

114TH CONGRESS
2D SESSION

H. R. 4730

To provide for a congressional reauthorizing schedule for unauthorized Federal programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2016

Mrs. McMORRIS RODGERS (for herself, Mr. BISHOP of Utah, Mr. BRAT, Mr. BUCK, Mr. BYRNE, Mr. CRAMER, Mr. RODNEY DAVIS of Illinois, Mr. FRANKS of Arizona, Mr. HUDSON, Mr. McCLINTOCK, Mr. MESSER, Mr. MULLIN, Mr. OLSON, Mr. PALMER, Mr. TOM PRICE of Georgia, Mr. RIBBLE, Mrs. WAGNER, Mr. WALKER, Mr. WESTERMAN, and Mr. FARENTHOLD) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, Appropriations, and the Budget, 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 provide for a congressional reauthorizing schedule for unauthorized Federal programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Unauthorized Spending Accountability Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SEQUESTER AND SUNSET OF UNAUTHORIZED
PROGRAMS

Sec. 101. Establishment of sequester and sunset schedule.

Sec. 102. Reduction in funding for unauthorized programs.

Sec. 103. Termination of unauthorized programs after third unauthorized year.

Sec. 104. Exemption from obligation limitation, rescission, and termination.

Sec. 105. Offset of rescissions through reductions in direct spending.

Sec. 106. Sunset.

TITLE II—SPENDING ACCOUNTABILITY COMMISSION

Sec. 201. Establishment.

Sec. 202. Duties of Commission.

Sec. 203. Membership.

Sec. 204. Powers of Commission.

Sec. 205. Personnel and other administrative matters.

Sec. 206. Funding.

TITLE III—REAUTHORIZATION CYCLE FOR DISCRETIONARY
PROGRAMS

Sec. 301. Establishment of reauthorization schedule.

3 **TITLE I—SEQUESTER AND SUN-**
 4 **SET OF UNAUTHORIZED PRO-**
 5 **GRAMS**

6 **SEC. 101. ESTABLISHMENT OF SEQUESTER AND SUNSET**
 7 **SCHEDULE.**

8 (a) IN GENERAL.—There is hereby established a re-
 9 occurring three-year rescission and sunset schedule with
 10 respect to any unauthorized program, to begin in fiscal
 11 year 2016, consistent with the requirements of this Act.

12 (b) DEFINITIONS.—In this title—

13 (1) the term “unauthorized program” means
 14 any program or activity listed in the annual report

1 published by the Congressional Budget Office, enti-
2 tled “Unauthorized Appropriations and Expiring
3 Authorizations”, or any successor report, with re-
4 spect to which authorizations of appropriations will
5 expire during the fiscal year in which such report is
6 published; and

7 (2) the term “expiring fiscal year” means, with
8 respect to an unauthorized program, the fiscal year
9 during which authorizations of appropriations will
10 expire for such program.

11 (c) APPLICATION TO PROGRAMS THAT EXPIRED BE-
12 FORE FISCAL YEAR 2016.—For purposes of applying this
13 Act to any unauthorized program funded during fiscal
14 year 2016 and for which authorizations of appropriations
15 expired before such fiscal year, such program shall be
16 deemed to be a program or activity listed in the report
17 referred to in subsection (b)(1) with respect to which au-
18 thorizations of appropriations will expire during fiscal year
19 2016.

20 **SEC. 102. REDUCTION IN FUNDING FOR UNAUTHORIZED**
21 **PROGRAMS.**

22 (a) OBLIGATION LIMITATION.—

23 (1) FIRST FISCAL YEAR FOLLOWING EXPIRA-
24 TION OF AUTHORIZATION.—With respect to any un-
25 authorized program, during the fiscal year imme-

1 diately following the expiring fiscal year, not more
2 than an amount equal to 90 percent of the funds ap-
3 propriated for such program in the expiring fiscal
4 year may be obligated.

5 (2) SECOND AND THIRD FISCAL YEARS FOL-
6 LOWING EXPIRATION OF AUTHORIZATION.—With re-
7 spect to any unauthorized program subject to an ob-
8 ligation limitation under paragraph (1) that remains
9 unauthorized in the second or third fiscal year fol-
10 lowing the expiring fiscal year, during any such sec-
11 ond or third fiscal year, an amount equal to not
12 more than 85 percent of the funds appropriated for
13 such program in the expiring fiscal year may be obli-
14 gated.

15 (b) RESCISSION OF FUNDS.—

16 (1) FIRST FISCAL YEAR FOLLOWING EXPIRA-
17 TION OF AUTHORIZATION.—With respect to any
18 funds made available for an unauthorized program
19 subject to an obligation limitation under subsection
20 (a)(1) in the fiscal year during which such limitation
21 is applicable, on the first day of such fiscal year
22 there is rescinded an amount necessary to reduce
23 such funds to a level equal to 90 percent of the
24 funds appropriated for such program in the expiring
25 fiscal year.

1 (2) SECOND AND THIRD FISCAL YEARS FOL-
2 LOWING EXPIRATION OF AUTHORIZATION.—With re-
3 spect to any funds made available for an unauthor-
4 ized program subject to an obligation limitation
5 under subsection (a)(2), on the first day of the sec-
6 ond or third fiscal year (as the case may be) there
7 is rescinded an amount necessary to reduce such
8 funds to a level equal to 85 percent of the funds ap-
9 propriated for such program in the expiring fiscal
10 year.

11 (c) DISCRETIONARY SPENDING LIMIT ADJUST-
12 MENT.—Effective upon the date of any rescission under
13 subsection (b), the Director of the Office of Management
14 and Budget shall reduce the revised security category or
15 revised nonsecurity category (as the case may be) for the
16 applicable fiscal year under section 251(c) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985 by
18 a dollar amount equal to such rescission.

19 **SEC. 103. TERMINATION OF UNAUTHORIZED PROGRAMS**
20 **AFTER THIRD UNAUTHORIZED YEAR.**

21 (a) IN GENERAL.—Any unauthorized program sub-
22 ject to an obligation limitation under section 102(a)(2)
23 during the third fiscal year following the expiring fiscal
24 year shall, effective immediately on October 1 of the fiscal
25 year immediately following such third fiscal year, be termi-

1 nated. Any unobligated amounts available for such pro-
2 gram after the date of termination shall remain available
3 for recording, adjusting, and liquidating valid obligations
4 of such program issued before such termination date.

5 (b) OBLIGATION OF FUNDS PROHIBITED WITHOUT
6 REAUTHORIZATION.—No funds may be obligated for any
7 program terminated pursuant to subsection (a) in any fis-
8 cal year without an express reauthorization of the program
9 by Congress containing an authorization of appropriations
10 period not to exceed three years.

11 **SEC. 104. EXEMPTION FROM OBLIGATION LIMITATION, RE-**
12 **SCISSION, AND TERMINATION.**

13 (a) REAUTHORIZATION.—

14 (1) IN GENERAL.—Any unauthorized program
15 subject to a rescission under section 102 for any fis-
16 cal year that is expressly reauthorized during such
17 fiscal year shall not be subject to the requirements
18 of this title with respect to that fiscal year or any
19 subsequent second or third fiscal year (as the case
20 may be).

21 (2) RESTORATION OF BUDGET AUTHORITY.—
22 Any budget authority rescinded during the fiscal
23 year of reauthorization shall be restored, and the ap-
24 plicable reduction in the discretionary spending limit

1 for that fiscal year under section 102(e) shall have
2 no force or effect.

3 (3) LIMITATION.—Paragraphs (1) and (2) shall
4 only apply if the reauthorization contains a sunset
5 provision applicable to such program providing for
6 an authorization of appropriations period of not
7 more than three years.

8 (b) RESCISSION OFFSET BY REDUCTION IN DIRECT
9 SPENDING.—Any obligation limitation and rescission
10 under section 102 shall not apply if, before the fiscal year
11 during which such limitation and rescission will occur, a
12 bill is enacted into law as described in section 105.

13 **SEC. 105. OFFSET OF RESCISSIONS THROUGH REDUCTIONS**
14 **IN DIRECT SPENDING.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 end of fiscal year 2017 and any subsequent fiscal year
17 during which this title remains applicable pursuant to sec-
18 tion 106, the Commission shall review Federal programs
19 funded by direct spending.

20 (b) REDUCTION IN DIRECT SPENDING.—

21 (1) IN GENERAL.—Beginning in fiscal year
22 2016, during any fiscal year that an obligation limi-
23 tation and rescission will occur during the subse-
24 quent fiscal year by operation of this title, the Com-
25 mission may submit to Congress a legislative pro-

1 proposal providing for reductions in direct spending, to
2 occur over a period of time not to exceed the next
3 ten fiscal years, in an amount equal to the total
4 amount of discretionary funds that will be so re-
5 scinded, as determined by the Commission.

6 (2) EFFECT OF ENACTMENT.—If the proposal
7 described under paragraph (1) is enacted into law
8 before such subsequent fiscal year begins, the obliga-
9 tion limitation and rescissions that would occur dur-
10 ing such fiscal year as a result of this title shall have
11 no force or effect during that fiscal year.

12 (c) DEFINITION.—In this section, the term “direct
13 spending” has the meaning given such term in section
14 250(c)(8) of the Balanced Budget and Emergency Deficit
15 Control Act of 1985.

16 **SEC. 106. SUNSET.**

17 This title shall sunset on the date that the legislative
18 proposal described under section 301 is enacted into law.
19 The previous sentence shall not apply if such proposal, as
20 enacted, does not include obligation limitations and rescis-
21 sions with respect to unauthorized programs in the
22 amounts and percentages as provided in section 102.

1 **TITLE II—SPENDING**
2 **ACCOUNTABILITY COMMISSION**

3 **SEC. 201. ESTABLISHMENT.**

4 There is established in the legislature a permanent
5 commission, to be known as the “Spending and Account-
6 ability Commission” (in this Act referred to as the “Com-
7 mission”), in order to carry out section 105 and title III
8 of this Act.

9 **SEC. 202. DUTIES OF COMMISSION.**

10 The Commission shall—

11 (1) as described in section 105, conduct com-
12 prehensive reviews of all Federal programs funded
13 through direct spending; and

14 (2) as described in title III, provide a legislative
15 proposal for an authorization cycle for Federal pro-
16 grams funded by discretionary spending.

17 **SEC. 203. MEMBERSHIP.**

18 (a) **NUMBER AND APPOINTMENT.**—The Commission
19 shall be composed of 17 members, as follows:

20 (1) Seven members shall be appointed by the
21 Speaker of the House of Representatives, of whom
22 three shall be appointed in consultation with the mi-
23 nority leader of the House of Representatives.

24 (2) Seven members shall be appointed by the
25 majority leader of the Senate, of whom three shall

1 be appointed in consultation with the minority leader
2 of the Senate.

3 (3) The Comptroller General of the United
4 States.

5 (4) The Director of the Congressional Budget
6 Office.

7 (5) The Director of the Congressional Research
8 Service.

9 (b) MEMBER POWERS AND CRITERIA.—Any indi-
10 vidual appointed pursuant to—

11 (1) subsection (a)(1) or (a)(2) shall be a voting
12 member of the Commission and must be a Member
13 of Congress (as defined in section 2106 of title 5,
14 United States Code, but not including the Vice
15 President); and

16 (2) subsection (a)(3), (a)(4), or (a)(5), shall be
17 a nonvoting member of the Commission.

18 (c) CONGRESSIONAL COMMITTEE MEMBERSHIP RE-
19 QUIREMENTS.—Each committee listed under paragraphs
20 (1) through (7) shall have at least one Member on such
21 committee appointed under subsection (a)(1) or (a)(2):

22 (1) The Committee on Appropriations of the
23 House of Representatives.

24 (2) The Committee on Appropriations of the
25 Senate.

1 (3) The Committee on the Budget of the House
2 of Representatives.

3 (4) The Committee on the Budget of the Sen-
4 ate.

5 (5) The Committee on Ways and Means of the
6 House of Representatives.

7 (6) The Committee on Finance of the Senate.

8 (7) The Joint Economic Committee.

9 (d) CHAIR; VICE-CHAIR.—The chair and vice-chair of
10 the Commission shall be selected by the Speaker of the
11 House of Representatives and the majority leader of the
12 Senate.

13 (e) VACANCIES.—Any vacancy shall be filled in the
14 same manner in which the original appointment was made.

15 **SEC. 204. POWERS OF COMMISSION.**

16 (a) HEARINGS AND SESSIONS.—The Commission
17 may, for the purpose of carrying out this title, hold such
18 hearings, sit and act at such times and places, take such
19 testimony, and receive such evidence as the Commission
20 considers appropriate. The Commission may administer
21 oaths to witnesses appearing before it.

22 (b) OBTAINING INFORMATION.—The Commission
23 may secure directly from any agency information nec-
24 essary to enable it to carry out its duties under this title.
25 Upon request of the chair, the head of that agency shall

1 furnish that information to the Commission in a full and
2 timely manner.

3 (c) SUBPOENA POWER.—

4 (1) AUTHORITY TO ISSUE SUBPOENA.—The
5 Commission may issue a subpoena to require the at-
6 tendance and testimony of witnesses and the produc-
7 tion of evidence relating to any matter under inves-
8 tigation by the Commission.

9 (2) COMPLIANCE WITH SUBPOENA.—If a person
10 refuses to obey an order or subpoena of the Commis-
11 sion that is issued in connection with a Commission
12 proceeding, the Commission may apply to the United
13 States district court in the judicial district in which
14 the proceeding is held for an order requiring the per-
15 son to comply with the subpoena or order.

16 (d) IMMUNITY.—The Commission is an agency of the
17 United States for purposes of part V of title 18, United
18 States Code (relating to immunity of witnesses).

19 (e) CONTRACT AUTHORITY.—The Commission may
20 contract with and compensate government and private
21 agencies or persons for services without regard to section
22 6101 of title 41, United States Code (relating to adver-
23 tising requirement for Federal Government purchases and
24 sales).

1 **SEC. 205. PERSONNEL AND OTHER ADMINISTRATIVE MAT-**
2 **TERS.**

3 (a) PERSONNEL MATTERS.—

4 (1) COMPENSATION.—Members shall not be
5 paid by reason of their service as members.

6 (2) TRAVEL EXPENSES.—Each member shall
7 receive travel expenses, including per diem in lieu of
8 subsistence, in accordance with applicable provisions
9 under subchapter I of chapter 57 of title 5, United
10 States Code.

11 (3) DIRECTOR.—The Commission shall have a
12 Director who shall be appointed by the chair. The
13 Director shall be paid at a rate not to exceed the
14 maximum rate of basic pay for GS–15 of the Gen-
15 eral Schedule.

16 (4) STAFF.—The Director may appoint and fix
17 the pay of additional personnel as the Director con-
18 siders appropriate.

19 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
20 LAWS.—The Director and staff of the Commission
21 shall be appointed subject to the provisions of title
22 5, United States Code, governing appointments in
23 the competitive service, and shall be paid in accord-
24 ance with the provisions of chapter 51 and sub-
25 chapter III of chapter 53 of that title relating to
26 classification and General Schedule pay rates.

1 (b) OTHER ADMINISTRATIVE MATTERS.—

2 (1) POSTAL AND PRINTING SERVICES.—The
3 Commission may use the United States mails and
4 obtain printing and binding services in the same
5 manner and under the same conditions as other
6 agencies.

7 (2) ADMINISTRATIVE SUPPORT SERVICES.—
8 Upon the request of the Commission, the Adminis-
9 trator of General Services shall provide to the Com-
10 mission, on a reimbursable basis, the administrative
11 support services necessary for the Commission to
12 carry out its duties under this title.

13 (3) EXPERTS AND CONSULTANTS.—The Com-
14 mission may procure temporary and intermittent
15 services under section 3109(b) of title 5, United
16 States Code.

17 **SEC. 206. FUNDING.**

18 (a) USE OF EXISTING FUNDS.—The Commission
19 shall be carried out using amounts otherwise appropriated
20 or made available to the House of Representatives and the
21 Senate. No additional funds are authorized to be appro-
22 priated to carry out this Act.

23 (b) ALLOCATION BETWEEN HOUSE AND SENATE.—
24 Of the amounts used to carry out this title—

1 (1) 50 percent shall be derived from the appli-
2 cable accounts of the House of Representatives; and

3 (2) 50 percent shall be derived from the contin-
4 gent fund of the Senate.

5 **TITLE III—REAUTHORIZATION**
6 **CYCLE FOR DISCRETIONARY**
7 **PROGRAMS**

8 **SEC. 301. ESTABLISHMENT OF REAUTHORIZATION SCHED-**
9 **ULE.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of enactment of this Act, the Commission shall sub-
12 mit to Congress a legislative proposal, consistent with the
13 requirements of subsection (b), that establishes a reau-
14 thorization schedule for Federal programs funded by dis-
15 cretionary spending. Such proposal shall be considered
16 under the procedures set forth in subsections (c) and (d).

17 (b) PROPOSAL REQUIREMENTS.—The legislative pro-
18 posal submitted under subsection (a) shall provide for the
19 following:

20 (1) A reauthorization cycle under which, during
21 any fiscal year beginning with fiscal year 2018, any
22 Federal program funded by discretionary spending
23 that will expire during that fiscal year but that Con-
24 gress does not want to terminate is reauthorized,

1 pursuant to a legislation schedule as Congress deems
2 appropriate, for a period not to exceed three years.

3 (2) A sunset provision for any program so reau-
4 thorized that terminates any such program on the
5 date that is not later than 3 years (as the case may
6 be) after the date of such reauthorization.

7 (3) With respect to any program that is unau-
8 thorized, as determined by Congress, an obligation
9 limitation and rescission in the manner and amounts
10 as provided under section 102.

11 (4) A mechanism under which any such limita-
12 tion and rescission may, with respect to any fiscal
13 year, be nullified by the enactment into law, before
14 such fiscal year begins, of a measure reducing direct
15 spending in an amount equal to the total amount of
16 any rescission of discretionary amounts occurring
17 pursuant to the procedures established pursuant to
18 paragraph (3). Such reduction may occur over a pe-
19 riod not to exceed ten years following the fiscal year
20 in which such measure is enacted.

21 (c) PROCEDURE IN THE HOUSE.—

22 (1) INTRODUCTION AND REFERRAL.—

23 (A) IN GENERAL.—Not later than 120
24 days after the date that a proposal is submitted
25 under subsection (a), the chair of the Commis-

1 sion, or a Member of the Commission des-
2 ignated by the chair, shall introduce in the
3 House of Representatives, not later than 60
4 days thereafter, a bill to carry out the proposal.
5 The bill introduced may take into consideration
6 any recommendations of any Member or stand-
7 ing committee of the House of Representatives
8 to amend such proposal to the Commission, but
9 only if the recommendations are submitted not
10 later than 60 days after the proposal is sub-
11 mitted under subsection (a).

12 (B) REFERRAL.—Any committee of the
13 House of Representatives to which a bill intro-
14 duced under subparagraph (A) is referred shall
15 report it to the House without amendment not
16 later than the fifth legislative day after the date
17 of its introduction. If a committee fails to re-
18 port the bill without amendment within that pe-
19 riod or the House has adopted a concurrent res-
20 olution providing for adjournment sine die at
21 the end of a Congress, such committee shall be
22 automatically discharged from further consider-
23 ation of the bill and it shall be placed without
24 amendment on the appropriate calendar.

1 (2) EXPEDITED CONSIDERATION IN THE
2 HOUSE.—

3 (A) IN GENERAL.—Not later than five leg-
4 islative days after the bill introduced under
5 paragraph (1)(A) is reported or the committees
6 of referral have been discharged from further
7 consideration thereof, it shall be in order to
8 move to proceed to consider the bill in the
9 House. Such a motion shall be in order only at
10 a time designated by the Speaker in the legisla-
11 tive schedule within two legislative days after
12 the day on which the proponent announces an
13 intention to the House to offer the motion. The
14 previous question shall be considered as ordered
15 on the motion to its adoption without inter-
16 vening motion.

17 (B) CONSIDERATION.—If the motion to
18 proceed is agreed to, the House shall imme-
19 diately proceed to consider the bill introduced
20 under paragraph (1)(A) in the House without
21 intervening motion. Such bill shall be consid-
22 ered as read. All points of order against such
23 bill and against its consideration are waived.
24 The previous question shall be considered as or-
25 dered on such bill to its passage without inter-

1 vening motion except 2 hours of debate equally
2 divided and controlled by the proponent and an
3 opponent and one motion to limit debate on the
4 bill.

○