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Congress of the United States  
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COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON FEDERAL LANDS  
CHAIRMAN  
SUBCOMMITTEE ON  
WATER, POWER, AND OCEANS  
COMMITTEE ON THE BUDGET

TO: Interested Colleagues  
FM: Tom McClintock  
RE: Rules changes to restore budget discipline  
DT: March 3, 2016

On our present course, interest on the national debt will exceed our current defense spending in six years. Ten months ago, Congress adopted a budget that balanced by 2024. It called for \$1.040 trillion in discretionary spending for the coming year.

The budget now before us spends \$1.070 trillion and balances in 2026 – but ONLY if we summon the discipline to stick to the budget in future years that has eluded us again this year. Maintaining budget discipline becomes particularly crucial given the deteriorating economic picture.

We absolutely must have a budget if we are to restore congressional control over appropriations and trigger reconciliation. But if we still bankrupt the country because we can't stick to numbers we agreed to just ten months ago, what is the point?

If for various reasons we can't stick to last year's budget, then this year's budget must be accompanied by ENACTED process reforms that will keep us on course in future years, as the RSC recently called for. Since we do not control the Senate or the Presidency, we must look to the House and Conference rules to do so. I recommend four reforms.

**FIRST AND FOREMOST: AMEND THE HOUSE RULES TO ALLOW REDUCTIONS IN MANDATORY SPENDING IN THE APPROPRIATIONS BILLS.** We are constantly reminded that mandatory spending is killing us, but we can't amend mandatory spending in the appropriations bills. The only reason we can't is that House rules don't allow it. We can change those rules any time, but we have chosen not to. That is a bad choice. We should amend House Rule XXI, clause (2)(b) as follows:

“A provision changing existing law may not be reported in a general appropriation bill, including a provision making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation, except germane provisions that retrench expenditures by the reduction of amounts of money covered by the bill (which may include those recommended to the Committee on Appropriations by direction of a legislative committee having jurisdiction over the subject matter), except rescissions of appropriations contained in appropriations Acts, *and changes in direct spending programs that reduce expenditures.*”

This would need to be accompanied by a directive to the Appropriations Committee, either from leadership or by the Conference, to seek such reductions in the Labor/HHS appropriations bill that keep us within the overall spending levels set by the May, 2015 Budget Resolution. This would isolate the reductions to one must-pass bill for the Democrats.

**SECOND: RESTORE A POINT OF ORDER AGAINST UNAUTHORIZED APPROPRIATIONS.** Although we won't waive Rule XXI(2)(b) to allow for mandatory reductions, we routinely waive Rule XXI(2)(a) that forbids appropriations not authorized by law. This practice can be proscribed by inserting into House rules: “It shall not be in order to consider a rule or order that waives the application of rule XXI 2(a)(1).” Alternatively, it can also be done in Conference rules by inserting language that “No bill or amendment shall be made in order that appropriates funds for a purpose not authorized by law, unless as otherwise ordered by majority vote of the Conference.”

The principal argument against this is that there are certain vital functions which are not currently authorized. Let a majority of the Conference decide exceptions (under a Conference rule) or a majority of the House (by appeal). Moreover, let us use this mechanism to review all unauthorized programs and in reforming and reauthorizing them, let us take back the legislative and judicial powers improperly delegated to the executive.

**THIRD: RESTORE A POINT OF ORDER AGAINST APPROPRIATIONS THAT EXCEED THE BUDGET.** Section 302(f)(1) of the Congressional Budget Act forbids appropriations above the 302(a) and (b) levels. Waiving this statutory rule should also be proscribed, either in the House rules (“It shall not be in order to consider a bill or amendment that waives the application of Section 302(f)(1) of the Congressional Budget Act of 1974.”) or the Conference rules (by inserting language that “No bill or amendment shall be made in order that appropriates funds in violation of Section 302(f)(1) of the

Congressional Budget Act of 1974 unless as otherwise ordered by majority vote of the Conference”).

**FOURTH: FORBID EXPANSION OF MANDATORY SPENDING JUST AS WE FORBID EARMARKS.** This reform can be implemented either in the Conference rules (“No bill or amendment shall be made in order that authorizes spending not subject to annual appropriation, unless as otherwise ordered by majority vote of the Conference”), or by House rules (“No bill or amendment shall be in order that authorizes spending not subject to annual appropriation, nor shall it be in order to consider a rule or order that waives this provision”).

These four reforms are well within the ability of the House Republican Conference to enact without the President, without the Senate and without a single House Democrat in a single morning. In my opinion, enacting these reforms would justify supporting a discretionary budget at the \$1.070 trillion spending level.