

107TH CONGRESS  
2D SESSION

# S. 2465

To extend and strengthen procedures to maintain fiscal accountability and responsibility.

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2002

Mr. GREGG (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committee on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged

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## A BILL

To extend and strengthen procedures to maintain fiscal accountability and 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 “Budget Enforcement  
5 Act of 2002”.

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

7 (a) IN GENERAL.—Section 251(c) of the Balanced  
8 Budget and Emergency Deficit Control Act of 1985 (2

1 U.S.C. 251) is amended by striking paragraphs (7)  
2 through (16) and inserting the following:

3 “(7) with respect to fiscal year 2003—

4 “(A) for the discretionary category:  
5 \$766,169,000,000 in new budget authority and  
6 \$758,880,000,000 in outlays;

7 “(B) for the highway category:  
8 \$27,728,000,000 in outlays;

9 “(C) for the mass transit category:  
10 \$6,256,000,000 in outlays; and

11 “(D) for the conservation spending cat-  
12 egory: \$1,920,000,000 in new budget authority  
13 and \$1,872,000,000 in outlays;

14 “(8)(A) with respect to fiscal year 2004 for the  
15 discretionary category: \$784,425,000,000 in new  
16 budget authority and \$814,447,000,000 in outlays;  
17 and

18 “(B) with respect to fiscal year 2004 for the  
19 conservation spending category: \$2,080,000,000, in  
20 new budget authority and \$2,032,000,000 in out-  
21 lays;

22 “(9)(A) with respect to fiscal year 2005 for the  
23 discretionary category: \$801,968,000,000 in new  
24 budget authority and \$833,246,000,000 in outlays;  
25 and

1           “(B) with respect to fiscal year 2005 for the  
2           conservation spending category: \$2,240,000,000, in  
3           new budget authority and \$2,192,000,000 in out-  
4           lays;

5           “(10)(A) with respect to fiscal year 2006 for  
6           the discretionary category: \$819,740,000,000 in new  
7           budget authority and \$845,056,000,000 in outlays;  
8           and

9           “(B) with respect to fiscal year 2006 for the  
10          conservation spending category: \$2,400,000,000, in  
11          new budget authority and \$2,352,000,000 in out-  
12          lays;

13          “(11) with respect to each fiscal year 2002  
14          through 2006 for the Federal and State Land and  
15          Water Conservation Fund subcategory of the con-  
16          servation spending category: \$540,000,000 in new  
17          budget authority and the outlays flowing therefrom;

18          “(12) with respect to each fiscal year 2002  
19          through 2006 for the State and Other Conservation  
20          subcategory of the conservation spending category:  
21          \$300,000,000 in new budget authority and the out-  
22          lays flowing therefrom;

23          “(13) with respect to each fiscal year 2002  
24          through 2006 for the Urban and Historic Preserva-  
25          tion subcategory of the conservation spending cat-

1       egory: \$160,000,000 in new budget authority and  
2       the outlays flowing therefrom;

3           “(14) with respect to each fiscal year 2002  
4       through 2006 for the Payments in Lieu of Taxes  
5       subcategory of the conservation spending category:  
6       \$50,000,000 in new budget authority and the out-  
7       lays flowing therefrom;

8           “(15) with respect to each fiscal year 2002  
9       through 2006 for the Federal Deferred Maintenance  
10      subcategory of the conservation spending category:  
11      \$150,000,000 in new budget authority and the out-  
12      lays flowing therefrom;

13          “(16) for the Coastal Assistance subcategory of  
14      the conservation spending category:

15           “(A) with respect to fiscal year 2002:  
16           \$440,000,000 in new budget authority and the  
17           outlays flowing therefrom;

18           “(B) with respect to fiscal year 2003:  
19           \$480,000,000 in new budget authority and the  
20           outlays flowing therefrom;

21           “(C) with respect to fiscal year 2004:  
22           \$520,000,000 in new budget authority and the  
23           outlays flowing therefrom;

1           “(D) with respect to fiscal year 2005:  
2           \$560,000,000 in new budget authority and the  
3           outlays flowing therefrom; and

4           “(E) with respect to fiscal year 2006:  
5           \$600,000,000 in new budget authority and the  
6           outlays flowing therefrom; and

7           “(17) with respect to fiscal year 2007 for the  
8           discretionary category: \$840,993,000,000 in new  
9           budget authority and \$858,266,000,000 in outlays.”.

10          (b) REPORTS.—Subsections (e)(2) and (f)(2) of sec-  
11          tion 254 of the Balanced Budget and Emergency Deficit  
12          Control Act of 1985 (2 U.S.C. 904) are amended by strik-  
13          ing “2002” and inserting “2007”.

14          (c) LIMITATION OF EMERGENCY EXCEPTIONS.—Sec-  
15          tion 205(g) of House Concurrent Resolution 290 (106  
16          Congress) is repealed.

17          (d) EXPIRATION.—

18                  (1)           GRAMM-RUDMAN-HOLLINGS.—Section  
19                  275(b) of the Balanced Budget and Emergency Def-  
20                  icit Control Act of 1985 (2 U.S.C. 900 note) is  
21                  amended—

22                          (A) by striking “2002” and inserting  
23                          “2007”; and

24                          (B) by striking “2006” and inserting  
25                          “2011”.

1           (2) CONGRESSIONAL BUDGET ACT.—Section  
 2           904(e) of the Congressional Budget Act of 1974 (2  
 3           U.S.C. 621 note) is amended by striking “2002”  
 4           and inserting “2007”.

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

6           Section 252 of the Balanced Budget and Emergency  
 7           Deficit Control Act of 1985 (2 U.S.C. 902) is amended  
 8           —

9           (1) in subsections (a) and (b)(1), by striking  
 10          “enacted before October 1, 2002,” and inserting  
 11          “enacted before October 1, 2007”; and

12          (2) in subsection (b) by inserting at the end  
 13          thereof the following:

14          “(3) EXCEPTION.—Notwithstanding any other  
 15          provision of law, there shall be no sequestration  
 16          under this section for any fiscal year in which a sur-  
 17          plus exists (as measured in conformance with section  
 18          13301 of the Budget Enforcement Act of 1990).”.

19 **SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH**  
 20                           **THE DISCRETIONARY SPENDING LIMITS AND**  
 21                           **PAY-AS-YOU-GO.**

22          Section 312(b) of the Congressional Budget Act of  
 23          1974 (2 U.S.C. 643(b)) is amended to read as follows:

24          “(b) DISCRETIONARY SPENDING LIMIT AND PAY-AS-  
 25          YOU-GO POINT OF ORDER IN THE SENATE.—

1           “(1) IN GENERAL.—Except as otherwise pro-  
2           vided in paragraph (6), it shall not be in order in  
3           the Senate to consider any bill or resolution or any  
4           separate provision of a bill or resolution (or amend-  
5           ment, motion, or conference report on that bill or  
6           resolution) that would—

7                   “(A) exceed any of the discretionary spend-  
8                   ing limits set forth in section 251(c) of the Bal-  
9                   anced Budget and Emergency Deficit Control  
10                  Act of 1985 or any suballocation of such limits  
11                  among subcommittees under section 302(b); or

12                  “(B) for direct spending or revenue legisla-  
13                  tion, would cause or increase a deficit (as meas-  
14                  ured in conformance with section 13301 of the  
15                  Budget Enforcement Act of 1990) for any one  
16                  of the following three applicable time periods:

17                   “(i) the first year covered by the most  
18                   recently adopted concurrent resolution on  
19                   the budget;

20                   “(ii) the period of the first 5 fiscal  
21                   years covered by the most recently adopted  
22                   concurrent resolution on the budget; or

23                   “(iii) the period of the 5 fiscal years  
24                   following the first five fiscal years covered

1           in the most recently adopted concurrent  
2           resolution on the budget.

3           “(2) BUDGET RESOLUTIONS.—Except as other-  
4           wise provided in paragraph (6), it shall not be in  
5           order in the Senate to consider any concurrent reso-  
6           lution on the budget (or amendment, motion, or con-  
7           ference report on that concurrent resolution) that  
8           would exceed any of the discretionary spending lim-  
9           its set forth in section 251(c) of the Balanced Budg-  
10          et and Emergency Deficit Control Act of 1985.

11          “(3) POINT OF ORDER AGAINST A SPECIFIC  
12          PROVISION.—If the Presiding Officer sustains a  
13          point of order under paragraph (1) with respect to  
14          any separate provision of a bill or resolution, that  
15          provision shall be stricken from the measure and  
16          may not be offered as an amendment from the floor.

17          “(4) FORM OF THE POINT OF ORDER.—A point  
18          of order under this section may be raised by a Sen-  
19          ator as provided in section 313(e).

20          “(5) CONFERENCE REPORTS.—If a point of  
21          order is sustained under this section against a con-  
22          ference report the report shall be disposed of as pro-  
23          vided in section 313(d).

24          “(6) EXCEPTIONS.—This subsection shall not  
25          apply if a declaration of war by the Congress is in



1 effect or if a joint resolution pursuant to section 258  
2 of the Balanced Budget and Emergency Deficit Con-  
3 trol Act of 1985 has been enacted.”.

4 **SEC. 5. ENFORCEMENT AGAINST BUDGET EVASION.**

5 (a) IN GENERAL.—Title III of the Congressional  
6 Budget Act of 1974 is amended by inserting at the end  
7 the following:

8 “BUDGET EVASION POINT OF ORDER

9 “SEC. 316. (a) DISCRETIONARY SPENDING LIM-  
10 ITS.—It shall not be in order to consider any bill or resolu-  
11 tion (or amendment, motion, or conference report on that  
12 bill or resolution) that waives or suspends the enforcement  
13 of section 251 of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985 or otherwise would alter the  
15 spending limits set forth in that section.

16 “(b) PAY-AS-YOU-GO.—It shall not be in order to  
17 consider any bill or resolution (or amendment, motion, or  
18 conference report on that bill or resolution) that waives  
19 or suspends the enforcement of section 252 of the Bal-  
20 anced Budget and Emergency Deficit Control Act of 1985  
21 or otherwise would alter the balances of the pay-as-you-  
22 go scorecard pursuant to that section.

23 “(c) DIRECTED SCORING.—It shall not be in order  
24 in the Senate to consider any bill or resolution (or amend-  
25 ment, motion, or conference report on that bill or resolu-  
26 tion) that directs the scorekeeping of any bill or resolution.

1       “(d) WAIVER AND APPEAL.—This section may be  
2 waived or suspended in the Senate only by an affirmative  
3 vote of three-fifths of the Members, duly chosen and  
4 sworn. An affirmative vote of three-fifths of the Members  
5 of the Senate, duly chosen and sworn, shall be required  
6 in the Senate to sustain an appeal of the ruling of the  
7 Chair on a point of order raised under this section.”.

8       (b) 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:

“316. Budget evasion point of order.”.

