

112TH CONGRESS
1ST SESSION

S. 360

To reduce the deficit by establishing discretionary spending caps for non-security spending.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2011

Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISCH, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNIS, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To reduce the deficit by establishing discretionary spending caps for non-security spending.

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 “Honest Expenditure
5 Limitation Program Act of 2011” or the “HELP Act”.

6 **SEC. 2. EXPIRATION.**

7 This Act shall expire at the end of fiscal year 2021.

1 **TITLE I—CONGRESSIONAL NON-**
2 **SECURITY DISCRETIONARY**
3 **SPENDING LIMITS**

4 **SEC. 101. NON-SECURITY DISCRETIONARY SPENDING LIM-**
5 **ITS.**

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

9 “NON-SECURITY DISCRETIONARY SPENDING LIMITS

10 “SEC. 316. (a) NON-SECURITY DISCRETIONARY
11 SPENDING LIMITS.—It shall not be in order in the House
12 of Representatives or the Senate to consider any bill, joint
13 resolution, amendment, or conference report that includes
14 any provision that would cause the non-security discre-
15 tionary spending limits as set forth in subsection (b) to
16 be exceeded.

17 “(b) LIMITS.—The non-security discretionary spend-
18 ing limits are—

19 “(1) for each of the fiscal years 2011 through
20 2016, the levels provided for non-security discre-
21 tionary spending in fiscal year 2008; and

22 “(2) for fiscal years 2017 through 2021, the
23 amount described in paragraph (1) adjusted annu-
24 ally for inflation by the CPI.

1 “(c) NON-SECURITY SPENDING.—In this section, the
2 term ‘non-security discretionary spending’ means discre-
3 tionary spending other than spending for the Department
4 of Defense, homeland security activities, intelligence re-
5 lated activities within the Department of State, the De-
6 partment of Veterans Affairs, and national security re-
7 lated activities in the Department of Energy.

8 “(d) LIMITATIONS ON CHANGES TO THIS SEC-
9 TION.—It shall not be in order in the Senate or the House
10 of Representatives to consider any bill, resolution, amend-
11 ment, or conference report that would—

12 “(1) repeal or otherwise change this section; or

13 “(2) exempt any new budget authority, outlays,
14 and receipts from being counted for purposes of this
15 section.

16 “(e) POINT OF ORDER IN THE SENATE.—

17 “(1) WAIVER.—The provisions of this section
18 shall be waived or suspended in the Senate only—

19 “(A) by the affirmative vote of two-thirds
20 of the Members, duly chosen and sworn; or

21 “(B) in the case of the defense budget au-
22 thority, if Congress declares war or authorizes
23 the use of force.

24 “(2) APPEAL.—Appeals in the Senate from the
25 decisions of the Chair relating to any provision of

1 this section shall be limited to 1 hour, to be equally
 2 divided between, and controlled by, the appellant
 3 and the manager of the measure. An affirmative
 4 vote of two-thirds of the Members of the Senate,
 5 duly chosen and sworn, shall be required to sustain
 6 an appeal of the ruling of the Chair on a point of
 7 order raised under this section.”.

8 (b) TABLE OF CONTENTS.—The table of contents set
 9 forth in section 1(b) of the Congressional Budget and Im-
 10 poundment Control Act of 1974 is amended by inserting
 11 after the item relating to section 315 the following new
 12 item:

“Sec. 316. Non-security discretionary spending limits.”.

13 **TITLE II—STATUTORY NON-SE-**
 14 **CURITY DISCRETIONARY**
 15 **SPENDING LIMITS**

16 **Subtitle A—Definitions,**
 17 **Administration, and Sequestration**

18 **SEC. 211. DEFINITIONS.**

19 In this title:

20 (1) ACCOUNT.—The term “account” means—

21 (A) for discretionary budget authority, an
 22 item for which appropriations are made in any
 23 appropriation Act; and

24 (B) for items not provided for in appro-
 25 priation Acts, direct spending and outlays

1 therefrom identified in the program and finance
2 schedules contained in the appendix to the
3 Budget of the United States for the current
4 year.

5 (2) BREACH.—The term “breach” means, for
6 any fiscal year, the amount by which discretionary
7 budget authority enacted for that year exceeds the
8 spending limit for budget authority for that year.

9 (3) BUDGET AUTHORITY; NEW BUDGET AU-
10 THORITY; AND OUTLAYS.—The terms “budget au-
11 thority”, “new budget authority”, and “outlays”
12 have the meanings given to such terms in section 3
13 of the Congressional Budget and Impoundment Con-
14 trol Act of 1974 (2 U.S.C. 622).

15 (4) BUDGET YEAR.—The term “budget year”
16 means, with respect to a session of Congress, the fis-
17 cal year of the Government that starts on October
18 1 of the calendar year in which that session begins.

19 (5) CBO.—The term “CBO” means the Direc-
20 tor of the Congressional Budget Office.

21 (6) CURRENT.—The term “current” means—

22 (A) with respect to the Office of Manage-
23 ment and Budget estimates included with a
24 budget submission under section 1105(a) of
25 title 31, United States Code, the estimates con-

1 sistent with the economic and technical assump-
2 tions underlying that budget;

3 (B) with respect to estimates made after
4 that budget submission that are not included
5 with it, the estimates consistent with the eco-
6 nomic and technical assumptions underlying the
7 most recently submitted President’s budget;
8 and

9 (C) with respect to the Congressional
10 Budget Office, estimates consistent with the
11 economic and technical assumptions as required
12 by section 202(e)(1) of the Congressional Budg-
13 et Act of 1974.

14 (7) CURRENT YEAR.—The term “current year”
15 means, with respect to a budget year, the fiscal year
16 that immediately precedes that budget year.

17 (8) DISCRETIONARY APPROPRIATIONS AND DIS-
18 CRETIONARY BUDGET AUTHORITY.—The terms “dis-
19 cretionary appropriations” and “discretionary budg-
20 et authority” shall have the meaning given such
21 terms in section 3(4) of the Congressional Budget
22 Act of 1974.

23 (9) NON-SECURITY DISCRETIONARY SPENDING
24 LIMIT.—The term “non-security discretionary spend-

1 ing limit” shall mean the amounts specified in sec-
 2 tion 222.

3 (10) OMB.—The term “OMB” means the Di-
 4 rector of the Office of Management and Budget.

5 (11) SEQUESTRATION.—The term “sequestra-
 6 tion” means the cancellation or reduction of budget
 7 authority (except budget authority to fund manda-
 8 tory programs) provided in appropriation Acts.

9 **SEC. 212. ADMINISTRATION AND EFFECT OF SEQUESTRA-**
 10 **TION.**

11 (a) TIMETABLE.—The timetable with respect to this
 12 title is as follows:

On or before: 5 days before the President’s budget submission required under section 1105 of title 31, United States Code.	Action to be completed: CBO Discretionary Sequestration Preview Report.
The President’s budget submis- sion. 10 days after end of session	OMB Discretionary Sequestration Preview Report. CBO Final Discretionary Sequestration Re- port.
15 days after end of session	OMB Final Discretionary Sequestration/ Presidential Sequestration Order.

13 (b) PRESIDENTIAL ORDER.—

14 (1) IN GENERAL.—On the date specified in sub-
 15 section (a), if in its Final Sequestration Report,
 16 OMB estimates that any sequestration is required,
 17 the President shall issue an order fully implementing
 18 without change all sequestrations required by the
 19 OMB calculations set forth in that report. This
 20 order shall be effective on issuance.

1 (2) SPECIAL RULE.—If the date specified for
2 the submission of a Presidential order under sub-
3 section (a) falls on a Sunday or legal holiday, such
4 order shall be issued on the following day.

5 (c) EFFECTS OF SEQUESTRATION.—The effects of
6 sequestration shall be as follows:

7 (1) Budgetary resources sequestered from any
8 account shall be permanently cancelled, except as
9 provided in paragraph (5).

10 (2) Except as otherwise provided, the same per-
11 centage sequestration shall apply to all programs,
12 projects, and activities within a budget account (with
13 programs, projects, and activities as delineated in
14 the appropriation Act or accompanying report for
15 the relevant fiscal year covering that account).

16 (3) Administrative regulations or similar ac-
17 tions implementing a sequestration shall be made
18 within 120 days of the sequestration order. To the
19 extent that formula allocations differ at different
20 levels of budgetary resources within an account, pro-
21 gram, project, or activity, the sequestration shall be
22 interpreted as producing a lower total appropriation,
23 with the remaining amount of the appropriation
24 being obligated in a manner consistent with program
25 allocation formulas in substantive law.

1 (4) Except as otherwise provided in this part,
2 obligations or budgetary resources in sequestered ac-
3 counts shall be reduced only in the fiscal year in
4 which a sequester occurs.

5 (5) Budgetary resources sequestered in special
6 fund accounts and offsetting collections sequestered
7 in appropriation accounts shall not be available for
8 obligation during the fiscal year in which the seques-
9 tration occurs, but shall be available in subsequent
10 years to the extent otherwise provided in law.

11 (d) SUBMISSION AND AVAILABILITY OF REPORTS.—
12 Each report required by this section shall be submitted,
13 in the case of CBO, to the House of Representatives, the
14 Senate, and OMB and, in the case of OMB, to the House
15 of Representatives, the Senate, and the President on the
16 day it is issued. On the following day a notice of the report
17 shall be printed in the Federal Register.

18 **Subtitle B—Non-Security**
19 **Discretionary Spending Limits**

20 **SEC. 221. DISCRETIONARY SEQUESTRATION REPORTS.**

21 (a) DISCRETIONARY SEQUESTRATION PREVIEW RE-
22 PORTS.—

23 (1) REPORTING REQUIREMENT.—On the dates
24 specified in section 212(a), OMB shall report to the
25 President and Congress and CBO shall report to

1 Congress a Discretionary Sequestration Preview Re-
2 port regarding discretionary sequestration based on
3 laws enacted through those dates.

4 (2) DISCRETIONARY.—The Discretionary Se-
5 questration Preview Report shall set forth estimates
6 for the current year and each subsequent year
7 through 2021 of the applicable discretionary spend-
8 ing limits and a projection of budget authority ex-
9 ceeding discretionary limits subject to sequester.

10 (3) EXPLANATION OF DIFFERENCES.—The
11 OMB reports shall explain the differences between
12 OMB and CBO estimates for each item set forth in
13 this subsection.

14 (b) DISCRETIONARY SEQUESTRATION REPORTS.—On
15 the dates specified in section 212(a), OMB and CBO shall
16 issue Discretionary Sequestration Reports, reflecting laws
17 enacted through those dates, containing all of the informa-
18 tion required in the Discretionary Sequestration Preview
19 Reports.

20 (c) FINAL DISCRETIONARY SEQUESTRATION RE-
21 PORTS.—

22 (1) REPORTING REQUIREMENTS.—On the dates
23 specified in section 212(a), OMB and CBO shall
24 each issue a Final Discretionary Sequestration Re-

1 port, updated to reflect laws enacted through those
2 dates.

3 (2) DISCRETIONARY SPENDING.—The Final
4 Discretionary Sequestration Reports shall set forth
5 estimates for each of the following:

6 (A) For the current year and each subse-
7 quent year through 2021, the applicable discre-
8 tionary spending limits.

9 (B) For the current year, if applicable, and
10 the budget year; the new budget authority and
11 the breach, if any.

12 (C) The sequestration percentages nec-
13 essary to eliminate the breach.

14 (D) For the budget year, for each account
15 to be sequestered, the level of enacted,
16 sequesterable budget authority and resulting es-
17 timated outlays flowing therefrom.

18 (3) EXPLANATION OF DIFFERENCES.—The
19 OMB report shall explain—

20 (A) any differences between OMB and
21 CBO estimates for the amount of any breach
22 and for any required discretionary sequestration
23 percentages; and

24 (B) differences in the amount of
25 sequesterable resources for any budget account

1 to be reduced if such difference is greater than
2 \$5,000,000.

3 (d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In
4 all reports required by this section, OMB shall use the
5 same economic and technical assumptions as used in the
6 most recent budget submitted by the President under sec-
7 tion 1105(a) of title 31, United States Code.

8 **SEC. 222. LIMITS.**

9 (a) DISCRETIONARY SPENDING LIMITS.—As used in
10 this title, the term “non-security discretionary spending
11 limit” shall have the same meaning as in section 316 of
12 the Congressional Budget Act of 1974.

13 (b) ENFORCEMENT.—

14 (1) SEQUESTRATION.—On the date specified in
15 section 212(a), there shall be a sequestration to
16 eliminate a budget-year breach.

17 (2) ELIMINATING A BREACH.—Each non-secu-
18 rity discretionary account shall be reduced by a dol-
19 lar amount calculated by multiplying the enacted
20 level of budget authority for that year in that ac-
21 count at that time by the uniform percentage nec-
22 essary to eliminate a breach of the discretionary
23 spending limit.

24 (3) PART-YEAR APPROPRIATIONS.—If, on the
25 date the report is issued under paragraph (1), there

1 is in effect an Act making continuing appropriations
2 for part of a fiscal year for any budget account, then
3 the dollar sequestration calculated for that account
4 under paragraph (2) shall be subtracted from—

5 (A) the annualized amount otherwise avail-
6 able by law in that account under that or a sub-
7 sequent part-year appropriation; and

8 (B) when a full-year appropriation for that
9 account is enacted, from the amount otherwise
10 provided by the full-year appropriation.

11 (4) LOOK-BACK.—If, after June 30, an appro-
12 priation for the fiscal year in progress is enacted
13 that causes a breach for that year (after taking into
14 account any previous sequestration), the discre-
15 tionary spending limit for the next fiscal year shall
16 be reduced by the amount of that breach.

17 (5) WITHIN-SESSION SEQUESTRATION REPORTS
18 AND ORDER.—If an appropriation for a fiscal year
19 in progress is enacted (after Congress adjourns to
20 end the session for that budget year and before July
21 1 of that fiscal year) that causes a breach, 10 days
22 later CBO shall issue a report containing the infor-
23 mation required in section 221(c). Fifteen days after
24 enactment, OMB shall issue a report containing the
25 information required in section 221(c). On the same

1 day as the OMB report, the President shall issue an
2 order fully implementing without change all seques-
3 trations required by the OMB calculations set forth
4 in that report. This order shall be effective on
5 issuance.

6 (c) ESTIMATES.—

7 (1) CBO ESTIMATES.—As soon as practicable
8 after Congress completes action on any legislation
9 providing discretionary appropriations, CBO shall
10 provide an estimate to OMB of that legislation.

11 (2) OMB ESTIMATES.—Not later than 7 cal-
12 endar days (excluding Saturdays, Sundays, and legal
13 holidays) after the date of enactment of any discre-
14 tionary appropriations, OMB shall transmit a report
15 to the Senate and to the House of Representatives
16 containing—

17 (A) the CBO estimate of that legislation;

18 (B) an OMB estimate of that legislation
19 using current economic and technical assump-
20 tions; and

21 (C) an explanation of any difference be-
22 tween the 2 estimates.

23 (3) DIFFERENCES.—If during the preparation
24 of the report under paragraph (2), OMB determines
25 that there is a difference between the OMB and

1 CBO estimates, OMB shall consult with the Com-
2 mittees on the Budget of the House of Representa-
3 tives and the Senate regarding that difference and
4 that consultation, to the extent practicable, shall in-
5 clude written communication to such committees
6 that affords such committees the opportunity to
7 comment before the issuance of that report.

8 (4) ASSUMPTIONS AND GUIDELINES.—OMB
9 and CBO shall prepare estimates under this para-
10 graph in conformance with scorekeeping guidelines
11 determined after consultation among the House and
12 Senate Committees on the Budget, CBO, and OMB.

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