ems to the right, and by inserting after
13 the dash the following new subparagraphs:

14 “(A) for the general purpose discretionary
15 category: \$817,726,000,000 in new budget au-
16 thority and \$866,056,000,000 in outlays;

17 “(B) for the highway category:
18 \$30,585,000,000 in outlays; and

19 “(C) for the mass transit category:
20 \$1,554,000,000 in new budget authority and
21 \$6,787,000,000 in outlays; and”.

22 (3) Section 251(c)(3) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985 is amended by in-
24 serting a dash after “2006”, by redesignating the remain-
25 ing portion of such paragraph as subparagraph (D) and

1 by moving it two ems to the right, and by inserting after
2 the dash the following new subparagraphs:

3 “(A) for the general purpose discretionary
4 category: \$831,417,000,000 in new budget au-
5 thority and \$846,280,000,000 in outlays;

6 “(B) for the highway category:
7 \$33,271,000,000 in outlays; and

8 “(C) for the mass transit category:
9 \$1,671,000,000 in new budget authority and
10 \$7,585,000,000 in outlays; and”.

11 (4) Section 251(c) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985 is amended by re-
13 designating paragraphs (4) through (9) as paragraphs (7)
14 through (12) and inserting after paragraph (3) the fol-
15 lowing new paragraphs:

16 “(4) with respect to fiscal year 2007—

17 “(A) for the highway category:
18 \$35,248,000,000 in outlays; and

19 “(B) for the mass transit category:
20 \$1,785,000,000 in new budget authority and
21 \$8,110,000,000 in outlays;

22 “(5) with respect to fiscal year 2008—

23 “(A) for the highway category:
24 \$36,587,000,000 in outlays; and

1 “(B) for the mass transit category:
 2 \$1,890,000,000 in new budget authority and
 3 \$8,517,000,000 in outlays; and

4 “(6) with respect to fiscal year 2009—

5 “(A) for the highway category:
 6 \$37,682,000,000 in outlays; and

7 “(B) for the mass transit category:
 8 \$2,017,000,000 in new budget authority and
 9 \$8,968,000,000 in outlays;”.

10 (b) DEFINITIONS.—Section 250(c)(4) of the Bal-
 11 anced Budget and Emergency Deficit Control Act of 1985
 12 is amended—

13 (1) in subparagraph (B), by—

14 (A) striking “the Transportation Equity
 15 Act for the 21st Century and the Surface
 16 Transportation Extension Act of 2003” and in-
 17 serting “the Transportation Equity Act: A Leg-
 18 acy for Users”; and

19 (B) inserting before the period at the end
 20 the following new clauses:

21 “(v) 69–8158–0–7–401 (Motor Carrier
 22 Safety Grants).

23 “(vi) 69–8159–0–7–401 (Motor Carrier
 24 Safety Operations and Programs).”;

25 (2) in subparagraph (C), by—

1 (A) inserting “(and successor accounts)”
2 after “budget accounts”; and

3 (B) striking “the Transportation Equity
4 Act for the 21st Century and the Surface
5 Transportation Extension Act of 2003 or for
6 which appropriations are provided pursuant to
7 authorizations contained in those Acts (except
8 that appropriations provided pursuant to sec-
9 tion 5338(h) of title 49, United States Code, as
10 amended by the Transportation Equity Act for
11 the 21st Century, shall not be included in this
12 category)” and inserting “the Transportation
13 Equity Act: A Legacy for Users or for which
14 appropriations are provided pursuant to author-
15 izations contained in that Act”; and

16 (3) in subparagraph (D)(ii), by striking “sec-
17 tion 8103 of the Transportation Equity Act for the
18 21st Century” and inserting “section 8103 of the
19 Transportation Equity Act: A Legacy for Users”.

20 **SEC. 3. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING**
21 **WITH REVENUES.**

22 Subparagraphs (B) through (E) of section 251(b)(1)
23 of the Balanced Budget and Emergency Deficit Control
24 Act of 1985 are amended to read as follows:

“(B) ADJUSTMENT TO ALIGN HIGHWAY
SPENDING WITH REVENUES.—(i) When the
President submits the budget under section
1105 of title 31, United States Code, OMB
shall calculate and the budget shall make ad-
justments to the highway category for the budg-
et year and each outyear as provided in clause
(ii)(I)(cc).

“(ii)(I)(aa) OMB shall take the actual level
of highway receipts for the year before the cur-
rent year and subtract the sum of the estimated
level of highway receipts in subclause (II) plus
any amount previously calculated under item
(bb) for that year.

“(bb) OMB shall take the current estimate
of highway receipts for the current year and
subtract the estimated level of receipts for that
year.

“(cc) OMB shall add one-half of the sum
of the amount calculated under items (aa) and
(bb) to the obligation limitations set forth in
the section 8103 of the Transportation Equity
Act: A Legacy for Users and, using current es-
timates, calculate the outlay change resulting
from the change in obligations for the budget

year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

“(II) The estimated level of highway receipts for the purposes of this clause are—

“(aa) for fiscal year 2004,
\$30,572,000,000;

“(bb) for fiscal year 2005,
\$34,260,000,000;

“(cc) for fiscal year 2006,
\$35,586,000,000;

“(dd) for fiscal year 2007,
\$36,570,000,000;

“(ee) for fiscal year 2008,
\$37,603,000,000; and

“(ff) for fiscal year 2009,
\$38,651,000,000.

“(III) In this clause, the term ‘highway receipts’ means the governmental receipts cred-

1 ited to the highway account of the Highway
2 Trust Fund.

3 “(C) In addition to the adjustment required by
4 subparagraph (B), when the President submits the
5 budget under section 1105 of title 31, United States
6 Code, for fiscal year 2006, 2007, 2008, or 2009,
7 OMB shall calculate and the budget shall include for
8 the budget year and each outyear an adjustment to
9 the limits on outlays for the highway category and
10 the mass transit category equal to—

11 “(i) the outlays for the applicable category
12 calculated assuming obligation levels consistent
13 with the estimates prepared pursuant to sub-
14 paragraph (D), as adjusted, using current tech-
15 nical assumptions; minus

16 “(ii) the outlays for the applicable category
17 set forth in the subparagraph (D) estimates, as
18 adjusted.

19 “(D)(i) When OMB and CBO submit their final
20 sequester report for fiscal year 2004, that report
21 shall include an estimate of the outlays for each of
22 the categories that would result in fiscal years 2005
23 through 2009 from obligations at the levels specified
24 in section 8103 of the Transportation Equity Act: A
25 Legacy for Users using current assumptions.

1 “(ii) When the President submits the budget
 2 under section 1105 of title 31, United States Code,
 3 for fiscal year 2006, 2007, 2008, or 2009, OMB
 4 shall adjust the estimates made in clause (i) by the
 5 adjustments by subparagraphs (B) and (C).

6 “(E) OMB shall consult with the Committees
 7 on the Budget and include a report on adjustments
 8 under subparagraphs (B) and (C) in the preview re-
 9 port.”.

10 **SEC. 4. LEVEL OF OBLIGATION LIMITATIONS.**

11 (a) HIGHWAY CATEGORY.—For the purposes of sec-
 12 tion 251(b) of the Balanced Budget and Emergency Def-
 13 icit Control Act of 1985, the level of obligation limitations
 14 for the highway category is—

- 15 (1) for fiscal year 2004, \$34,309,000,000;
- 16 (2) for fiscal year 2005, \$35,671,000,000;
- 17 (3) for fiscal year 2006, \$36,719,000,000;
- 18 (4) for fiscal year 2007, \$37,800,000,000;
- 19 (5) for fiscal year 2008, \$38,913,000,000; and
- 20 (6) for fiscal year 2009, \$40,061,000,000.

21 (b) MASS TRANSIT CATEGORY.—For the purposes of
 22 section 251(b) of the Balanced Budget and Emergency
 23 Deficit Control Act of 1985, the level of obligation limita-
 24 tions for the mass transit category is—

- 25 (1) for fiscal year 2004, \$7,266,000,000;

- 1 (2) for fiscal year 2005, \$7,750,000,000;
2 (3) for fiscal year 2006, \$8,266,000,000;
3 (4) for fiscal year 2007, \$8,816,000,000;
4 (5) for fiscal year 2008, \$9,403,000,000; and
5 (6) for fiscal year 2009, \$10,029,000,000.

6 For purposes of this subsection, the term “obligation limi-
7 tations” means the sum of budget authority and obligation
8 limitations.

9 **SEC. 5. ADVANCE APPROPRIATIONS.**

10 Section 251 of the Balanced Budget and Emergency
11 Deficit Control Act of 1985 is amended by adding at the
12 end the following new subsection:

13 “(d) ADVANCE APPROPRIATIONS.—In any of fiscal
14 years 2005 through 2007, discretionary advance appro-
15 priations provided in appropriation Acts in excess of
16 \$23,558,000,000 shall be counted against the discre-
17 tionary spending limits for the fiscal year for which the
18 appropriation Act containing the advance appropriation is
19 enacted.”.

20 **SEC. 6. 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) FIRE SUPPRESSION; CONTINGENCY OPERATIONS
22 RELATED TO GLOBAL WAR ON TERRORISM.—Section
23 251(b)(2) of the Balanced Budget and Emergency Deficit
24 Control Act of 1985 is amended by adding at the end the
25 following new subparagraph:

1 “(I) FIRE SUPPRESSION.—(i) If a bill or
2 joint resolution is enacted that provides new
3 budget authority for wildland fire suppression
4 for fiscal year 2005 or fiscal year 2006 that
5 would cause the level of total new budget au-
6 thority for wildland fire suppression to exceed
7 the base amount for that fiscal year, the adjust-
8 ment for that fiscal year shall be the additional
9 new budget authority provided for such purpose
10 and the additional outlays flowing from such
11 amounts, but shall not exceed—

12 “(I) for the Forest Service for fiscal
13 year 2005 or fiscal year 2006 (as applica-
14 ble), \$400,000,000; and

15 “(II) for the Department of the Inte-
16 rior for fiscal year 2005 or fiscal year
17 2006 (as applicable), \$100,000,000.

18 “(ii) For this subparagraph, the term
19 “base amount” refers to the average of the obli-
20 gations of the 10 fiscal years preceding the cur-
21 rent year for wildfire suppression in the Forest
22 Service and in the Department of the Interior,
23 as calculated by OMB, but for fiscal year 2005
24 the base amount is \$880,000,000.

1 “(J) CONTINGENCY OPERATIONS RELATED
2 TO GLOBAL WAR ON TERRORISM.—If, for fiscal
3 year 2005, supplemental appropriations for dis-
4 cretionary accounts are enacted for contingency
5 operations related to the global war on ter-
6 rorism that, pursuant to this subparagraph, the
7 President designates as a contingency operation
8 related to the global war on terrorism and the
9 Congress so designates in statute, the adjust-
10 ment shall be the total of such appropriations
11 in discretionary accounts so designated, but not
12 to exceed \$50,000,000,000, and the outlays
13 flowing in all fiscal years from such appropria-
14 tions.”.

15 (c) CONFORMING AMENDMENT.—The second sen-
16 tence of section 250(c)(4)(A) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 is amended to
18 read as follows: “The general purpose discretionary cat-
19 egory shall consist of accounts designated in the joint ex-
20 planatory statement of managers accompanying the con-
21 ference report on the Spending Control Act of 2004.”.

22 **SEC. 7. PROJECTIONS UNDER SECTION 257.**

23 Section 257(c) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985 is amended by inserting
25 after paragraph (6) the following new paragraph:

1 “(7) EMERGENCIES.—New budgetary resources
2 designated under section 251(b)(2)(A) or
3 251(b)(2)(J) shall not be assumed beyond the fiscal
4 year for which they have been enacted.”.

5 **SEC. 8. REPORTS.**

6 Subsections (c)(2) and (f)(2)(A) of section 254 of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985 are amended by striking “2002” and inserting
9 “2006 (or 2009 solely for purposes of enforcing the discre-
10 tionary spending limits for the highway and mass transit
11 categories)”.

12 **SEC. 9. EXPIRATION.**

13 Section 275(b) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 is amended by striking
15 “2002” and inserting “2006 (or 2009 solely for purposes
16 of enforcing the discretionary spending limits for the high-
17 way and mass transit categories)”.

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