

108TH CONGRESS
1ST SESSION

H. R. 1175

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2008, to extend paygo for direct spending, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. BARRETT of South Carolina (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, and Mr. DEMINT) 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 to extend the discretionary spending limits through fiscal year 2008, to extend paygo for direct spending, 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 “Common Sense Spend-
5 ing Act”.

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

2 (a) ADJUSTMENTS TO DISCRETIONARY SPENDING
3 LIMITS.—In the matter that precedes subparagraph (A)
4 of section 251(b)(2) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, strike “through 2002”.

6 (b) DISCRETIONARY SPENDING LIMIT.—Section
7 251(c) of the Balanced Budget and Emergency Deficit
8 Control Act of 1985 is amended as follows:

9 (1) Strike paragraphs (1) through (6) and re-
10 designate paragraph (7) (which relates to fiscal year
11 2003) as paragraph (1).

12 (2) Strike paragraphs (8) through (16) and in-
13 sert after paragraph (1) the following new para-
14 graphs:

15 “(2) with respect to fiscal year 2004, for the
16 discretionary category: \$765,510,000,000 in new
17 budget authority of which not less than
18 \$399,181,000,000 shall be for the defense category
19 and of which not less than \$28,239,000,000 shall be
20 for homeland security activities outside of the de-
21 fense category and \$815,516,000,000 in outlays of
22 which not less than \$389,746,000,000 shall be for
23 the defense category;

24 “(3) with respect to fiscal year 2005, for the
25 discretionary category: \$780,820,000,000 in new
26 budget authority of which not less than

1 \$419,623,000,000 shall be for the defense category
2 and of which not less than \$29,367,000,000 shall be
3 for homeland security activities outside of the de-
4 fense category and \$825,851,000,000 in outlays of
5 which not less than \$409,737,000,000 shall be for
6 the defense category;

7 “(4) with respect to fiscal year 2006, for the
8 discretionary category: \$796,437,000,000 in new
9 budget authority of which not less than
10 \$439,740,000,000 shall be for the defense category
11 and of which not less than \$30,407,000,000 shall be
12 for homeland security activities outside of the de-
13 fense category and \$834,246,000,000 in outlays of
14 which not less than \$422,808,000,000 shall be for
15 the defense category;

16 “(5) with respect to fiscal year 2007, for the
17 discretionary category: \$812,365,000,000 in new
18 budget authority of which not less than
19 \$459,999,000,000 shall be for the defense category
20 and of which not less than \$31,494,000,000 shall be
21 for homeland security activities outside of the de-
22 fense category and \$846,485,000,000 in outlays of
23 which not less than \$436,164,000,000 shall be for
24 the defense category; and

1 “(6) with respect to fiscal year 2008, for the
2 discretionary category: \$828,613,000,000 in new
3 budget authority of which not less than
4 \$480,433,000,000 shall be for the defense category
5 and of which not less than \$32,621,000,000 shall be
6 for homeland security activities outside of the de-
7 fense category and \$864,832,000,000 in outlays of
8 which not less than \$460,190,000,000 shall be for
9 the defense category;”.

10 (c) ADJUSTMENTS TO DISCRETIONARY SPENDING

11 LIMITS.—

12 (1) Section 251(b)(2) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985 is
14 amended by striking subparagraphs (C) through (H)
15 and by inserting after subparagraph (B) the fol-
16 lowing new subparagraph:

17 “(C) ACCRUAL ACCOUNTING.—If a bill or
18 joint resolution is enacted that charges Federal
19 agencies for the full cost of accrued Federal re-
20 tirement and health benefits and a bill or joint
21 resolution making appropriations is enacted
22 that provides new budget authority to carry out
23 the legislation charging Federal agencies for
24 such accrued costs, the adjustment shall be
25 equal to the reduction in mandatory budget au-

1 thority and the outlays flowing therefrom esti-
2 mated to result from the legislation charging
3 Federal agencies for such accrued costs.”.

4 (2) Section 251(b)(2)(A) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985 is
6 amended by striking the last sentence.

7 **SEC. 3. EXTENSION OF PAY-AS-YOU-GO.**

8 Section 252 of the Balanced Budget and Emergency
9 Deficit Control Act of 1985 is amended to read as follows:

10 **“SEC. 252. ENFORCING PAY-AS-YOU-GO.**

11 “(a) PURPOSE.—The purpose of this section is to as-
12 sure that any legislation enacted before October 1, 2008,
13 affecting direct spending that increases the deficit will
14 trigger an offsetting sequestration.

15 “(b) SEQUESTRATION.—

16 “(1) TIMING.—Not later than 15 calendar days
17 after the date Congress adjourns to end a session
18 and on the same day as a sequestration (if any)
19 under section 251, there shall be a sequestration to
20 offset the amount of any net deficit increase caused
21 by all direct spending legislation enacted before Oc-
22 tober 1, 2008, as calculated under paragraph (2).

23 “(2) CALCULATION OF DEFICIT INCREASE.—
24 OMB shall calculate the amount of deficit increase
25 or decrease by adding—

1 “(A) all OMB estimates for the budget
2 year of direct spending legislation transmitted
3 under subsection (d);

4 “(B) the estimated amount of savings in
5 direct spending programs applicable to budget
6 year resulting from the prior year’s sequestra-
7 tion under this section or, if any, as published
8 in OMB’s final sequestration report for that
9 prior year; and

10 “(C) any net deficit increase or decrease in
11 the current year resulting from all OMB esti-
12 mates for the current year of direct spending
13 legislation transmitted under subsection (d) of
14 this section that were not reflected in the final
15 OMB sequestration report for the current year.

16 “(c) ELIMINATING A DEFICIT INCREASE.—(1) The
17 amount required to be sequestered in a fiscal year under
18 subsection (b) of this section shall be obtained from non-
19 exempt direct spending accounts from actions taken in the
20 following order:

21 “(A) FIRST.—All reductions in automatic
22 spending increases specified in section 256(a) shall
23 be made.

24 “(B) SECOND.—If additional reductions in di-
25 rect spending accounts are required to be made, the

1 maximum reductions permissible under sections
2 256(b) (guaranteed and direct student loans) and
3 256(c) (foster care and adoption assistance) shall be
4 made.

5 “(C) THIRD.—(i) If additional reductions in di-
6 rect spending accounts are required to be made,
7 each remaining non-exempt direct spending account
8 shall be reduced by the uniform percentage nec-
9 essary to make the reductions in direct spending re-
10 quired by paragraph (1); except that the medicare
11 programs specified in section 256(d) shall not be re-
12 duced by more than 4 percent and the uniform per-
13 centage applicable to all other direct spending pro-
14 grams under this paragraph shall be increased (if
15 necessary) to a level sufficient to achieve the re-
16 quired reduction in direct spending.

17 “(ii) For purposes of determining reductions
18 under clause (i), outlay reductions (as a result of se-
19 questration of Commodity Credit Corporation com-
20 modity price support contracts in the fiscal year of
21 a sequestration) that would occur in the following
22 fiscal year shall be credited as outlay reductions in
23 the fiscal year of the sequestration.

24 “(2) For purposes of this subsection, accounts shall
25 be assumed to be at the level in the baseline.

1 “(d) ESTIMATES.—

2 “(1) CBO ESTIMATES.—As soon as practicable
3 after Congress completes action on any direct spend-
4 ing, CBO shall provide an estimate to OMB of that
5 legislation.

6 “(2) OMB ESTIMATES.—Not later than 7 cal-
7 endar days (excluding Saturdays, Sundays, and legal
8 holidays) after the date of enactment of any direct
9 spending, OMB shall transmit a report to the House
10 of Representatives and to the Senate containing—

11 “(A) the CBO estimate of that legislation;

12 “(B) an OMB estimate of that legislation
13 using current economic and technical assump-
14 tions; and

15 “(C) an explanation of any difference be-
16 tween the 2 estimates.

17 “(3) SIGNIFICANT DIFFERENCES.—If during
18 the preparation of the report under paragraph (2)
19 OMB determines that there is a significant dif-
20 ference between the OMB and CBO estimates, OMB
21 shall consult with the Committees on the Budget of
22 the House of Representatives and the Senate regard-
23 ing that difference and that consultation, to the ex-
24 tent practicable, shall include written communication
25 to such committees that affords such committees the

1 opportunity to comment before the issuance of that
2 report.

3 “(4) SCOPE OF ESTIMATES.—The estimates
4 under this section shall include the amount of
5 change in outlays for the current year (if applica-
6 ble), the budget year, and each outyear excluding
7 any amounts resulting from—

8 “(A) full funding of, and continuation of,
9 the deposit insurance guarantee commitment in
10 effect under current estimates; and

11 “(B) emergency provisions as designated
12 under subsection (e) of this section.

13 “(5) SCOREKEEPING GUIDELINES.—OMB and
14 CBO, after consultation with each other and the
15 Committees on the Budget of the House of Rep-
16 resentatives and the Senate, shall—

17 “(A) determine common scorekeeping
18 guidelines; and

19 “(B) in conformance with such guidelines,
20 prepare estimates under this section.

21 “(e) EMERGENCY LEGISLATION.—If a provision of
22 direct spending legislation is enacted that the President
23 designates as an emergency requirement and that the Con-
24 gress so designates in statute, the amounts of new budget
25 authority, outlays, and receipts in all fiscal years resulting

1 from that provision shall be designated as an emergency
2 requirement in the reports required under subsection (d)
3 of this section.”.

4 **SEC. 4. CONFORMING AMENDMENTS.**

5 (a) EXPIRATION.—(1) Section 254(c)(2) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985
7 is amended by striking “2002” and inserting “2008”.

8 (2) Section 254(f)(2)(A) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 is amended by
10 striking “2002” and inserting “2008”.

11 (b) EXPIRATION.—Section 275(b) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 is
13 amended by striking “2002” and inserting “2008”.

14 **SEC. 5. EMERGENCY SPENDING LEGISLATION AND THE**
15 **BASELINE.**

16 (a) IN GENERAL.—Section 257(a) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985 is
18 amended by inserting “, except for emergency appropria-
19 tions covered by section 251(b)(2)(A) and emergency leg-
20 islation covered by section 252(e)” before the period.

21 (b) DIRECT SPENDING AND RECEIPTS.—Section
22 257(b)(2) of the Balanced Budget and Emergency Deficit
23 Control Act of 1985 (as amended by section 2) is further
24 amended by adding at the end the following new subpara-
25 graph:

1 “(D) Emergency legislation covered by section
2 252(e) shall not be extended in the baseline.”.

3 (c) DISCRETIONARY APPROPRIATIONS.—Section
4 257(c) of the Balanced Budget and Emergency Deficit
5 Control Act of 1985 is amended by adding at the end the
6 following new paragraph:

7 “(7) Emergency appropriations covered by sec-
8 tion 251(b)(2)(A) shall not be extended in the base-
9 line.”.

10 **SEC. 6. OMB EMERGENCY CRITERIA.**

11 (a) DEFINITION OF EMERGENCY.—Section 3 of the
12 Congressional Budget and Impoundment Control Act of
13 1974 is amended by adding at the end the following new
14 paragraph:

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

17 “(i) requires new budget authority and
18 outlays (or new budget authority and the out-
19 lays flowing therefrom) for the prevention or
20 mitigation of, or response to, loss of life or
21 property, or a threat to national security; and

22 “(ii) is unanticipated.

23 “(B) As used in subparagraph (A), the term
24 ‘unanticipated’ means that the underlying situation
25 is—

1 committee report and any statement of managers accom-
2 panying that legislation shall analyze whether a proposed
3 emergency requirement meets the definition of an ‘emer-
4 gency’ set out in section 3 of the Congressional Budget
5 and Impoundment Control Act of 1974.

6 “(b) IN GENERAL.—It shall not be in order in the
7 Senate or the House of Representatives to consider any
8 bill, joint resolution, or conference report that contains an
9 emergency designation under section 251(b)(2)(A) or
10 252(e) of the Balanced Budget and Emergency Deficit
11 Control Act of 1985 unless the proposed emergency re-
12 quirement meets the definition of an ‘emergency’ set out
13 in section 3 of the Congressional Budget and Impound-
14 ment Control Act of 1974.

15 “(c) WAIVER AND APPEAL IN THE SENATE.—This
16 section may be waived or suspended in the Senate only
17 by an affirmative vote of three-fifths of the Members, duly
18 chosen and sworn. An affirmative vote of three-fifths of
19 the Members of the Senate, duly chosen and sworn, shall
20 be required in the Senate to sustain an appeal of the rul-
21 ing of the Chair on a point of order raised under this sec-
22 tion.

23 “(d) ENFORCEMENT IN THE HOUSE OF REPRESENT-
24 ATIVES.—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 subsection (b) of this section.

3 “(e) DISPOSITION OF POINTS OF ORDER IN THE
4 HOUSE.—As disposition of a point of order under sub-
5 section (b) or subsection (d) of this section, the Chair shall
6 put the question of consideration with respect to the prop-
7 osition that is the subject of the point of order. A question
8 of consideration under this section shall be debatable for
9 10 minutes by the Member initiating the point of order
10 and for 10 minutes by an opponent of the point of order,
11 but shall otherwise be decided without intervening motion
12 except one that the House adjourn or that the Committee
13 of the Whole rise, as the case may be.

14 “(f) EFFECT ON AMENDMENT IN ORDER AS ORIGI-
15 NAL TEXT IN THE HOUSE.—The disposition of the ques-
16 tion of consideration under this section with respect to a
17 bill or joint resolution shall be considered also to deter-
18 mine the question of consideration under this subsection
19 with respect to an amendment made in order as original
20 text.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents set forth in section 1(b) of the Congressional Budget
23 and Impoundment Control Act of 1974 is amended by in-
24 serting after the item relating to section 315 the following
25 new item:

“Sec. 316. Rule respecting designation of legislative provision as an emergency.”.

