

110TH CONGRESS
1ST SESSION

S. 10

To reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. REID (for himself, Mr. CONRAD, Mr. FEINGOLD, Mr. SCHUMER, Mr. SALAZAR, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Ms. LANDRIEU, Mr. DURBIN, Mr. OBAMA, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

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 “Restoring Fiscal Dis-
5 cipline Act of 2007”.

6 **SEC. 2. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.**

7 (a) PAY-AS-YOU-GO POINT OF ORDER IN THE SEN-
8 ATE.—

1 (1) IN GENERAL.—For purposes of Senate en-
2 forcement, it shall not be in order in the Senate to
3 consider any direct spending or revenue legislation
4 that would increase the on-budget deficit or cause an
5 on-budget deficit for any one of the 4 applicable
6 time periods as measured in paragraphs (5) and (6).

7 (2) APPLICABLE TIME PERIODS.—For purposes
8 of this subsection, the term “applicable time peri-
9 ods” means any 1 of the 4 following periods:

10 (A) The current year.

11 (B) The budget year.

12 (C) The period of the 5 fiscal years fol-
13 lowing the current year.

14 (D) The period of the 5 fiscal years fol-
15 lowing the 5 fiscal years referred to in subpara-
16 graph (C).

17 (3) DIRECT-SPENDING LEGISLATION.—For pur-
18 poses of this subsection and except as provided in
19 paragraph (4), the term “direct-spending legisla-
20 tion” means any bill, joint resolution, amendment,
21 motion, or conference report that affects direct
22 spending as that term is defined by, and interpreted
23 for purposes of, the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

1 (4) EXCLUSION.—For purposes of this sub-
2 section, the terms “direct-spending legislation” and
3 “revenue legislation” do not include—

4 (A) any concurrent resolution on the budg-
5 et; or

6 (B) any provision of legislation that affects
7 the full funding of, and continuation of, the de-
8 posit insurance guarantee commitment in effect
9 on the date of enactment of the Budget En-
10 forcement Act of 1990.

11 (5) BASELINE.—Estimates prepared pursuant
12 to this section shall—

13 (A) use the baseline surplus or deficit used
14 for the most recently adopted concurrent resolu-
15 tion on the budget; and

16 (B) be calculated under the requirements
17 of subsections (b) through (d) of section 257 of
18 the Balanced Budget and Emergency Deficit
19 Control Act of 1985 for fiscal years beyond
20 those covered by that concurrent resolution on
21 the budget.

22 (6) PRIOR SURPLUS.—If direct spending or rev-
23 enue legislation increases the on-budget deficit or
24 causes an on-budget deficit when taken individually,
25 it must also increase the on-budget deficit or cause

1 an on-budget deficit when taken together with all di-
2 rect spending and revenue legislation enacted since
3 the beginning of the calendar year not accounted for
4 in the baseline under paragraph (5)(A), except that
5 direct spending or revenue effects resulting in net
6 deficit reduction enacted pursuant to reconciliation
7 instructions since the beginning of that same cal-
8 endar year shall not be available.

9 (b) WAIVER.—This section may be waived or sus-
10 pended in the Senate only by the affirmative vote of three-
11 fifths of the Members, duly chosen and sworn.

12 (c) APPEALS.—Appeals in the Senate from the deci-
13 sions of the Chair relating to any provision of this section
14 shall be limited to 1 hour, to be equally divided between,
15 and controlled by, the appellant and the manager of the
16 bill or joint resolution, as the case may be. An affirmative
17 vote of three-fifths of the Members of the Senate, duly
18 chosen and sworn, shall be required to sustain an appeal
19 of the ruling of the Chair on a point of order raised under
20 this section.

21 (d) DETERMINATION OF BUDGET LEVELS.—For
22 purposes of this section, the levels of new budget author-
23 ity, outlays, and revenues for a fiscal year shall be deter-
24 mined on the basis of estimates made by the Committee
25 on the Budget of the Senate.

1 (e) SUNSET.—This section shall expire on September
2 30, 2012.

3 **SEC. 3. RECONCILIATION FOR DEFICIT REDUCTION OR IN-**
4 **CREASING THE SURPLUS IN THE SENATE.**

5 (a) IN GENERAL.—It shall not be in order in the Sen-
6 ate to consider under the expedited procedures applicable
7 to reconciliation in sections 305 and 310 of the Congres-
8 sional Budget Act of 1974 any bill, resolution, amend-
9 ment, amendment between Houses, motion, or conference
10 report that increases the deficit or reduces the surplus in
11 the first fiscal year covered by the most recently adopted
12 concurrent resolution on the budget, the period of the first
13 5 fiscal years covered by the most recently adopted concur-
14 rent resolution on the budget, or the period of the 5 fiscal
15 years following the first 5 fiscal years covered by the most
16 recently adopted concurrent resolution on the budget.

17 (b) BUDGET RESOLUTION.—It shall not be in order
18 in the Senate to consider pursuant to sections 301, 305,
19 or 310 of the Congressional Budget Act of 1974 per-
20 taining to concurrent resolutions on the budget any resolu-
21 tion, concurrent resolution, amendment, amendment be-
22 tween the Houses, motion, or conference report that con-
23 tains any reconciliation directive that would increase the
24 deficit or reduce the surplus in the first fiscal year covered
25 by the most recently adopted concurrent resolution on the

1 budget, the period of the first 5 fiscal years covered by
2 the most recently adopted concurrent resolution on the
3 budget, or the period of the 5 fiscal years following the
4 first 5 fiscal years covered by the most recently adopted
5 concurrent resolution on the budget.

6 (c) SUPERMAJORITY WAIVER AND APPEAL.—This
7 section may be waived or suspended in the Senate only
8 by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen
9 and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of
10 the Senate, duly chosen and sworn, shall be required in
11 the Senate to sustain an appeal of the ruling of the Chair
12 on a point of order raised under this section.

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