

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3973
OFFERED BY MR. NUSSLE**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Spending Control Act
3 of 2004”.

4 SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

5 (a) DISCRETIONARY SPENDING LIMITS.—(1) Section
6 251(e)(2) of the Balanced Budget and Emergency Deficit
7 Control Act of 1985 is amended by inserting a dash after
8 “2005”, by redesignating the remaining portion of such
9 paragraph as subparagraph (B) and by moving it two ems
10 to the right, and by inserting after the dash the following
11 new subparagraph:

12 “(A) for the general purpose discretionary
13 category: \$_____ in new budget authority
14 and \$_____ in outlays; and”.

15 (2) Section 251(e)(3) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985 is amended by in-
17 serting a dash after “2006”, by redesignating the remain-
18 ing portion of such paragraph as subparagraph (B) and

1 by moving it two ems to the right, and by inserting after
2 the dash the following new subparagraph:

3 “(A) for the general purpose discretionary
4 category: \$_____ in new budget authority
5 and \$_____ in outlays; and”.

6 (3) Section 251(c) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 is amended by re-
8 designating paragraphs (4) through (9) as paragraphs (7)
9 through (12) and inserting after paragraph (3) the fol-
10 lowing new paragraphs:

11 “(4) with respect to fiscal year 2007 for the
12 general purpose discretionary category: \$_____

13 in new budget authority and \$_____ in outlays;

14 “(5) with respect to fiscal year 2008 for the
15 general purpose discretionary category: \$_____

16 in new budget authority and \$_____ in outlays;

17 and

18 “(6) with respect to fiscal year 2009 for the
19 general purpose discretionary category: \$_____

20 in new budget authority and \$_____ in outlays;”.

21 (b) ADVANCE APPROPRIATIONS.—Section 251 of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985 is amended by adding at the end the following new
24 subsection:

1 “(d) ADVANCE APPROPRIATIONS.—In any of fiscal
2 years 2005 through 2009, discretionary advance appro-
3 priations provided in appropriation Acts in excess of
4 \$_____ shall be counted against the discretionary
5 spending limits for the fiscal year for which the appropria-
6 tion Act containing the advance appropriation is en-
7 acted.”.

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

9 (a) PURPOSE.—Section 252(a) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985 is
11 amended to read as follows:

12 “(a) PURPOSE.— The purpose of this section is to
13 assure that any legislation that is enacted before October
14 1, 2009, that causes a net increase in direct spending will
15 trigger an offsetting sequestration.”.

16 (b) TIMING.—Section 252(b)(1) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985 is
18 amended by striking “any net deficit increase” and all
19 that follows through “2002,” and by inserting “any net
20 increase in direct spending enacted before October 1,
21 2009,”.

22 (c) CALCULATION OF DIRECT SPENDING IN-
23 CREASE.—Section 252(b)(2) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985 is amended—

1 (1) by striking “deficit” the first place it ap-
2 pears and inserting “direct spending”;

3 (2) in subparagraph (A) by striking “and re-
4 ceipts”;

5 (3) in subparagraph (C) by striking “and re-
6 ceipts”; and

7 (4) by amending its side heading to read as fol-
8 lows: “CALCULATION OF DIRECT SPENDING IN-
9 CREASE”.

10 (d) CONFORMING AMENDMENTS.—(1) The side head-
11 ing of section 252(c) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 is amended to read as
13 follows: “ELIMINATING A DIRECT SPENDING INCREASE”.

14 (2) Paragraphs (1), (2), and (4) of section 252(d)
15 of the Balanced Budget and Emergency Deficit Control
16 Act of 1985 are amended by striking “or receipts” each
17 place it appears.

18 (3) Section 252(e) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985 is amended by
20 striking “or receipts” and by striking “, outlays, and re-
21 ceipts” and inserting “and outlays”.

22 (4) Section 254(e)(3) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985 is amended—

1 (A) in subparagraph (A) by striking “net deficit
2 increase or decrease” and by inserting “net increase
3 or decrease in direct spending”;

4 (B) in subparagraph (B) by striking “amount
5 of deficit increase or decrease” and by inserting “in-
6 crease or decrease in direct spending”; and

7 (C) in subparagraph (C) by striking “a deficit
8 increase” and by inserting “an increase in direct
9 spending”.

10 **SEC. 4. DEFINITIONS.**

11 (a) IN GENERAL.—Section 250(c) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 is
13 amended by adding at the end the following new para-
14 graphs:

15 “(20) The term ‘advance appropriation’ means
16 appropriations that first become available one fiscal
17 year or more beyond the fiscal year for which an ap-
18 propriation Act making such funds available is en-
19 acted.

20 “(21)(A) Except as provided by subparagraph
21 (B), the term ‘emergency requirement’ means any
22 provision that provides new budget authority and re-
23 sulting outlays for a situation that poses a threat to
24 life, property, or national security and is—

1 “(i) sudden, quickly coming into being, and
2 not building up over time;

3 “(ii) an urgent, pressing, and compelling
4 need requiring immediate action;

5 “(iii) subject to subparagraph (B), unfore-
6 seen, unpredictable, and unanticipated; and

7 “(iv) not permanent, temporary in nature.

8 “(B) An emergency that is part of an aggregate
9 level of anticipated emergencies, particularly when
10 normally estimated in advance, is not unforeseen.”.

11 (b) CONTINGENCY OPERATIONS RELATED TO GLOB-
12 AL WAR ON TERRORISM.—Section 251(b)(2) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985
14 is amended by adding at the end the following new sub-
15 paragraph:

16 “(I) CONTINGENCY OPERATIONS RELATED
17 TO GLOBAL WAR ON TERRORISM.—If supple-
18 mental appropriations for discretionary ac-
19 counts are enacted for contingency operations
20 related to the global war on terrorism that, pur-
21 suant to this subparagraph, the President des-
22 ignates as a contingency operation related to
23 the global war on terrorism and the Congress
24 so designates in statute, the adjustment shall be
25 the total of such appropriations in discretionary

1 accounts so designated and the outlays flowing
2 in all fiscal years from such appropriations.”.

3 (c) CONFORMING AMENDMENT.—The second sen-
4 tence of section 250(c)(4)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985 is amended to
6 read as follows: “The general purpose discretionary cat-
7 egory shall consist of accounts designated in the joint ex-
8 planatory statement of managers accompanying the con-
9 ference report on the Spending Control Act of 2004.”.

10 **SEC. 5. PROJECTIONS UNDER SECTION 257.**

11 Section 257(c) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 is amended by inserting
13 after paragraph (6) the following new paragraph:

14 “(7) EMERGENCIES.—New budgetary resources
15 designated under section 251(b)(2)(A) or
16 251(b)(2)(I) shall not be assumed beyond the fiscal
17 year for which they have been enacted.”.

18 **SEC. 6. EXCEPTION FOR OUTLAY COMPONENTS OF EXPIR-
19 ING RECEIPTS LEGISLATION.**

20 Section 252(d)(4) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985 is amended by striking
22 “and” at the end of subparagraph (A), by striking the
23 period and inserting “; and” at the end of subparagraph
24 (B), and by adding at the end the following new subpara-
25 graph:

1 “(C) extending provisions in the Economic
2 Growth and Tax Relief Reconciliation Act of
3 2001 or provisions in sections 101 through 104,
4 section 202, or sections 301 and 302 of the
5 Jobs and Growth Tax Relief Reconciliation Act
6 of 2003.”.

7 **SEC. 7. REPORTS.**

8 Subsections (e)(2) and (f)(2)(A) of section 254 of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985 are amended by striking “2002” and inserting
11 “2009”.

12 **SEC. 8. EXPIRATION.**

13 Section 275(b) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 is amended by striking
15 “2002” and inserting “2009” and by striking “2006” and
16 inserting “2013”.

17 **SEC. 9. TECHNICAL CORRECTIONS TO THE BALANCED**
18 **BUDGET AND EMERGENCY DEFICIT CONTROL**
19 **ACT OF 1985.**

20 Part C of the Balanced Budget and Emergency Def-
21 icit Control Act of 1985 is amended as follows:

22 (1) In section 250(a), strike “SEC. 256. GEN-
23 ERAL AND SPECIAL SEQUESTRATION
24 RULES” and insert “Sec. 256. General and special

1 sequestration rules” in the item relating to section
2 256.

3 (2) In subparagraphs (F), (G), (H), (I), (J),
4 and (K) of section 250(c)(4), insert “subparagraph”
5 after “described in” each place it appears.

6 (3) In section 250(c)(18), insert “of” after “ex-
7 penses”.

8 (4) In section 251(b)(1)(A), strike “commit-
9 tees” the first place it appears and insert “Commit-
10 tees”.

11 (5) In section 251(b)(1)(C)(i), strike “fiscal
12 years” and insert “fiscal year”.

13 (6) In section 251(b)(1)(D)(ii), strike “fiscal
14 years” and insert “fiscal year”.

15 (7) In section 252(b)(2)(B), insert “the” before
16 “budget year”.

17 (8) In section 251(c)(5), move subparagraph
18 (A) 2 ems to the right.

19 (9) In section 252(c)(1)(C)(i), strike “para-
20 graph (1)” and insert “subsection (b)”.

21 (10) In section 254(c)(3), amend subparagraph
22 (A) to read as follows:

23 “(A) The amount of the sequestration, if
24 any, calculated under section 252(b).”.

1 (11) In section 254(f)(4), strike “subsection”
2 and insert “section” and strike “sequesterable” and
3 insert “sequestrable”.

4 (12) In section 255(g)(1)(B), move the four-
5 teenth undesignated clause 2 ems to the right.

6 (13) In section 255(g)(2), insert “and” after
7 the semicolon at the end of the next-to-last undesign-
8 ated paragraph.

9 (14) In section 255(h)—

10 (A) strike “and” after the semicolon in the
11 ninth undesignated clause;

12 (B) insert “and” after the semicolon at the
13 end of the tenth undesignated clause; and

14 (C) strike the semicolon at the end and in-
15 sert a period.

16 (15) In section 256(k)(1), strike “paragraph
17 (5)” and insert “paragraph (6)”.

18 (16) In section 257(b)(2)(A)(i), strike
19 “differenes” and insert “differences”.