

115TH CONGRESS
1ST SESSION

H. R. 4713

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2017

Mr. KINZINGER (for himself, Mr. COOPER, Ms. JENKINS of Kansas, Mr. YOHIO, 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

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 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 first fiscal
7 year of which begins immediately after the last fiscal
8 year covered by the corresponding initial five-year
9 report under subsection (a).

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

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

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

22 (6) A list of each Act for which the actual total
23 cost exceeded the estimated total cost for the appli-
24 cable five-year period described in paragraph (3) and
25 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

majority and minority leaders or their designees.

(ii) MOTION TO FURTHER LIMIT DEBATE.—A motion to further limit debate on the bill is in order and is not debatable.

(iii) MOTION OR APPEAL.—Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal.

(iv) FINAL DISPOSITION.—After 20 hours of consideration, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

(E) CONSIDERATION IN CONFERENCE.—

(i) IN GENERAL.—Consideration in 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.

○