

115TH CONGRESS  
1ST SESSION

# H. R. 4713

To increase the long-term fiscal accountability of direct spending legislation.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2017

Mr. KINZINGER (for himself, Mr. COOPER, Ms. JENKINS of Kansas, Mr. YOHO, Mr. SANFORD, Mr. PITTENGER, and Ms. SINEMA) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Rules, 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

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## A BILL

To increase the long-term fiscal accountability of direct spending legislation.

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; PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Truth in Spending Act of 2017”.

6 (b) **PURPOSE.**—It is the purpose of this Act to—

7 (1) improve congressional control over the Fed-  
8 eral budget process;

1           (2) to facilitate the determination each year of  
2           the appropriate level of Federal revenues and ex-  
3           penditures by the Congress and the President; and

4           (3) to provide for the furnishing of information  
5           that will assist the Congress in controlling growth of  
6           direct spending programs.

7 **SEC. 2. PRESIDENTS' BUDGET SUBMISSIONS.**

8           (a) OMB REPORT REGARDING DIFFERENCE BE-  
9           TWEEN ACTUAL AND ESTIMATED COSTS OF DIRECT  
10          SPENDING LEGISLATION.—Section 1105(a) of title 31,  
11          United States Code, is amended by adding at the end the  
12          following new paragraph:

13                 “(40) the most recent reports of the Director of  
14          the Office of Management and Budget under sub-  
15          sections (a) and (b) of section 3 of the Truth in  
16          Spending Act of 2017 regarding the difference be-  
17          tween the actual costs and the estimated costs of di-  
18          rect spending legislation, including proposed legisla-  
19          tive language, if any, in such reports.”.

20          (b) EFFECTIVE DATE.—The amendment made by  
21          subsection (a) shall apply to budget submissions made by  
22          the President beginning with the submission for fiscal year  
23          2019.

1 **SEC. 3. LONG-TERM FISCAL ACCOUNTABILITY OF DIRECT**  
2 **SPENDING LEGISLATION.**

3 (a) INITIAL FIVE-YEAR REPORT.—Not later than  
4 January 15, 2018, and each subsequent year, the Director  
5 of the Office of Management and Budget shall submit to  
6 the President for inclusion in his annual budget submis-  
7 sion under section 1105(a) of title 31, United States Code,  
8 a report setting forth the following:

9 (1) For all Acts affecting direct spending rel-  
10 ative to the baseline enacted during the sixth cal-  
11 endar year before the calendar year in which this re-  
12 port is submitted, the total cost as estimated by the  
13 Director of the Congressional Budget Office for the  
14 then budget year and four outyears.

15 (2) For all Acts affecting direct spending rel-  
16 ative to the baseline enacted during the sixth cal-  
17 endar year before the calendar year in which this re-  
18 port is submitted, the actual total cost as computed  
19 by the Director of the Office of Management and  
20 Budget for the then budget year and four outyears.

21 (3) For such 5-fiscal-year period, the net  
22 amount by which the actual cost of all such Acts ex-  
23 ceeds the estimated cost of all such Acts, or the net  
24 amount by which the estimated cost of all such Acts  
25 exceeds the actual cost of all such Acts, as the case  
26 may be.

1           (4) If the actual total cost of all such Acts ex-  
2           ceeds the estimated total cost, then proposed legisla-  
3           tive language to eliminate such excess cost.

4           (5) If the actual total cost of all such Acts ex-  
5           ceeds the estimated total cost, then a detailed state-  
6           ment of the most likely reasons why that occurred.

7           (6) A list of each Act for which the actual total  
8           cost exceeded the estimated total cost for the appli-  
9           cable five-year period described in paragraph (3) and  
10          the dollar amount of such excess.

11          (b) FOLLOW-UP FIVE-YEAR REPORT.—Not later  
12          than January 15, 2018, and each subsequent year, the  
13          Director of the Office of Management and Budget shall  
14          submit to the President for inclusion in his annual budget  
15          submission under section 1105(a) of title 31, United  
16          States Code, a report setting forth the following:

17               (1) For all Acts affecting direct spending rel-  
18               ative to the baseline enacted during the eleventh cal-  
19               endar year before the calendar year in which this re-  
20               port is submitted, the total cost as estimated by the  
21               Director of the Congressional Budget Office for the  
22               5-fiscal-year period, the first fiscal year of which be-  
23               gins immediately after the last fiscal year covered by  
24               the corresponding initial five-year report under sub-  
25               section (a).

1           (2) For all Acts affecting direct spending relative to the baseline enacted during the eleventh calendar year before the calendar year in which this report is submitted, the actual total cost as computed by the Director of the Office of Management and Budget for the 5-fiscal-year period, the first fiscal year of which begins immediately after the last fiscal year covered by the corresponding initial five-year report under subsection (a).

10           (3) For such 5-fiscal-year period, the net amount by which the actual cost of all such Acts exceeds the estimated cost of all such Acts, or the net amount by which the estimated cost of all such Acts exceeds the actual cost of all such Acts, as the case may be.

16           (4) If the actual total cost of all such Acts exceeds the estimated total cost, then propose legislative language to eliminate such excess cost.

19           (5) If the actual total cost of all such Acts exceeds the estimated total cost, then a detailed statement of the most likely reasons why that occurred.

22           (6) A list of each Act for which the actual total cost exceeded the estimated total cost for the applicable five-year period described in paragraph (3) and the dollar amount of such excess.

1 (c) DEFINITION.—As used in this section, the term  
2 “direct spending” has the meaning given such term in sec-  
3 tion 250(c)(8) of the Balanced Budget and Emergency  
4 Deficit Control Act of 1985.

5 **SEC. 4. FAST TRACK PROCEDURE.**

6 (a) PRESIDENTIAL SUBMISSION TO CONGRESS.—  
7 Upon receiving any report from the Director of the Office  
8 of Management and Budget pursuant to subsection (a) or  
9 (b) of section 3, the President shall, within 7 days, submit  
10 any proposed legislative language set forth in such report  
11 to the House of Representatives and to the Senate.

12 (b) CONGRESSIONAL CONSIDERATION.—

13 (1) INTRODUCTION.—

14 (A) IN GENERAL.—On the day on which  
15 the proposed legislative language is submitted  
16 by the President to the House of Representa-  
17 tives and the Senate under subsection (a), it  
18 shall be introduced (by request) in the Senate  
19 by the majority leader of the Senate or by  
20 Members of the Senate designated by the ma-  
21 jority leader of the Senate and shall be intro-  
22 duced (by request) in the House by the major-  
23 ity leader of the House or by Members of the  
24 House designated by the majority leader of the  
25 House.

1 (B) NOT IN SESSION.—If either House is  
2 not in session on the day on which such legisla-  
3 tive proposal is submitted, the legislative pro-  
4 posal shall be introduced in that House, as pro-  
5 vided in subparagraph (A), on the first day  
6 thereafter on which that House is in session.

7 (C) ANY MEMBER.—If the legislative pro-  
8 posal is not introduced in either House within  
9 5 days on which that House is in session after  
10 the day on which the legislative proposal is sub-  
11 mitted, then any Member of that House may  
12 introduce the legislative proposal.

13 (D) REFERRAL.—The legislation intro-  
14 duced under this paragraph shall be referred by  
15 the Presiding Officers of the respective Houses  
16 to the appropriate committees.

17 (2) COMMITTEE CONSIDERATION OF PRO-  
18 POSAL.—

19 (A) REPORTING BILL.—Not later than  
20 April 1 of any year in which a proposal is sub-  
21 mitted by the President to Congress under this  
22 section, the applicable committees of the House  
23 of Representatives and of the Senate may re-  
24 port the bill referred to them under paragraph  
25 (1)(D) with committee amendments, such that

1 the bill, as amended, achieves the cost savings  
2 in the original submission.

3 (B) DISCHARGE.—If, with respect to the  
4 House involved, the committee has not reported  
5 the bill by the date required by subparagraph  
6 (A), the committee shall be discharged from  
7 further consideration of the proposal.

8 (3) LIMITATION ON CHANGES TO REC-  
9 OMMENDATIONS.—

10 (A) IN GENERAL.—It shall not be in order  
11 in the Senate or the House of Representatives  
12 to consider any bill, resolution, or amendment  
13 pursuant to this subsection or conference report  
14 thereon that fails to achieve the cost savings set  
15 forth in the original submission by the Presi-  
16 dent from among the Acts set forth on the list  
17 compiled under section 3(a)(6).

18 (B) WAIVER.—This paragraph may be  
19 waived or suspended in the Senate only by the  
20 affirmative vote of three-fifths of the Members,  
21 duly chosen and sworn.

22 (C) APPEALS.—An affirmative vote of  
23 three-fifths of the Members of the Senate, duly  
24 chosen and sworn, shall be required in the Sen-  
25 ate to sustain an appeal of the ruling of the

1 Chair on a point of order raised under this  
2 paragraph.

3 (4) EXPEDITED PROCEDURE.—

4 (A) CONSIDERATION.—A motion to pro-  
5 ceed to the consideration of the bill in the Sen-  
6 ate is not debatable.

7 (B) AMENDMENT.—

8 (i) TIME LIMITATION.—Debate in the  
9 Senate on any amendment to a bill under  
10 this section shall be limited to 1 hour, to  
11 be equally divided between, and controlled  
12 by, the mover and the manager of the bill,  
13 and debate on any amendment to an  
14 amendment, debatable motion, or appeal  
15 shall be limited to 30 minutes, to be equal-  
16 ly divided between, and controlled by, the  
17 mover and the manager of the bill, except  
18 that in the event the manager of the bill  
19 is in favor of any such amendment, mo-  
20 tion, or appeal, the time in opposition  
21 thereto shall be controlled by the minority  
22 leader or such leader's designee.

23 (ii) GERMANE.—No amendment that  
24 is not germane to the provisions of such  
25 bill shall be received.

1 (iii) ADDITIONAL TIME.—The leaders,  
2 or either of them, may, from the time  
3 under their control on the passage of the  
4 bill, allot additional time to any Senator  
5 during the consideration of any amend-  
6 ment, debatable motion, or appeal.

7 (iv) AMENDMENT NOT IN ORDER.—It  
8 shall not be in order to consider an amend-  
9 ment that would cause the bill to have cost  
10 savings that are less than the cost savings  
11 set forth in the original submission by the  
12 President.

13 (v) WAIVER AND APPEALS.—This  
14 paragraph may be waived or suspended in  
15 the Senate only by the affirmative vote of  
16 three-fifths of the Members, duly chosen  
17 and sworn. An affirmative vote of three-  
18 fifths of the Members of the Senate, duly  
19 chosen and sworn, shall be required in the  
20 Senate to sustain an appeal of the ruling  
21 of the Chair on a point of order raised  
22 under this section.

23 (C) CONSIDERATION BY THE OTHER  
24 HOUSE.—

1 (i) IN GENERAL.—The expedited pro-  
2 cedures provided in this subsection for the  
3 consideration of a bill introduced pursuant  
4 to paragraph (1) shall not apply to such a  
5 bill that is received by one House from the  
6 other House if such a bill was not intro-  
7 duced in the receiving House.

8 (ii) BEFORE PASSAGE.—If a bill that  
9 is introduced pursuant to paragraph (1) is  
10 received by one House from the other  
11 House, after introduction but before dis-  
12 position of such a bill in the receiving  
13 House, then the following shall apply:

14 (I) The receiving House shall  
15 consider the bill introduced in that  
16 House through all stages of consider-  
17 ation up to, but not including, pas-  
18 sage.

19 (II) The question on passage  
20 shall be put on the bill of the other  
21 House as amended by the language of  
22 the receiving House.

23 (iii) AFTER PASSAGE.—If a bill intro-  
24 duced pursuant to paragraph (1) is re-  
25 ceived by one House from the other House,

1 after such a bill is passed by the receiving  
2 House, then the vote on passage of the bill  
3 that originates in the receiving House shall  
4 be considered to be the vote on passage of  
5 the bill received from the other House as  
6 amended by the language of the receiving  
7 House.

8 (iv) DISPOSITION.—Upon disposition  
9 of a bill introduced pursuant to paragraph  
10 (1) that is received by one House from the  
11 other House, it shall no longer be in order  
12 to consider the bill that originates in the  
13 receiving House.

14 (v) LIMITATION.—Clauses (ii), (iii),  
15 and (iv) shall apply only to a bill received  
16 by one House from the other House if the  
17 bill would have cost savings that are not  
18 less than the cost savings set forth in the  
19 original submission by the President.

20 (D) SENATE LIMITS ON DEBATE.—

21 (i) IN GENERAL.—In the Senate, con-  
22 sideration of the bill and on all debatable  
23 motions and appeals in connection there-  
24 with shall not exceed a total of 20 hours,  
25 which shall be divided equally between the

1 majority and minority leaders or their des-  
2 ignees.

3 (ii) MOTION TO FURTHER LIMIT DE-  
4 BATE.—A motion to further limit debate  
5 on the bill is in order and is not debatable.

6 (iii) MOTION OR APPEAL.—Any debat-  
7 able motion or appeal is debatable for not  
8 to exceed 1 hour, to be divided equally be-  
9 tween those favoring and those opposing  
10 the motion or appeal.

11 (iv) FINAL DISPOSITION.—After 20  
12 hours of consideration, the Senate shall  
13 proceed, without any further debate on any  
14 question, to vote on the final disposition  
15 thereof to the exclusion of all amendments  
16 not then pending before the Senate at that  
17 time and to the exclusion of all motions,  
18 except a motion to table, or to reconsider  
19 and one quorum call on demand to estab-  
20 lish the presence of a quorum (and mo-  
21 tions required to establish a quorum) im-  
22 mediately before the final vote begins.

23 (E) CONSIDERATION IN CONFERENCE.—

24 (i) IN GENERAL.—Consideration in  
25 the Senate and the House of Representa-

1           tives on the conference report or any mes-  
2           sages between Houses shall be limited to  
3           10 hours, equally divided and controlled by  
4           the majority and minority leaders of the  
5           Senate or their designees and the Speaker  
6           of the House of Representatives and the  
7           minority leader of the House of Represent-  
8           atives or their designees.

9           (ii) TIME LIMITATION.—Debate in the  
10          Senate on any amendment under this sub-  
11          paragraph shall be limited to 1 hour, to be  
12          equally divided between, and controlled by,  
13          the mover and the manager of the bill, and  
14          debate on any amendment to an amend-  
15          ment, debatable motion, or appeal shall be  
16          limited to 30 minutes, to be equally divided  
17          between, and controlled by, the mover and  
18          the manager of the bill, except that in the  
19          event the manager of the bill is in favor of  
20          any such amendment, motion, or appeal,  
21          the time in opposition thereto shall be con-  
22          trolled by the minority leader or such lead-  
23          er's designee.

24          (iii) FINAL DISPOSITION.—After 10  
25          hours of consideration, the Senate shall

1 proceed, without any further debate on any  
2 question, to vote on the final disposition  
3 thereof to the exclusion of all motions not  
4 then pending before the Senate at that  
5 time or necessary to resolve the differences  
6 between the Houses and to the exclusion of  
7 all other motions, except a motion to table,  
8 or to reconsider and one quorum call on  
9 demand to establish the presence of a  
10 quorum (and motions required to establish  
11 a quorum) immediately before the final  
12 vote begins.

13 (iv) LIMITATION.—Clauses (i) through  
14 (iii) shall only apply to a conference report,  
15 message or the amendments thereto if the  
16 conference report, message, or an amend-  
17 ment thereto—

18 (I) is related only to the program  
19 under this title; and

20 (II) satisfies the requirements of  
21 subparagraphs (A)(i) and (C) of sub-  
22 section (c)(2).

23 (F) VETO.—If the President vetoes the  
24 bill, debate on a veto message in the Senate  
25 under this subsection shall be 1 hour equally di-

1           vided between the majority and minority leaders  
2           or their designees.

3           (5) RULES OF THE SENATE AND HOUSE OF  
4           REPRESENTATIVES.—This section is enacted by Con-  
5           gress—

6                   (A) as an exercise of the rulemaking power  
7                   of the Senate and the House of Representa-  
8                   tives, respectively, and is deemed to be part of  
9                   the rules of each House, respectively, but appli-  
10                  cable only with respect to the procedure to be  
11                  followed in that House in the case of a bill  
12                  under this section, and it supersedes other rules  
13                  only to the extent that it is inconsistent with  
14                  such rules; and

15                   (B) with full recognition of the constitu-  
16                   tional right of either House to change the rules  
17                   (so far as they relate to the procedure of that  
18                   House) at any time, in the same manner, and  
19                   to the same extent as in the case of any other  
20                   rule of that House.

21           (c) NO ENTRY ON PAYGO SCORECARDS.—The  
22           budgetary effects of any legislation under this section shall  
23           not be entered on either PAYGO scorecard under the Stat-  
24           utory Pay-As-You-Go Act of 2010.

○