

111TH CONGRESS  
2D SESSION

# H. R. 5954

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Ms. GIFFORDS (for herself, Mr. DJOU, Mr. TANNER, Mr. SCHRADER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COOPER, Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. NYE, Mr. MURPHY of New York, Mr. BOYD, Mr. BOREN, Mr. HOLDEN, Mr. ALTMIRE, Mr. BOSWELL, Mr. CARNEY, Mr. CHILDERS, Mr. MINNICK, Mr. ROSS, Mr. MICHAUD, Mr. CUELLAR, Mr. POMEROY, Mr. HILL, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. WILSON of Ohio, Ms. MARKEY of Colorado, Mr. KRATOVIL, Mr. DAVIS of Tennessee, Mr. GORDON of Tennessee, Mr. MATHESON, Mr. ADLER of New Jersey, Mr. LARSEN of Washington, Mr. QUIGLEY, and Mr. KIND) 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 2010”.

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

2 (1) improve congressional control over the Fed-  
3 eral budget process;

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

7 (3) to provide for the furnishing of information  
8 that will assist the Congress in controlling growth of  
9 direct spending programs.

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

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

16 “(37) the most recent reports of the Director of  
17 the Office of Management and Budget under sub-  
18 sections (a) and (b) of section 3 of the Truth in  
19 Spending Act of 2010 regarding the difference be-  
20 tween the actual costs and the estimated costs of di-  
21 rect spending legislation, including proposed legisla-  
22 tive language, if any, in such reports.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall apply to budget submissions made by

1 the President beginning with the submission for fiscal year  
2 2012.

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

5 (a) INITIAL FIVE-YEAR REPORT.—Not later than  
6 January 15 of calendar year 2011 and each subsequent  
7 calendar year, the Director of the Office of Management  
8 and Budget shall submit to the President for inclusion in  
9 his annual budget submission under section 1105(a) of  
10 title 31, United States Code, a report setting forth the  
11 following:

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

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

24 (3) For such 5 fiscal-year period, the net  
25 amount by which the actual cost of all such Acts ex-

1       ceeds the estimated cost of all such Acts, or the net  
2       amount by which the estimated cost of all such Acts  
3       exceeds the actual cost of all such Acts, as the case  
4       may be.

5           (4) If the actual total cost of all such Acts ex-  
6       ceeds the estimated total cost, then propose legisla-  
7       tive language to eliminate such excess cost.

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

11      (b) FOLLOW-UP FIVE-YEAR REPORT.—Not later  
12      than January 15 of calendar year 2016 and each subse-  
13      quent calendar year, the Director of the Office of Manage-  
14      ment and Budget shall submit to the President for inclu-  
15      sion in his annual budget submission under section  
16      1105(a) of title 31, United States Code, a report setting  
17      forth the following:

18           (1) For all Acts affecting direct spending rel-  
19      ative to the baseline enacted during the eleventh cal-  
20      endar year before the calendar year in which this re-  
21      port is submitted, the total cost as estimated by the  
22      Director of the Congressional Budget Office for the  
23      5 fiscal-year period, the last fiscal year of which  
24      ends on September 30 of the preceding calendar  
25      year.

1           (2) For all Acts affecting direct spending rel-  
2           ative to the baseline enacted during the eleventh cal-  
3           endar year before the calendar year in which this re-  
4           port is submitted, the actual total cost as computed  
5           by the Director of the Office of Management and  
6           Budget for the 5 fiscal-year period, the last fiscal  
7           year of which ends on September 30 of the pre-  
8           ceding calendar year.

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

15          (4) If the actual total cost of all such Acts ex-  
16          ceeds the estimated total cost, then propose legisla-  
17          tive language to eliminate such excess cost.

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

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

1 **SEC. 4. FAST TRACK PROCEDURE.**

2 (a) **PRESIDENTIAL SUBMISSION TO CONGRESS.—**

3 Upon receiving any report from the Director of the Office  
4 of Management and Budget pursuant to subsection (a) or  
5 (b) of section 3, the President shall, within 7 days, submit  
6 any proposed legislative language set forth in such report  
7 to the House of Representatives and to the Senate.

8 (b) **CONGRESSIONAL CONSIDERATION.—**

9 (1) **INTRODUCTION.—**

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

22 (B) **NOT IN SESSION.—**If either House is  
23 not in session on the day on which such legisla-  
24 tive proposal is submitted, the legislative pro-  
25 posal shall be introduced in that House, as pro-

1           vided in subparagraph (A), on the first day  
2           thereafter on which that House is in session.

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

9           (D) REFERRAL.—The legislation intro-  
10          duced under this paragraph shall be referred by  
11          the Presiding Officers of the respective Houses  
12          to the appropriate committees.

13          (2) COMMITTEE CONSIDERATION OF PRO-  
14          POSAL.—

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

24          (B) DISCHARGE.—If, with respect to the  
25          House involved, the committee has not reported

1 the bill by the date required by subparagraph  
2 (A), the committee shall be discharged from  
3 further consideration of the proposal.

4 (3) LIMITATION ON CHANGES TO REC-  
5 OMMENDATIONS.—

6 (A) IN GENERAL.—It shall not be in order  
7 in the Senate or the House of Representatives  
8 to consider any bill, resolution, or amendment  
9 pursuant to this subsection or conference report  
10 thereon that fails to achieve the cost savings set  
11 forth in the original submission by the Presi-  
12 dent.

13 (B) WAIVER.—This paragraph may be  
14 waived or suspended in the Senate only by the  
15 affirmative vote of three-fifths of the Members,  
16 duly chosen and sworn.

17 (C) APPEALS.—An affirmative vote of  
18 three-fifths of the Members of the Senate, duly  
19 chosen and sworn, shall be required in the Sen-  
20 ate to sustain an appeal of the ruling of the  
21 Chair on a point of order raised under this  
22 paragraph.

23 (4) EXPEDITED PROCEDURE.—

1 (A) CONSIDERATION.—A motion to pro-  
2 ceed to the consideration of the bill in the Sen-  
3 ate is not debatable.

4 (B) AMENDMENT.—

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

20 (ii) GERMANE.—No amendment that  
21 is not germane to the provisions of such  
22 bill shall be received.

23 (iii) ADDITIONAL TIME.—The leaders,  
24 or either of them, may, from the time  
25 under their control on the passage of the

1 bill, allot additional time to any Senator  
2 during the consideration of any amend-  
3 ment, debatable motion, or appeal.

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

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

20 (C) CONSIDERATION BY THE OTHER  
21 HOUSE.—

22 (i) IN GENERAL.—The expedited pro-  
23 cedures provided in this subsection for the  
24 consideration of a bill introduced pursuant  
25 to paragraph (1) shall not apply to such a

1 bill that is received by one House from the  
2 other House if such a bill was not intro-  
3 duced in the receiving House.

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

10 (I) The receiving House shall  
11 consider the bill introduced in that  
12 House through all stages of consider-  
13 ation up to, but not including, pas-  
14 sage.

15 (II) The question on passage  
16 shall be put on the bill of the other  
17 House as amended by the language of  
18 the receiving House.

19 (iii) AFTER PASSAGE.—If a bill intro-  
20 duced pursuant to paragraph (1) is re-  
21 ceived by one House from the other House,  
22 after such a bill is passed by the receiving  
23 House, then the vote on passage of the bill  
24 that originates in the receiving House shall  
25 be considered to be the vote on passage of

1 the bill received from the other House as  
2 amended by the language of the receiving  
3 House.

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

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

16 (D) SENATE LIMITS ON DEBATE.—

17 (i) IN GENERAL.—In the Senate, con-  
18 sideration of the bill and on all debatable  
19 motions and appeals in connection there-  
20 with shall not exceed a total of 20 hours,  
21 which shall be divided equally between the  
22 majority and minority leaders or their des-  
23 ignees.

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

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

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

21 (E) CONSIDERATION IN CONFERENCE.—

22 (i) IN GENERAL.—Consideration in  
23 the Senate and the House of Representa-  
24 tives on the conference report or any mes-  
25 sages between Houses shall be limited to

1 10 hours, equally divided and controlled by  
2 the majority and minority leaders of the  
3 Senate or their designees and the Speaker  
4 of the House of Representatives and the  
5 minority leader of the House of Represent-  
6 atives or their designees.

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

22 (iii) FINAL DISPOSITION.—After 10  
23 hours of consideration, the Senate shall  
24 proceed, without any further debate on any  
25 question, to vote on the final disposition

1           thereof to the exclusion of all motions not  
2           then pending before the Senate at that  
3           time or necessary to resolve the differences  
4           between the Houses and to the exclusion of  
5           all other motions, except a motion to table,  
6           or to reconsider and one quorum call on  
7           demand to establish the presence of a  
8           quorum (and motions required to establish  
9           a quorum) immediately before the final  
10          vote begins.

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

16                         (I) is related only to the program  
17                         under this title; and

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

21                 (F) VETO.—If the President vetoes the  
22                 bill, debate on a veto message in the Senate  
23                 under this subsection shall be 1 hour equally di-  
24                 vided between the majority and minority leaders  
25                 or their designees.

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

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

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

○