

110TH CONGRESS
1ST SESSION

H. R. 2685

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

JUNE 12, 2007

Mr. HILL (for himself, Ms. HERSETH SANDLIN, Ms. HARMAN, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. CARDOZA, Mr. ROSS, Mr. BARROW, Mr. COOPER, Mr. BISHOP of Georgia, Mr. TAYLOR, Mrs. GILLIBRAND, Mr. TANNER, Mr. MELANCON, Mr. CHANDLER, Mr. HOLDEN, Mr. SALAZAR, Mr. WILSON of Ohio, Mr. BERRY, Mr. MCINTYRE, Mr. MICHAUD, Mr. THOMPSON of California, Mr. SHULER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MATHESON, and Mr. BOYD of Florida) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fiscal Honesty and
3 Accountability Act of 2007”.

4 **SEC. 2. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.**

5 (a) PURPOSE.—Section 252(a) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985 is
7 amended by striking “2002” and inserting “2012”.

8 (b) SEQUESTRATION.—Section 252(b)(1) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985
10 is amended by striking “2002” and inserting “2012”.

11 (c) EXPIRATION.—Section 275(b) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 is
13 amended by striking “2006” and inserting “2016”.

14 (d) BROADENING OF SEQUESTRATION BASE.—The
15 Directors of the Congressional Budget Office and of the
16 Office of Management and Budget shall each submit, not
17 later than six months following the enactment of this Act,
18 a report to the Committee on the Budget of the House
19 of Representatives that addresses the issue of how to
20 broaden the pay-as-you-go sequestration base and make
21 it more fair and equitable.

22 **SEC. 3. EXTENSION OF THE DISCRETIONARY SPENDING
23 CAPS.**

24 (a) IN GENERAL.—Paragraphs (1) through (13) of
25 section 251(c) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985 are amended to read as fol-
2 lows:

3 “(1) with respect to fiscal year 2009 for the
4 discretionary category: \$1,047,357,000,000 in new
5 budget authority and \$1,160,782,000,000 in outlays;

6 “(2) with respect to fiscal year 2010 for the
7 discretionary category: \$1,018,929,000,000 in new
8 budget authority and \$1,112,630,000,000 in outlays;

9 “(3) with respect to fiscal year 2011 for the
10 discretionary category: \$1,030,052,000,000 in new
11 budget authority and \$1,100,382,000,000 in out-
12 lays;”.

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

16 **SEC. 4. ACCOUNTABILITY IN EMERGENCY SPENDING.**

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

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

23 “(i) requires new budget authority and
24 outlays (or new budget authority and the out-
25 lays flowing therefrom) for the prevention or

1 mitigation of, or response to, loss of life or
2 property, or a threat to national security; and
3 “(ii) is unanticipated.

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

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

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

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

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

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

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

5 “13. In the consideration of any measure for amend-
6 ment in the Committee of the Whole containing any emer-
7 gency spending designation, it shall always be in order un-
8 less specifically waived by terms of a rule governing con-
9 sideration of that measure, to move to strike such emer-
10 gency spending designation from the portion of the bill
11 then open to amendment.”.

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

19 (d) COMMITTEE NOTIFICATION OF EMERGENCY
20 LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including
21 a committee of conference) reports any bill or joint resolu-
22 tion that provides budget authority for any emergency, the
23 report accompanying that bill or joint resolution (or the
24 joint explanatory statement of managers in the case of a

1 conference report on any such bill or joint resolution) shall
2 identify all provisions that provide budget authority and
3 the outlays flowing therefrom for such emergency and in-
4 clude a statement of the reasons why such budget author-
5 ity meets the definition of an emergency pursuant to the
6 guidelines described in subsection (b).

7 (e) RESERVE FUND FOR EMERGENCIES IN PRESI-
8 DENT'S BUDGET.—Section 1105(f) of title 31, United
9 States Code is amended by adding at the end the following
10 new sentences: “Such budget submission shall also comply
11 with the requirements of section 316(b) of the Congres-
12 sional Budget Act of 1974 and, in the case of any budget
13 authority requested for an emergency, such submission
14 shall include a detailed justification of why such emer-
15 gency is an emergency within the meaning of section 3(11)
16 of the Congressional Budget Act of 1974.”.

17 (f) ADJUSTMENTS AND RESERVE FUND FOR EMER-
18 GENCIES IN JOINT BUDGET RESOLUTIONS.—Title III of
19 the Congressional Budget Act of 1974 is amended by add-
20 ing at the end the following new section:

21 “EMERGENCIES

22 “SEC. 316. (a) ADJUSTMENTS.—

23 “(1) IN GENERAL.—After the reporting of a bill
24 or joint resolution or the submission of a conference
25 report thereon that provides budget authority for

1 any emergency as identified pursuant to subsection
2 (d) that is not covered by subsection (c)—

3 “(A) the chairman of the Committee on
4 the Budget of the House of Representatives or
5 the Senate shall determine and certify, pursu-
6 ant to the guidelines referred to in subsection
7 (b), the portion (if any) of the amount so speci-
8 fied that is for an emergency within the mean-
9 ing of section 3(11); and

10 “(B) such chairman shall make the adjust-
11 ment set forth in paragraph (2) for the amount
12 of new budget authority (or outlays) in that
13 measure and the outlays flowing from that
14 budget authority.

15 “(2) MATTERS TO BE ADJUSTED.—The adjust-
16 ments referred to in paragraph (1) are to be made
17 to the allocations made pursuant to the appropriate
18 joint resolution on the budget pursuant to section
19 302(a) and shall be in an amount not to exceed the
20 amount reserved for emergencies pursuant to the re-
21 quirements of subsection (b).

22 “(b) RESERVE FUND FOR EMERGENCIES.—

23 “(1) AMOUNTS.—The amount set forth in the
24 reserve fund for emergencies (other than those cov-
25 ered by subsection (c)) for budget authority and out-

1 lays for a fiscal year pursuant to section 301(a)(6)
2 shall equal—

3 “(A) the average of the enacted levels of
4 budget authority for emergencies (other than
5 those covered by subsection (c)) in the 5 fiscal
6 years preceding the current year; and

7 “(B) the average of the levels of outlays
8 for emergencies in the 5 fiscal years preceding
9 the current year flowing from the budget au-
10 thority referred to in subparagraph (A), but
11 only in the fiscal year for which such budget
12 authority first becomes available for obligation.

13 “(2) AVERAGE LEVELS.—For purposes of para-
14 graph (1), the amount used for a fiscal year to cal-
15 culate the average of the enacted levels when one or
16 more of such 5 preceding fiscal years is any of fiscal
17 years 2001 through 2005 is as follows: the amount
18 of enacted levels of budget authority and the amount
19 of new outlays flowing therefrom for emergencies,
20 but only in the fiscal year for which such budget au-
21 thority first becomes available for obligation for each
22 of such 5 fiscal years, which shall be determined by
23 the Committees on the Budget of the House of Rep-
24 resentatives and the Senate after receipt of a report
25 on such matter transmitted to such committees by

1 the Director of the Congressional Budget Office 6
2 months after the date of enactment of this section
3 and thereafter in February of each calendar year.

4 “(c) TREATMENT OF EMERGENCIES TO FUND CER-
5 TAIN MILITARY OPERATIONS.—Whenever the Committee
6 on Appropriations reports any bill or joint resolution that
7 provides budget authority for any emergency that is a
8 threat to national security and the funding of which car-
9 ries out a military operation authorized by a declaration
10 of war or a joint resolution authorizing the use of military
11 force and the report accompanying that bill or joint resolu-
12 tion, pursuant to subsection (d), identifies any provision
13 that increases outlays or provides budget authority (and
14 the outlays flowing therefrom) for such emergency, the en-
15 actment of which would cause the total amount of budget
16 authority or outlays provided for emergencies for the
17 budget year in the joint resolution on the budget (pursu-
18 ant to section 301(a)(6)) to be exceeded:

19 “(1) Such bill or joint resolution shall be re-
20 ferred to the Committee on the Budget of the House
21 or the Senate, as the case may be, with instructions
22 to report it without amendment, other than that
23 specified in subparagraph (B), within 5 legislative
24 days of the day in which it is reported from the orig-
25 inating committee. If the Committee on the Budget

1 of either House fails to report a bill or joint resolu-
2 tion referred to it under this subparagraph within
3 such 5-day period, the committee shall be automatic-
4 ally discharged from further consideration of such
5 bill or joint resolution and such bill or joint resolu-
6 tion shall be placed on the appropriate calendar.

7 “(2) An amendment to such a bill or joint reso-
8 lution referred to in this subsection shall only consist
9 of an exemption from section 251 of the Balanced
10 Budget and Emergency Deficit Control Act of 1985
11 of all or any part of the provisions that provide
12 budget authority (and the outlays flowing therefrom)
13 for such emergency if the committee determines,
14 pursuant to the guidelines referred to in subsection
15 (b), that such budget authority is for an emergency
16 within the meaning of section 3(11).

17 “(3) If such a bill or joint resolution is reported
18 with an amendment specified in subparagraph (B)
19 by the Committee on the Budget of the House of
20 Representatives or the Senate, then the budget au-
21 thority and resulting outlays that are the subject of
22 such amendment shall not be included in any deter-
23 minations under section 302(f) or 311(a) for any
24 bill, joint resolution, amendment, motion, or con-
25 ference report.”.

1 (g) CONTENT OF BUDGET RESOLUTIONS.—Section
2 301(a) of the Congressional Budget Act of 1974 is amend-
3 ed by redesignating paragraphs (6) and (7) as paragraphs
4 (7) and (8), respectively, and by inserting after paragraph
5 (5) the following new paragraph:

6 “(6) totals of new budget authority and outlays
7 for emergencies;”.

8 (h) WAIVER AND APPEAL IN THE SENATE.—Section
9 904 of the Congressional Budget Act of 1974 is amend-
10 ed—

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

13 (2) in subsection (d)(2), by inserting “316,”
14 after “313.”.

15 (i) CONFORMING AMENDMENT.—The table of con-
16 tents set forth in section 1(b) of the Congressional Budget
17 and Impoundment Control Act of 1974 is amended by in-
18 serting after the item relating to section 315 the following
19 new item:

“Sec. 316. Emergencies.”.

20 (j) APPLICATION OF SECTION 306 TO EMERGENCIES
21 IN EXCESS OF AMOUNTS IN RESERVE FUND.—Section
22 306 of the Congressional Budget Act of 1974 is amended
23 by inserting at the end the following new sentence: “No
24 amendment reported by the Committee on the Budget (or

1 from the consideration of which such committee has been
2 discharged) pursuant to section 316(c) may be amended.”.

3 (k) UP-TO-DATE TABULATIONS.—Section 308(b)(2)
4 of the Congressional Budget Act of 1974 is amended by
5 striking “and” at the end of subparagraph (B), by striking
6 the period at the end of subparagraph (C) and inserting
7 “; and”, and by adding at the end the following new sub-
8 paragraph:

9 “(D) shall include an up-to-date tabulation
10 of amounts remaining in the reserve fund for
11 emergencies.”.

12 (l) POINT OF ORDER.—Section 305 of the Congress-
13 sional Budget Act of 1974 is amended by adding at the
14 end the following new subsection:

15 “(e) POINT OF ORDER REGARDING EMERGENCY RE-
16 SERVE FUND.—It shall not be in order in the House of
17 Representatives or in the Senate to consider an amend-
18 ment to a joint resolution on the budget which changes
19 the amount of budget authority and outlays set forth in
20 section 301(a)(4) for emergency reserve fund.”.

21 (m) TECHNICAL AMENDMENT.—(1) Section
22 904(c)(1) of the Congressional Budget Act of 1974 is
23 amended by inserting “305(e),” after “305(c)(4),”.

1 (2) Section 904(d)(2) of the Congressional Budget
2 Act of 1974 is amended by inserting “305(e),” after
3 “305(c)(4),”.

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

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

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

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

11 (3) by adding at the end the following new sub-
12 paragraph:

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

18 **SEC. 6. CBO SCORING OF CONFERENCE REPORTS.**

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

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

23 (2) In paragraph (1), strike “bill or resolution”
24 and insert “bill, joint resolution, or conference re-
25 port”.

5 “(4) A determination of whether such bill, joint
6 resolution, or conference report provides direct
7 spending.”.

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

20 SEC. 7. BUDGET COMPLIANCE STATEMENTS.

21 Clause 3(d) of rule XIII of the Rules of the House
22 of Representatives is amended by adding at the end the
23 following new subparagraph:

24 “(4) A budget compliance statement prepared
25 by the chairman of the Committee on the Budget,

1 if timely submitted prior to the filing of the report,
2 which shall include assessment by such chairman as
3 to whether the bill or joint resolution complies with
4 the requirements of sections 302, 303, 306, 311,
5 and 401 of the Congressional Budget Act of 1974
6 or any other requirements set forth in a concurrent
7 resolution on the budget and may include the budg-
8 etary implications of that bill or joint resolution
9 under section 251 or 252 of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as ap-
11 plicable.”.

12 SEC. 8. AUTOMATIC BUDGET ENFORCEMENT FOR MEAS-
13 URES CONSIDERED ON THE FLOOR.

14 (a) IN GENERAL.—Title III of the Congressional
15 Budget Act of 1974 (as amended by section 5(f)) is fur-
16 ther amended by adding at the end the following new sec-
17 tion:

18 “BUDGET EVASION POINTS OF ORDER

19 "SEC. 317. (a) DISCRETIONARY SPENDING CAPS.—

20 It shall not be in order in the House of Representatives
21 or the Senate to consider any bill or resolution (or amend-
22 ment, motion, or conference report on that bill or resolu-
23 tion) that waives or suspends the enforcement of section
24 251 of the Balanced Budget and Emergency Deficit Con-
25 trol Act of 1985 or otherwise would alter the spending
26 limits set forth in that section.

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

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

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

23 “(e) ENFORCEMENT IN THE HOUSE OF REPRESENT-
24 ATIVES.—(1) It shall not be in order in the House of Rep-

1 representatives to consider a rule or order that waives the
2 application of this section.

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

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

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

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

19 “(E) The disposition of the question of consideration
20 under this subsection with respect to a bill or joint resolu-
21 tion shall be considered also to determine the question of
22 consideration under this subsection with respect to an
23 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 amend-
3 ed—

4 (1) in subsection (c)(1), by inserting “317,”
5 after “316,”; and

6 (2) in subsection (d)(2), by inserting “317,”
7 after “316.”.

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 316 the following:

“Sec. 317. Budget evasion points of order.”.

11 SEC. 9. APPLICATION OF BUDGET ACT POINTS OF ORDER
12 TO UNREPORTED LEGISLATION.

13 (a) Section 315 of the Congressional Budget Act of
14 1974 is amended by striking “reported” the first place it
15 appears.

16 (b) Section 303(b) of the Congressional Budget Act
17 of 1974 is amended—

22 (2) by striking paragraph (3).

1 **SEC. 10. REQUIREMENTS FOR BUDGET ACT WAIVERS IN**
2 **THE HOUSE OF REPRESENTATIVES.**

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

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

16 (b) SEPARATE VOTE TO WAIVE MAJOR BUDGET ACT
17 POINT OF ORDER.—Section 312 of the Congressional
18 Budget Act of 1974 is amended by adding at the end the
19 following new subsection

20 “(g)(1) It shall not be in order in the House of Rep-
21 resentatives to consider a rule or order that waives the
22 application of a major budget act point of order as defined
23 in paragraph (2).

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

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

5 “(B) As disposition of points of order under the sec-
6 tions referenced in paragraph (2), the Chair shall put the
7 question of consideration with respect to the proposition
8 that is the subject of the points of order

9 “(C) A question of consideration under the sections
10 referenced in paragraph (2) shall be debatable for 10 min-
11 utes by each Member initiating a point of order and for
12 10 minutes by an opponent on each point of order, but
13 shall otherwise be decided without intervening motion ex-
14 cept one that the House adjourn or that the Committee
15 of the Whole rise, as the case may be.

16 “(D) The disposition of the question of consideration
17 under this subsection with respect to a bill or joint resolu-
18 tion shall be considered also to determine the question of
19 consideration under this subsection with respect to an
20 amendment made in order as original text.”.

○