

[DISCUSSION DRAFT]114TH CONGRESS
2^D SESSION**H. R.** _____

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

IN THE HOUSE OF REPRESENTATIVES

Mrs. McMORRIS RODGERS introduced the following bill; which was referred to the Committee on _____

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”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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.

1 **TITLE I—SEQUESTER AND SUN-** 2 **SET OF UNAUTHORIZED PRO-** 3 **GRAMS**

4 **SEC. 101. ESTABLISHMENT OF SEQUESTER AND SUNSET** 5 **SCHEDULE.**

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

10 (b) DEFINITIONS.—In this title—

11 (1) the term “unauthorized program” means
12 any program or activity listed in the annual report
13 published by the Congressional Budget Office, enti-
14 tled “Unauthorized Appropriations and Expiring
15 Authorizations”, or any successor report, with re-
16 spect to which authorizations of appropriations will

1 expire during the fiscal year in which such report is
2 published; and

3 (2) the term “expiring fiscal year” means, with
4 respect to an unauthorized program, the fiscal year
5 during which authorizations of appropriations will
6 expire for such program.

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

16 **SEC. 102. REDUCTION IN FUNDING FOR UNAUTHORIZED**
17 **PROGRAMS.**

18 (a) OBLIGATION LIMITATION.—

19 (1) FIRST FISCAL YEAR FOLLOWING EXPIRA-
20 TION OF AUTHORIZATION.—With respect to any un-
21 authorized program, during the fiscal year imme-
22 diately following the expiring fiscal year, not more
23 than an amount equal to 90 percent of the funds ap-
24 propriated for such program in the expiring fiscal
25 year may be obligated.

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

11 (b) RESCISSION OF FUNDS.—

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

22 (2) SECOND AND THIRD FISCAL YEARS FOL-
23 LOWING EXPIRATION OF AUTHORIZATION.—With re-
24 spect to any funds made available for an unauthor-
25 ized program subject to an obligation limitation

1 under subsection (a)(2), on the first day of the sec-
2 ond or third fiscal year (as the case may be) there
3 is rescinded an amount necessary to reduce such
4 funds to a level equal to 85 percent of the funds ap-
5 propriated for such program in the expiring fiscal
6 year.

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

15 **SEC. 103. TERMINATION OF UNAUTHORIZED PROGRAMS**

16 **AFTER THIRD UNAUTHORIZED YEAR.**

17 (a) IN GENERAL.—Any unauthorized program sub-
18 ject to an obligation limitation under section 102(a)(2)
19 during the third fiscal year following the expiring fiscal
20 year shall, effective immediately on October 1 of the fiscal
21 year immediately following such third fiscal year, be termi-
22 nated. Any unobligated amounts available for such pro-
23 gram after the date of termination shall remain available
24 for recording, adjusting, and liquidating valid obligations
25 of such program issued before such termination date.

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

7 **SEC. 104. EXEMPTION FROM OBLIGATION LIMITATION, RE-**
8 **SCISSION, AND TERMINATION.**

9 (a) REAUTHORIZATION.—

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

17 (2) RESTORATION OF BUDGET AUTHORITY.—
18 Any budget authority rescinded during the fiscal
19 year of reauthorization shall be restored, and the ap-
20 plicable reduction in the discretionary spending limit
21 for that fiscal year under section 102(c) shall have
22 no force or effect.

23 (3) LIMITATION.—Paragraphs (1) and (2) shall
24 only apply if the reauthorization contains a sunset
25 provision applicable to such program providing for

1 an authorization of appropriations period of not
2 more than three years.

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

8 **SEC. 105. OFFSET OF RESCISSIONS THROUGH REDUCTIONS**
9 **IN DIRECT SPENDING.**

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

15 (b) REDUCTION IN DIRECT SPENDING.—

16 (1) IN GENERAL.—Beginning in fiscal year
17 2016, during any fiscal year that an obligation limi-
18 tation and rescission will occur during the subse-
19 quent fiscal year by operation of this title, the Com-
20 mission may submit to Congress a legislative pro-
21 posal providing for reductions in direct spending, to
22 occur over a period of time not to exceed the next
23 ten fiscal years, in an amount equal to the total
24 amount of discretionary funds that will be so re-
25 scinded, as determined by the Commission.

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

7 (c) DEFINITION.—In this section, the term “direct
8 spending” has the meaning given such term in section
9 250(c)(8) of the Balanced Budget and Emergency Deficit
10 Control Act of 1985.

11 **SEC. 106. SUNSET.**

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

18 **TITLE II—SPENDING**
19 **ACCOUNTABILITY COMMISSION**

20 **SEC. 201. ESTABLISHMENT.**

21 There is established in the legislature a permanent
22 commission, to be known as the “Spending and Account-
23 ability Commission” (in this Act referred to as the “Com-
24 mission”), in order to carry out section 105 and title III
25 of this Act.

1 **SEC. 202. DUTIES OF COMMISSION.**

2 The Commission shall—

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

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

9 **SEC. 203. MEMBERSHIP.**

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

12 (1) Seven members shall be appointed by the
13 Speaker of the House of Representatives, of whom
14 three shall be appointed in consultation with the mi-
15 nority leader of the House of Representatives.

16 (2) Seven members shall be appointed by the
17 majority leader of the Senate, of whom three shall
18 be appointed in consultation with the minority leader
19 of the Senate.

20 (3) The Comptroller General of the United
21 States.

22 (4) The Director of the Congressional Budget
23 Office.

24 (5) The Director of the Congressional Research
25 Service.

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

3 (1) subsection (a)(1) or (a)(2) shall be a voting
4 member of the Commission and must be a Member
5 of Congress (as defined in section 2106 of title 5,
6 United States Code, but not including the Vice
7 President); and

8 (2) subsection (a)(3), (a)(4), or (a)(5), shall be
9 a non-voting member of the Commission.

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

14 (1) The Committee on Appropriations of the
15 House of Representatives.

16 (2) The Committee on Appropriations of the
17 Senate.

18 (3) The Committee on the Budget of the House
19 of Representatives.

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

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

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

25 (7) The Joint Economic Committee.

1 (d) CHAIR; VICE-CHAIR.—The chair and vice-chair of
2 the Commission shall be selected by the Speaker of the
3 House of Representatives and the majority leader of the
4 Senate.

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

7 **SEC. 204. POWERS OF COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out this title, hold such
10 hearings, sit and act at such times and places, take such
11 testimony, and receive such evidence as the Commission
12 considers appropriate. The Commission may administer
13 oaths to witnesses appearing before it.

14 (b) OBTAINING INFORMATION.—The Commission
15 may secure directly from any agency information nec-
16 essary to enable it to carry out its duties under this title.
17 Upon request of the chair, the head of that agency shall
18 furnish that information to the Commission in a full and
19 timely manner.

20 (c) SUBPOENA POWER.—

21 (1) AUTHORITY TO ISSUE SUBPOENA.—The
22 Commission may issue a subpoena to require the at-
23 tendance and testimony of witnesses and the produc-
24 tion of evidence relating to any matter under inves-
25 tigation by the Commission.

1 (2) COMPLIANCE WITH SUBPOENA.—If a person
2 refuses to obey an order or subpoena of the Commis-
3 sion that is issued in connection with a Commission
4 proceeding, the Commission may apply to the United
5 States district court in the judicial district in which
6 the proceeding is held for an order requiring the per-
7 son to comply with the subpoena or order.

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

11 (e) CONTRACT AUTHORITY.—The Commission may
12 contract with and compensate government and private
13 agencies or persons for services without regard to section
14 6101 of title 41, United States Code (relating to adver-
15 tising requirement for Federal Government purchases and
16 sales).

17 **SEC. 205. PERSONNEL AND OTHER ADMINISTRATIVE MAT-**
18 **TERS.**

19 (a) PERSONNEL MATTERS.—

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

22 (2) TRAVEL EXPENSES.—Each member shall
23 receive travel expenses, including per diem in lieu of
24 subsistence, in accordance with applicable provisions

1 under subchapter I of chapter 57 of title 5, United
2 States Code.

3 (3) DIRECTOR.—The Commission shall have a
4 Director who shall be appointed by the chair. The
5 Director shall be paid at a rate not to exceed the
6 maximum rate of basic pay for GS-15 of the General
7 Schedule.

8 (4) STAFF.—The Director may appoint and fix
9 the pay of additional personnel as the Director con-
10 siders appropriate.

11 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—The Director and staff of the Commission
13 shall be appointed subject to the provisions of title
14 5, United States Code, governing appointments in
15 the competitive service, and shall be paid in accord-
16 ance with the provisions of chapter 51 and sub-
17 chapter III of chapter 53 of that title relating to
18 classification and General Schedule pay rates.

19 (b) OTHER ADMINISTRATIVE MATTERS.—

20 (1) POSTAL AND PRINTING SERVICES.—The
21 Commission may use the United States mails and
22 obtain printing and binding services in the same
23 manner and under the same conditions as other
24 agencies.

1 (2) ADMINISTRATIVE SUPPORT SERVICES.—

2 Upon the request of the Commission, the Adminis-
3 trator of General Services shall provide to the Com-
4 mission, on a reimbursable basis, the administrative
5 support services necessary for the Commission to
6 carry out its duties under this title.

7 (3) EXPERTS AND CONSULTANTS.—The Com-
8 mission may procure temporary and intermittent
9 services under section 3109(b) of title 5, United
10 States Code.

11 **SEC. 206. FUNDING.**

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

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

19 (1) 50 percent shall be derived from the appli-
20 cable accounts of the House of Representatives; and

21 (2) 50 percent shall be derived from the contin-
22 gent fund of the Senate.

1 **TITLE III—REAUTHORIZATION**
2 **CYCLE FOR DISCRETIONARY**
3 **PROGRAMS**

4 **SEC. 301. ESTABLISHMENT OF REAUTHORIZATION SCHED-**
5 **ULE.**

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

13 (b) PROPOSAL REQUIREMENTS.—The legislative pro-
14 posal submitted under subsection (a) shall provide for the
15 following:

16 (1) A reauthorization cycle under which, during
17 any fiscal year beginning with fiscal year 2018, any
18 Federal program funded by discretionary spending
19 that will expire during that fiscal year but that Con-
20 gress does not want to terminate is reauthorized,
21 pursuant to a legislation schedule as Congress deems
22 appropriate, for a period not to exceed three years.

23 (2) A sunset provision for any program so reau-
24 thorized that terminates any such program on the

1 date that is not later than 3 years (as the case may
2 be) after the date of such reauthorization.

3 (3) With respect to any program that is unau-
4 thORIZED, as determined by Congress, an obligation
5 limitation and rescission in the manner and amounts
6 as provided under section 102.

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

17 (c) PROCEDURE IN THE HOUSE.—

18 (1) INTRODUCTION AND REFERRAL.—

19 (A) IN GENERAL.—Not later than 120
20 days after the date that a proposal is submitted
21 under subsection (a), the chair of the Commis-
22 sion, or a Member of the Commission des-
23 ignated by the chair, shall introduce in the
24 House of Representatives, not later than 60
25 days thereafter, a bill to carry out the proposal.

1 The bill introduced may take into consideration
2 any recommendations of any Member or stand-
3 ing committee of the House of Representatives
4 to amend such proposal to the Commission, but
5 only if the recommendations are submitted not
6 later than 60 days after the proposal is sub-
7 mitted under subsection (a).

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

21 (2) EXPEDITED CONSIDERATION IN THE
22 HOUSE.—

23 (A) IN GENERAL.—Not later than five leg-
24 islative days after the bill introduced under
25 paragraph (1)(A) is reported or the committees

1 of referral have been discharged from further
2 consideration thereof, it shall be in order to
3 move to proceed to consider the bill in the
4 House. Such a motion shall be in order only at
5 a time designated by the Speaker in the legisla-
6 tive schedule within two legislative days after
7 the day on which the proponent announces an
8 intention to the House to offer the motion. The
9 previous question shall be considered as ordered
10 on the motion to its adoption without inter-
11 vening motion.

12 (B) CONSIDERATION.—If the motion to
13 proceed is agreed to, the House shall imme-
14 diately proceed to consider the bill introduced
15 under paragraph (1)(A) in the House without
16 intervening motion. Such bill shall be consid-
17 ered as read. All points of order against such
18 bill and against its consideration are waived.
19 The previous question shall be considered as or-
20 dered on such bill to its passage without inter-
21 vening motion except 2 hours of debate equally
22 divided and controlled by the proponent and an
23 opponent and one motion to limit debate on the
24 bill.

25 (d) PROCEDURE IN THE SENATE.—***[To be provided]***