

107TH CONGRESS
2^D SESSION

H. R. 4593

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

APRIL 25, 2002

Mr. HILL (for himself, Mr. MATHESON, Mr. TURNER, Mr. STENHOLM, Mr. BOYD, Mr. MOORE, Mr. TANNER, Mr. BERRY, Mr. HOLDEN, Mr. ROSS, Mr. BISHOP, and Mr. SCHIFF) 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 2002”.

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 (7) (relating to fiscal year
7 2003) by redesignation subparagraphs (A), (B), (C),
8 as subparagraphs (C), (D), and (E) respectively, and
9 by inserting before subparagraph (C) (as redesignig-
10 nated) the following:

11 “(A) for the defense category:
12 \$392,742,000,000, in new budget authority and
13 \$374,865,000,000 in outlays;

14 “(B) for the nondefense category:
15 \$366,354,000,000, in new budget authority and
16 \$406,810,000,000 in outlays;”;

17 (2) in paragraph (8), strike “(8) 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 “(8) with respect to fiscal year 2004—

22 “(A) for the defense category:
23 \$400,502,000,000, in new budget authority and
24 \$389,942,000,000 in outlays;

1 “(B) for the nondefense category:
2 \$380,305,000,000, in new budget authority and
3 \$420,134,000,000 in outlays;”;

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

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

9 “(A) for the defense category:
10 \$421,498,000,000, in new budget authority and
11 \$408,706,000,000 in outlays;

12 “(B) for the nondefense category:
13 \$387,960,000,000, in new budget authority and
14 \$424,854,000,000 in outlays;”;

15 (4) in paragraph (10), strike “(10) with respect
16 to fiscal year 2006”, redesignate the remaining mat-
17 ter as subparagraph (B), and before such redesi-
18 gnated matter insert the following:

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

20 “(A) for the discretionary category:
21 \$837,672,000,000, in new budget authority and
22 \$854,020,000,000 in outlays; and

23 (5) redesignate paragraphs (11) through (16)
24 as paragraphs (12) through (17), respectively, and

1 insert after paragraph (10) the following new para-
2 graph:

3 “(11) with respect to fiscal year 2007, for the
4 discretionary category: \$870,178,000,000, in new
5 budget authority and \$877,248,000,000 in outlays;”.

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

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

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

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

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

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

21 “BUDGET EVASION POINTS OF ORDER

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

1 251 of the Balanced Budget and Emergency Deficit Con-
2 trol Act of 1985 or otherwise would alter the spending
3 limits set forth in that section.

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

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

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

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

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

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

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

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

21 “(E) 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 (b) WAIVER AND APPEAL IN THE SENATE.—Section
2 904 of the Congressional Budget Act of 1974 is
3 amended—

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

6 (2) in subsection (d)(2), by inserting “316,”
7 after “313.”

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

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

11 (d) RESERVE FUND FOR WAR ON TERRORISM.—
12 Upon the enactment of any bill or joint resolution that
13 provides new budget authority (and outlays flowing there-
14 from) for operations of the Department of Defense to
15 prosecute the war on terrorism, the Director of the Office
16 of Management and Budget shall make an appropriate ad-
17 justment to the discretionary spending limits (and those
18 limits as adjusted) as set forth in section 251(c) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985 by the amount provided by that measure for that
21 purpose, but the total adjustment for all measures consid-
22 ered under this section shall not exceed \$10,000,000,000
23 in new budget authority for fiscal year 2003 and outlays
24 flowing therefrom.

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

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

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

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

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(D) containing a projection by the Con-
11 gressional Budget Office of the cost of the debt
12 servicing that would be caused by such measure
13 for such fiscal year (or fiscal years) and each
14 of the 4 ensuing fiscal years.”.

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

16 (a) OMB EMERGENCY CRITERIA.—Section 3 of the
17 Congressional Budget and Impoundment Control Act of
18 1974 is amended by adding at the end the following new
19 paragraph:

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

22 “(i) requires new budget authority and
23 outlays (or new budget authority and the out-
24 lays flowing therefrom) for the prevention or
25 mitigation of, or response to, loss of life or
26 property, or a threat to national security; and

1 “(ii) is unanticipated.

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

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

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

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

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

12 (b) DEVELOPMENT OF GUIDELINES FOR APPLICA-
13 TION OF EMERGENCY DEFINITION.—Not later than 5
14 months after the date of enactment of this Act, the chair-
15 men of the Committees on the Budget (in consultation
16 with the President) shall, after consulting with the chair-
17 men of the Committees on Appropriations and applicable
18 authorizing committees of their respective Houses and the
19 Directors of the Congressional Budget Office and the Of-
20 fice of Management and Budget, jointly publish in the
21 Congressional Record guidelines for application of the def-
22 inition of emergency set forth in section 3(11) of the Con-
23 gressional Budget and Impoundment Control Act of 1974.

24 (c) RESERVE FUND FOR EMERGENCIES IN PRESI-
25 DENT’S BUDGET.—Section 1105 of title 31, United States

1 Code is amended by adding at the end the following new
2 subsections:

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

8 “(i) In the case of any budget authority requested
9 for an emergency, such submission shall include a detailed
10 justification of the reasons that such emergency is an
11 emergency within the meaning of section 3(11) of the Con-
12 gressional Budget Act of 1974, consistent with the guide-
13 lines described in section 6(b) of the Assuring Honesty
14 and Accountability Act of 2002.”.

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

19 “13. In the consideration of any measure for amend-
20 ment in the Committee of the Whole containing any emer-
21 gency spending designation, it shall always be in order,
22 unless specifically waived by terms of a rule governing con-
23 sideration of that measure, to move to strike such emer-
24 gency spending designation from the portion of the bill
25 then open to amendment.”.

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

8 (e) COMMITTEE NOTIFICATION OF EMERGENCY LEG-
9 ISLATION.—Whenever the Committee on Appropriations
10 or any other committee of either House (including a com-
11 mittee of conference) reports any bill or joint resolution
12 that provides budget authority for any emergency, the re-
13 port accompanying that bill or joint resolution (or the joint
14 explanatory statement of managers in the case of a con-
15 ference report on any such bill or joint resolution) shall
16 identify all provisions that provide budget authority and
17 the outlays flowing therefrom for such emergency and in-
18 clude a statement of the reasons why such budget author-
19 ity meets the definition of an emergency pursuant to the
20 guidelines described in subsection (b).

21 **SEC. 7. APPLICATION OF BUDGET ACT POINTS OF ORDER**
22 **TO UNREPORTED LEGISLATION.**

23 (a) Section 315 of the Congressional Budget Act of
24 1974 is amended by striking “reported” the first place it
25 appears.

1 (b) Section 303(b) of the Congressional Budget Act
2 of 1974 is amended—

3 (1) in paragraph (1), by striking “(A)” and by
4 redesignating subparagraph (B) as paragraph (2)
5 and by striking the semicolon at the end of such new
6 paragraph (2) and inserting a period; and

7 (2) by striking paragraph (3).

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

9 Clause 3(d) of rule XIII of the Rules of the House
10 of Representatives is amended by adding at the end the
11 following new subparagraph:

12 “(4) A budget compliance statement prepared
13 by the chairman of the Committee on the Budget,
14 if timely submitted prior to the filing of the report,
15 which shall include assessment by such chairman as
16 to whether the bill or joint resolution complies with
17 the requirements of sections 302, 303, 306, 311,
18 and 401 of the Congressional Budget Act of 1974
19 or any other requirements set forth in a concurrent
20 resolution on the budget and may include the budg-
21 etary implications of that bill or joint resolution
22 under section 251 or 252 of the Balanced Budget
23 and Emergency Deficit Control Act of 1985, as ap-
24 plicable.”.

1 **SEC. 9. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE**
2 **HOUSE OF REPRESENTATIVES.**

3 Clause 6 of rule XIII of the Rules of the House of
4 Representatives is amended by adding at the end the fol-
5 lowing new paragraph:

6 “(h) It shall not be in order to consider any resolution
7 from the Committee on Rules for the consideration of any
8 reported bill or joint resolution which waives section 302,
9 303, 311, or 401 of the Congressional Budget Act of
10 1974, unless the report accompanying such resolution in-
11 cludes a description of the provision proposed to be
12 waived, an identification of the section being waived, the
13 reasons why such waiver should be granted, and an esti-
14 mated cost of the provisions to which the waiver applies.”.

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

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

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

20 (2) In paragraph (1), strike “bill or resolution”
21 and insert “bill, joint resolution, or conference re-
22 port”.

23 (3) At the end of paragraph (2) strike “and”,
24 at the end of paragraph (3) strike the period and in-
25 sert “; and”, and after such paragraph (3) add the
26 following new paragraph:

1 “(4) A determination of whether such bill, joint
2 resolution, or conference report provides direct
3 spending.”.

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

○