

115TH CONGRESS
1ST SESSION

H. R. 2174

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2017

Mrs. MCMORRIS RODGERS (for herself, Mr. BARTON, Mr. BISHOP of Utah, Mr. BUCK, Mr. BURGESS, Mr. CRAMER, Mr. EMMER, Mr. FARENTHOLD, Mr. FLORES, Mr. JORDAN, Mr. MCCLINTOCK, Mr. MESSER, Mr. OLSON, Mr. PALMER, Mr. ROE of Tennessee, Mr. STEWART, Mrs. WAGNER, Mr. YOHO, Mr. CHABOT, Mr. WALKER, Mr. RENACCI, Mr. BLUM, Ms. JENKINS of Kansas, Mr. RATCLIFFE, Mr. SMITH of Missouri, Mr. BYRNE, Mr. LOUDERMILK, and Mr. HUDSON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, 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 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 of 2017”.

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—SUNSET OF UNAUTHORIZED PROGRAMS

Sec. 101. Establishment of budgetary level reduction schedule.

Sec. 102. Reduction in budgetary level for unauthorized programs.

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

Sec. 104. Exemption from budgetary level reduction.

Sec. 105. Offset of budgetary level reduction through reduction in direct spending.

Sec. 106. Sunset.

TITLE II—SPENDING AND 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—SUNSET OF** 4 **UNAUTHORIZED PROGRAMS**

5 **SEC. 101. ESTABLISHMENT OF BUDGETARY LEVEL REDUC-** 6 **TION SCHEDULE.**

7 (a) IN GENERAL.—There is hereby established a re-
 8 occurring three-year budgetary level reduction cycle with
 9 respect to any unauthorized program, to begin in fiscal
 10 year 2018, consistent with the requirements of this Act.

11 (b) DEFINITIONS.—In this Act:

12 (1) BUDGETARY LEVEL.—The term “budgetary
 13 level” means the allocation made under section
 14 302(a) of the Congressional Budget Act of 1974 (2

1 U.S.C. 633(a)) to the Committee on Appropriations
2 of the House of Representatives or the Senate in a
3 concurrent resolution on the budget for a fiscal year,
4 and includes any such allocation made pursuant to
5 a deeming resolution.

6 (2) COMMISSION.—The term “Commission”
7 means the Spending and Accountability Commission
8 established under title II.

9 (3) EXPIRING FISCAL YEAR.—The term “expir-
10 ing fiscal year” means, with respect to an unauthor-
11 ized program, the fiscal year during which author-
12 izations of appropriations will expire for such pro-
13 gram.

14 (4) UNAUTHORIZED PROGRAM.—The term “un-
15 authorized program” means any program or activity
16 listed in the annual report published by the Congres-
17 sional Budget Office, entitled “Unauthorized Appro-
18 priations and Expiring Authorizations”, or any suc-
19 cessor report, with respect to which authorizations of
20 appropriations will expire during the fiscal year in
21 which such report is published.

22 (c) APPLICATION TO PROGRAMS THAT EXPIRED BE-
23 FORE FISCAL YEAR 2018.—For purposes of applying this
24 Act to any unauthorized program funded during fiscal
25 year 2018 and for which authorizations of appropriations

1 expired before such fiscal year, such program shall be
2 deemed to be a program or activity listed in the report
3 referred to in subsection (b)(4) with respect to which au-
4 thorizations of appropriations will expire during fiscal year
5 2018.

6 **SEC. 102. REDUCTION IN BUDGETARY LEVEL FOR UNAU-**
7 **THORIZED PROGRAMS.**

8 (a) BUDGETARY LEVEL FOR FISCAL YEAR FOL-
9 LOWING EXPIRATION OF AUTHORIZATION.—With respect
10 to any unauthorized program, on the date that a budg-
11 etary level is established for the fiscal year immediately
12 following the expiring fiscal year, such level shall imme-
13 diately be reduced by an amount equal to 10 percent of
14 the funds appropriated for such program in the expiring
15 fiscal year.

16 (b) BUDGETARY LEVEL FOR SECOND AND THIRD
17 FISCAL YEARS FOLLOWING EXPIRATION OF AUTHORIZA-
18 TION.—With respect to any unauthorized program that re-
19 sults in a budgetary level reduction under subsection (a)
20 that remains an unauthorized program in the second or
21 third fiscal year following the expiring fiscal year, on the
22 date that a budgetary level is established for either such
23 second or third fiscal year, the budgetary level for either
24 such fiscal year shall be reduced by an amount equal to

1 15 percent of the funds appropriated for such program
2 in the expiring fiscal year.

3 (c) TRANSMITTAL OF NEW BUDGETARY LEVEL.—

4 Upon the reduction of a budgetary level (if any) under
5 subsection (a) or (b), the chair of the Committee on the
6 Budget of the House of Representatives and the Senate
7 shall submit the revised budgetary level to the chair of
8 the Committee on Appropriations of the House of Rep-
9 resentatives and the Senate, respectively.

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

11 **AFTER THIRD UNAUTHORIZED YEAR.**

12 (a) IN GENERAL.—Any unauthorized program that
13 causes a budgetary level reduction under section 102(b)
14 applicable to the third fiscal year following the expiring
15 fiscal year shall, effective immediately on October 1 of the
16 fiscal year immediately following such third fiscal year, be
17 terminated, except that any unobligated amounts available
18 for such program after the date of termination shall re-
19 main available for recording, adjusting, and liquidating
20 valid obligations of such program issued before such ter-
21 mination date.

22 (b) OBLIGATION OF FUNDS PROHIBITED WITHOUT
23 REAUTHORIZATION.—No funds may be obligated for any
24 program terminated pursuant to subsection (a) in any fis-
25 cal year without an express reauthorization of the program

1 by Congress containing an authorization of appropriations
2 period not to exceed three years.

3 **SEC. 104. EXEMPTION FROM BUDGETARY LEVEL REDUC-**
4 **TION.**

5 (a) REAUTHORIZATION.—

6 (1) IN GENERAL.—Consistent with paragraph

7 (2)—

8 (A) any unauthorized program that causes
9 a budgetary level reduction applicable to a fiscal
10 year under section 102 that is expressly reau-
11 thorized during the fiscal year in which such
12 level is established shall not be subject to the
13 requirements of this title; and

14 (B) upon the date of such reauthorization,
15 any such reduction shall be restored.

16 (2) LIMITATION.—Paragraph (1) shall only
17 apply if the reauthorization contains a sunset provi-
18 sion applicable to such program providing for an au-
19 thorization of appropriations period of not more
20 than three years.

21 (b) OFFSET BY REDUCTION IN DIRECT SPENDING.—

22 Any budgetary level reduction provided for in this title
23 shall not apply if, before the fiscal year during which such
24 reduction will occur, a bill is enacted into law as described
25 in section 105.

1 **SEC. 105. OFFSET OF BUDGETARY LEVEL REDUCTION**
2 **THROUGH REDUCTION IN DIRECT SPENDING.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 end of fiscal year 2018 and any subsequent fiscal year
5 during which this title remains applicable pursuant to sec-
6 tion 106, the Commission shall review Federal programs
7 funded by direct spending.

8 (b) REDUCTION IN DIRECT SPENDING.—

9 (1) IN GENERAL.—Beginning in fiscal year
10 2018, during any fiscal year that a budgetary level
11 reduction under section 102 is expected to occur
12 during the subsequent fiscal year by operation of
13 this title, the Commission may submit to Congress
14 a legislative proposal providing for reductions in di-
15 rect spending, to occur over a period of time not to
16 exceed the next ten fiscal years, in an amount equal
17 to the total amount of such reduction, as determined
18 by the Commission.

19 (2) EFFECT OF ENACTMENT.—If the proposal
20 described under paragraph (1) is enacted into law
21 before such subsequent fiscal year begins, the budg-
22 etary level reduction that would occur during such
23 fiscal year as a result of this title shall have no force
24 or effect during that fiscal year.

25 (c) DEFINITION.—In this section, the term “direct
26 spending” has the meaning given such term in section

1 250(c)(8) of the Balanced Budget and Emergency Deficit
 2 Control Act of 1985 (2 U.S.C. 900(c)(8)).

3 **SEC. 106. SUNSET.**

4 This title shall sunset on the date that the legislative
 5 proposal described under section 301 is enacted into law.
 6 The previous sentence shall not apply if such proposal, as
 7 enacted, does not include budgetary level reductions with
 8 respect to unauthorized programs in the amounts provided
 9 in section 102.

10 **TITLE II—SPENDING AND**
 11 **ACCOUNTABILITY COMMISSION**

12 **SEC. 201. ESTABLISHMENT.**

13 There is established in the legislature a permanent
 14 commission, to be known as the “Spending and Account-
 15 ability Commission”, in order to carry out section 105 and
 16 title III of this Act.

17 **SEC. 202. DUTIES OF COMMISSION.**

18 The Commission shall—

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

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

1 **SEC. 203. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of 14 members, as follows:

4 (1) Seven members shall be appointed by the
5 Speaker of the House of Representatives, of whom
6 three shall be appointed in consultation with the mi-
7 nority leader of the House of Representatives.

8 (2) Seven members shall be appointed by the
9 majority leader of the Senate, of whom three shall
10 be appointed in consultation with the minority leader
11 of the Senate.

12 (b) MEMBER POWERS AND CRITERIA.—Any indi-
13 vidual appointed pursuant to subsection (a) shall be a vot-
14 ing member of the Commission and must be a Member
15 of Congress (as defined in section 2106 of title 5, United
16 States Code, but not including the Vice President).

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

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

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

25 (3) The Committee on the Budget of the House
26 of Representatives.

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

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

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

6 (7) The Joint Economic Committee.

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

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

14 **SEC. 204. POWERS OF COMMISSION.**

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

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

1 timely manner. In carrying out the duties assigned under
2 this title, the Commission may use any report or other
3 information prepared by the Government Accountability
4 Office, the Congressional Budget Office, or the Congres-
5 sional Research Service.

6 (c) SUBPOENA POWER.—

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

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

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

22 (e) CONTRACT AUTHORITY.—The Commission may
23 contract with and compensate government and private
24 agencies or persons for services without regard to section
25 6101 of title 41, United States Code (relating to adver-

1 tising requirement for Federal Government purchases and
2 sales).

3 **SEC. 205. PERSONNEL AND OTHER ADMINISTRATIVE MAT-**
4 **TERS.**

5 (a) PERSONNEL MATTERS.—

6 (1) COMPENSATION.—Members shall not be
7 paid by reason of their service as members of the
8 Commission.

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

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

19 (4) STAFF.—The Director may appoint and fix
20 the pay of additional personnel as the Director con-
21 siders appropriate.

22 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
23 LAWS.—The Director and staff of the Commission
24 shall be appointed subject to the provisions of title
25 5, United States Code, governing appointments in

1 the competitive service, and shall be paid in accord-
2 ance with the provisions of chapter 51 and sub-
3 chapter III of chapter 53 of that title relating to
4 classification and General Schedule pay rates.

5 (b) OTHER ADMINISTRATIVE MATTERS.—

6 (1) POSTAL AND PRINTING SERVICES.—The
7 Commission may use the United States mails and
8 obtain printing and binding services in the same
9 manner and under the same conditions as other
10 agencies.

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

17 (3) EXPERTS AND CONSULTANTS.—The Com-
18 mission may procure temporary and intermittent
19 services under section 3109(b) of title 5, United
20 States Code.

21 **SEC. 206. FUNDING.**

22 (a) USE OF EXISTING FUNDS.—The Commission
23 shall be carried out using amounts otherwise appropriated
24 or made available to the House of Representatives and the

1 Senate. No additional funds are authorized to be appro-
 2 priated to carry out this Act.

3 (b) ALLOCATION BETWEEN HOUSE AND SENATE.—

4 Of the amounts used to carry out this title—

5 (1) 50 percent shall be derived from the appli-
 6 cable accounts of the House of Representatives; and

7 (2) 50 percent shall be derived from the contin-
 8 gent fund of the Senate.

9 **TITLE III—REAUTHORIZATION**
 10 **CYCLE FOR DISCRETIONARY**
 11 **PROGRAMS**

12 **SEC. 301. ESTABLISHMENT OF REAUTHORIZATION SCHED-**
 13 **ULE.**

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

21 (b) PROPOSAL REQUIREMENTS.—The legislative pro-
 22 posal submitted under subsection (a) shall provide for the
 23 following:

24 (1) A reauthorization cycle under which, during
 25 any fiscal year beginning with fiscal year 2019, any

1 Federal program funded by discretionary spending
2 that will expire during that fiscal year but that Con-
3 gress does not want to terminate is reauthorized,
4 pursuant to a legislation schedule as Congress deems
5 appropriate, for a period not to exceed three years.

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

10 (3) With respect to any program that is unau-
11 thorized, as determined by Congress, a budgetary
12 level reduction in the manner and amounts as pro-
13 vided under section 102.

14 (4) A mechanism under which any such reduc-
15 tion may, with respect to any fiscal year, be nullified
16 by the enactment into law, before such fiscal year
17 begins, of a measure reducing direct spending in an
18 amount equal to the total amount of any budgetary
19 level reduction that is expected to occur under proce-
20 dures established pursuant to paragraph (3). Such
21 reduction may occur over a period not to exceed ten
22 years following the fiscal year in which such measure
23 is enacted.

24 (c) PROCEDURE IN THE HOUSE.—

25 (1) INTRODUCTION AND REFERRAL.—

1 (A) IN GENERAL.—Not later than 120
2 days after the date that a proposal is submitted
3 under subsection (a), the chair of the Commis-
4 sion, or a Member of the Commission des-
5 ignated by the chair, shall introduce in the
6 House of Representatives, not later than 60
7 days thereafter, a bill to carry out the proposal.
8 The bill introduced may take into consideration
9 any recommendations of any Member or stand-
10 ing committee of the House of Representatives
11 to amend such proposal to the Commission, but
12 only if the recommendations are submitted not
13 later than 60 days after the proposal is sub-
14 mitted under subsection (a).

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

1 ation of the bill and it shall be placed without
2 amendment on the appropriate calendar.

3 (2) EXPEDITED CONSIDERATION IN THE
4 HOUSE.—

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

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

1 The previous question shall be considered as or-
2 dered on such bill to its passage without inter-
3 vening motion except 2 hours of debate equally
4 divided and controlled by the proponent and an
5 opponent and one motion to limit debate on the
6 bill.

