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S. 1583

To limit the period of authorization of new budget authority provided in appropriation Acts, to require analysis, appraisal, and evaluation of existing programs for which continued new budget authority is proposed to be authorized by committees of Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2017

Mr. PAUL (for himself, Mr. ENZI, Mr. LEE, and Mr. STRANGE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To limit the period of authorization of new budget authority provided in appropriation Acts, to require analysis, appraisal, and evaluation of existing programs for which continued new budget authority is proposed to be authorized by committees of Congress, 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.**

4 This Act may be cited as the “Legislative Perform-
5 ance Review Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act—

1 (1) the term “agency” has the meaning given
2 the term Executive agency under section 105 of title
3 5, United States Code;

4 (2) the term “appropriation Act” means an Act
5 referred to in section 105 of title 1, United States
6 Code;

7 (3) the term “authorization” means an Act au-
8 thorizing new budget authority to be provided in ap-
9 propriation Acts;

10 (4) the term “new budget authority” means
11 budget authority (as defined in section 3(2)(A) of
12 the Congressional Budget Act of 1974 (2 U.S.C.
13 622(2)(A))) which is provided in an appropriation
14 Act; and

15 (5) the term “program” means any activities or
16 purposes for which there is a separate authorization
17 of new budget authority.

18 **SEC. 3. BILLS AND RESOLUTIONS SUBJECT TO POINT OF**
19 **ORDER.**

20 (a) IN GENERAL.—It shall not be in order in either
21 the Senate or the House of Representatives to consider—

22 (1) any bill or resolution which authorizes the
23 enactment of new budget authority for a period of
24 more than 4 fiscal years, except as provided in sec-
25 tion 4; or

1 (2) any bill or resolution which authorizes the
2 enactment of an unlimited amount of new budget
3 authority for any purpose or purposes.

4 (b) POINT OF ORDER.—In the Senate, a point of
5 order under this section may be raised by a Senator as
6 provided in section 313(e) of the Congressional Budget
7 Act of 1974. A point of order under this section may be
8 waived in accordance with the procedures under section
9 313(e) of the Congressional Budget Act of 1974 upon an
10 affirmative vote of three-fifths of the Members duly chosen
11 and sworn.

12 (c) CONFERENCE REPORTS.—When the Senate is
13 considering a conference report on, or an amendment be-
14 tween the Houses in relation to, a bill or joint resolution,
15 upon a point of order being made by any Senator pursuant
16 to subsection (b), and such point of order being sustained,
17 such material contained in such conference report or
18 House amendment shall be stricken, and the Senate shall
19 proceed to consider the question of whether the Senate
20 shall recede from its amendment and concur with a fur-
21 ther amendment, or concur in the House amendment with
22 a further amendment, as the case may be, which further
23 amendment shall consist of only that portion of the con-
24 ference report or House amendment, as the case may be,
25 not so stricken. Any such motion in the Senate shall be

1 debatable. In any case in which such point of order is sus-
 2 tained against a conference report (or Senate amendment
 3 derived from such conference report by operation of this
 4 paragraph), no further amendment shall be in order.

5 **SEC. 4. WAIVER OF TIME LIMIT ON AUTHORIZATIONS.**

6 (a) IN THE SENATE.—

7 (1) COMMITTEE CONSIDERATION.—If any com-
 8 mittee of the Senate determines that an authoriza-
 9 tion the enactment of new budget authority for a pe-
 10 riod of more than 4 fiscal years is necessary to ac-
 11 complish the purposes for which the authorization is
 12 made, the committee may report a bill or resolution
 13 containing an authorization for such longer period.
 14 At the same time or later, the committee shall report
 15 a resolution to the Senate providing for a waiver of
 16 the 4-fiscal-year limit contained in section 3(a)(1)
 17 (in this subsection referred to as a “waiver resolu-
 18 tion”) and stating the reasons why such a waiver is
 19 necessary. The resolution shall be referred to the
 20 Committee on the Budget of the Senate.

21 (2) REPORTING.—The Committee on the Budg-
 22 et of the Senate may not amend a waiver resolution,
 23 may order the waiver resolution reported favorably,
 24 unfavorably, or without recommendation, as it re-
 25 lates to the effect of the waiver on the ability of the

1 Committee on the Budget of the Senate to execute
2 its duties under section 703(a)(3) of the Congres-
3 sional Budget Act of 1974 (2 U.S.C. 623(a)(3)),
4 and shall report a waiver resolution referred under
5 paragraph (1) to the Senate not later than 10 days
6 after the waiver resolution is referred to the com-
7 mittee (not counting any day on which the Senate
8 is not in session) beginning with the day following
9 the day on which the waiver resolution is so referred,
10 accompanied by the committee's recommendations
11 and reasons for the recommendations with respect to
12 the waiver resolution. If the Committee on the
13 Budget of the Senate does not report a waiver reso-
14 lution within the 10-day period under this para-
15 graph, the committee shall automatically be dis-
16 charged from further consideration of the waiver
17 resolution and the waiver resolution shall be placed
18 on the calendar.

19 (3) DEBATE RESTRICTIONS.—During the con-
20 sideration of any waiver resolution, debate shall be
21 limited to 1 hour, to be equally divided between, and
22 controlled by, the majority leader and minority lead-
23 er or their designees, and the time on any debatable
24 motion or appeal shall be limited to 20 minutes, to
25 be equally divided between, and controlled by the

1 mover and the manager of the waiver resolution. In
 2 the event the manager of the waiver resolution is in
 3 favor of any such motion or appeal, the time in op-
 4 position shall be controlled by the minority leader or
 5 a designee. The leaders, or either of them, may,
 6 from the time under their control on the passage of
 7 the waiver resolution, allot additional time to any
 8 Senator during the consideration of the debatable
 9 motion or appeal.

10 (4) VOTING.—If a waiver resolution is agreed
 11 to by the Senate, section 3(a)(1) shall not apply with
 12 respect to the bill or resolution to which the waiver
 13 resolution relates.

14 (5) OVERSIGHT HEARING.—Whenever any bill
 15 or resolution is reported by a committee under para-
 16 graph (1), the report accompanying the bill or reso-
 17 lution shall contain a schedule of oversight hearings
 18 by the committee to determine progress being made
 19 toward the intended objectives of the program for
 20 which the authorization is being made.

21 (b) IN THE HOUSE OF REPRESENTATIVES.—

22 (1) COMMITTEE CONSIDERATION.—If any com-
 23 mittee of the House of Representatives determines
 24 that an authorization the enactment of new budget
 25 authority for a period of more than 4 fiscal years is

1 necessary to accomplish the purposes for which the
2 authorization is made, the committee may report a
3 bill or resolution containing an authorization for
4 such longer period. At the same time or later, the
5 committee shall report a resolution to the House of
6 Representatives providing for a waiver of the 4-fis-
7 cal-year limit contained in section 3(a)(1) (in this
8 subsection referred to as a “waiver resolution”) and
9 stating the reasons why such a waiver is necessary.
10 The resolution shall be referred to the Committee on
11 the Budget of the House of Representatives.

12 (2) REPORTING.—The Committee on the Budg-
13 et of the House of Representatives may not amend
14 a waiver resolution, may order the waiver resolution
15 reported favorably, unfavorably, or without rec-
16 ommendation, as it relates to the effect of the waiver
17 on the ability of the Committee on the Budget of the
18 House of Representatives to execute its duties under
19 section 703(a)(3) of the Congressional Budget Act
20 of 1974 (2 U.S.C. 623(a)(3)), and shall report a
21 waiver resolution referred under paragraph (1) to
22 the House of Representatives not later than 10 days
23 after the waiver resolution is referred to the com-
24 mittee (not counting any day on which the House of
25 Representatives is not in session) beginning with the

1 day following the day on which the waiver resolution
2 is so referred, accompanied by the committee's rec-
3 ommendations and reasons for the recommendations
4 with respect to the waiver resolution. If the Com-
5 mittee on the Budget of the House of Representa-
6 tives does not report a waiver resolution within the
7 10-day period under this paragraph, the committee
8 shall automatically be discharged from further con-
9 sideration of the waiver resolution and the waiver
10 resolution shall be placed on the calendar.

11 (3) DEBATE RESTRICTIONS.—During the con-
12 sideration of any waiver resolution, debate shall be
13 limited to 1 hour, to be equally divided between, and
14 controlled by, the Speaker of the House of Rep-
15 resentatives and minority leader of the House of
16 Representatives or their designees, and the time on
17 any debatable motion or appeal shall be limited to
18 20 minutes, to be equally divided between, and con-
19 trolled by the mover and the manager of the waiver
20 resolution. In the event the manager of the waiver
21 resolution is in favor of any such motion or appeal,
22 the time in opposition shall be controlled by the mi-
23 nority leader or a designee. The leaders, or either of
24 them, may, from the time under their control on the
25 passage of the waiver resolution, allot additional

1 time to any Representative during the consideration
2 of the debatable motion or appeal.

3 (4) VOTING.—If a waiver resolution is agreed
4 to by the House of Representatives, section 3(a)(1)
5 shall not apply with respect to the bill or resolution
6 to which the waiver resolution relates.

7 (5) OVERSIGHT HEARING.—Whenever any bill
8 or resolution is reported by a committee under para-
9 graph (1), the report accompanying the bill or reso-
10 lution shall contain a schedule of oversight hearings
11 by the committee to determine progress being made
12 toward the intended objectives of the program for
13 which the authorization is being made.

14 **SEC. 5. ANALYSIS, APPRAISAL, AND EVALUATION OF EXIST-**
15 **ING PROGRAMS.**

16 (a) IN GENERAL.—No committee of the Senate or
17 the House of Representatives may report a bill or resolu-
18 tion authorizing the enactment of new budget authority
19 for a program for which an authorization of new budget
20 authority has previously been enacted until the committee
21 has conducted an analysis, appraisal, and evaluation of the
22 program for which continued new budget authority is pro-
23 posed to be authorized. If the authorization of the enact-
24 ment of new budget authority for any program is enacted
25 for a period of less than 4 fiscal years, the analysis, ap-

1 praisal, and evaluation of that program required by this
2 section is only required before reporting legislation that
3 would extend the authorization of the enactment of new
4 budget authority for the fifth fiscal year commencing after
5 the effective date of this Act and every 4 years thereafter.

6 (b) COMMITTEE REPORT.—The results of the anal-
7 ysis, appraisal, and evaluation under subsection (a) shall
8 be included in the committee report on the bill or resolu-
9 tion.

10 (c) AGENCY REPORT.—Whenever a committee of the
11 Senate or the House of Representatives is conducting an
12 analysis, appraisal, and evaluation of a program, the head
13 of the agency which administers the program, or any part
14 thereof, shall submit to the committee, upon request of
15 the chairman or ranking member of the committee, an
16 analysis, appraisal, and evaluation of the program.

17 (d) JOINT HEARING.—The committees of the Senate
18 and the House of Representatives having jurisdiction of
19 a program may conduct jointly the analysis, appraisal, and
20 evaluation required by this section and may conduct joint
21 hearings.

22 (e) COMMITTEE REPORT.—

23 (1) IN GENERAL.—The report of a committee
24 on the analysis, appraisal, and evaluation of a pro-
25 gram shall be sufficiently complete to permit a de-

1 termination as to whether the program should be
2 terminated, modified, or continued without change,
3 and shall include—

4 (A) an identification of the objectives in-
5 tended for the program and the problem or
6 need which the program was intended to ad-
7 dress;

8 (B) whether the program objectives are
9 still relevant;

10 (C) whether the program has adhered to
11 the original and intended purpose;

12 (D) whether the program has made any
13 substantial progress toward meeting the objec-
14 tives originally intended;

15 (E) the impact of the program on the
16 economy;

17 (F) the feasibility of alternative programs
18 and methods, including tax expenditures, for
19 meeting the objectives of the program under
20 consideration and their cost effectiveness;

21 (G) the relation of all other Government
22 and private programs dealing with the objec-
23 tives of the program under consideration, in-
24 cluding tax expenditure programs;

1 (H) an examination of proposed legislation
2 pending in either House seeking to achieve the
3 same or related objectives; and

4 (I) whether the program should be ex-
5 tended and the further benefits that may be
6 achieved thereby, including—

7 (i) an identification of the objectives
8 intended for the program and the problem
9 or the need that the program is intended
10 to address;

11 (ii) an assessment of the consequences
12 of eliminating the program, of consoli-
13 dating it with another program, or of fund-
14 ing it at a lower level; and

15 (iii) an analysis of the services and
16 performance estimated to be achieved if
17 the program were continued, including an
18 estimate of when, and the conditions under
19 which, the program will have fulfilled the
20 objectives for which the program was es-
21 tablished.

22 (2) SOURCES OF INFORMATION.—In preparing
23 a report under paragraph (1), a committee shall
24 evaluate—

1 (A) information in reports, plans, goals,
 2 and progress reviews required under sections
 3 306 and 1115 through 1125 of title 31, United
 4 States Code;

5 (B) information in reports by the Comp-
 6 troller General of the United States, including
 7 the annual report by the Comptroller General
 8 regarding opportunities to reduce duplication,
 9 overlap, and fragmentation, achieve savings,
 10 and enhance revenue; and

11 (C) other information determined appro-
 12 priate by the committee.

13 (3) POINT OF ORDER.—

14 (A) IN GENERAL.—It shall not be in order
 15 in either the Senate or the House of Represent-
 16 atives to consider a bill or resolution author-
 17 izing the enactment of new budget authority for
 18 a program for which an authorization of new
 19 budget authority has previously been enacted
 20 unless the bill or resolution is accompanied by
 21 a report described in paragraph (1).

22 (B) WAIVER OF POINT OF ORDER.—In the
 23 Senate, a point of order raised under this para-
 24 graph may be waived upon an affirmative vote
 25 of three-fifths of the Members duly chosen and

1 sworn and debate on all motions to waive 1 or
2 more points of order under this paragraph as to
3 a bill or resolution shall be debatable for a total
4 of not more than 1 hour, equally divided be-
5 tween the Senator raising the point of order
6 and the Senator moving to waive the point of
7 order or their designees.

8 (f) COMBINED REPORT.—For the purposes of mak-
9 ing the analysis, appraisal, and evaluation required by this
10 section, a committee may combine related programs and
11 may issue 1 report on all such combined programs.

12 **SEC. 6. AUTHORIZATION FOR NEW PROGRAMS.**

13 Whenever any committee of the Senate or the House
14 of Representatives reports legislation authorizing the en-
15 actment of new budget authority for a program for which
16 there has previously been no authorization, the committee
17 shall include in the report accompanying the legislation—

18 (1) an identification of the objectives and pur-
19 poses of the new program and the problems or needs
20 that the new program is intended to address;

21 (2) a description of other programs which seek
22 to accomplish the same general purpose or purposes;

23 (3) whether the program will conflict with, over-
24 lap, or duplicate any existing programs and, if the
25 program will conflict with, overlap, or duplicate an

1 existing program, a discussion of how the program
2 will work with the existing program;

3 (4) how the program will operate with existing
4 programs to promote the common objective or objec-
5 tives of all similar programs;

6 (5) the consequences of failing to achieve the
7 purposes of the new program;

8 (6) what other alternatives, including tax ex-
9 penditures and private resources, were considered as
10 alternatives and why the alternatives were not rec-
11 ommended;

12 (7) what changes were considered in existing
13 programs to coordinate the programs with the new
14 program and the reasons for changing or not chang-
15 ing existing programs;

16 (8) a projection of the anticipated needs for and
17 accomplishments of the program, including an esti-
18 mate of when, and the condition under which, the
19 program will have fulfilled the objectives for which
20 the program was established; and

21 (9) a statement of the constitutional authority
22 pursuant to which the bill or joint resolution is to
23 be enacted.

1 **SEC. 7. CONFERENCE REPORTS ON AUTHORIZATION BILLS.**

2 The joint explanatory statement accompanying a con-
3 ference report on any bill or resolution authorizing the en-
4 actment of new budget authority for any program in con-
5 nection with which an analysis, appraisal, and evaluation
6 has been conducted under section 5 or 6 shall include an
7 analysis of the objectives intended for the program and
8 the problems or needs which the program is intended to
9 address, based on the bill or resolution as recommended
10 in the conference report.

11 **SEC. 8. PHASEOUT OF EXISTING PROGRAMS.**

12 (a) IN GENERAL.—If a continued authorization of
13 the enactment of new budget authority for a program has
14 been adopted by the Senate or the House of Representa-
15 tives, and has not become law as of the date on which
16 the authorization in effect expires (unless the failure to
17 become law has been due to a rejection of a proposed au-
18 thorization by the other House), there is authorized to be
19 enacted for the program—

20 (1) for the first fiscal year following the expira-
21 tion of the previous authorization, 80 percent of the
22 amount appropriated to carry out the program in
23 the previous fiscal year; and

24 (2) for the second fiscal year following such ex-
25 piration, 60 percent of the amount appropriated to
26 carry out the program in the previous fiscal year.

1 (b) NEW AUTHORIZATION.—If at any time following
2 the expiration of an authorization of the enactment of new
3 budget authority for a program a new authorization for
4 the program is provided by law, then the new authoriza-
5 tion shall replace the authorization provided in subsection
6 (a).

7 (c) REPEAL OF AUTHORIZATION.—If a program for
8 which an authorization of the enactment of new budget
9 authority has previously been made is repealed, subsection
10 (a) shall not apply to the program.

11 (d) PROGRAMS WITHOUT AN AUTHORIZATION.—For
12 any program for which no new budget authority is author-
13 ized to be enacted for a fiscal year (including an authoriza-
14 tion under subsection (a)), the head of the agency carrying
15 out the program shall develop and implement a plan to
16 provide for—

17 (1) the transfer or other disposition of the
18 records, property, and personnel affected by the ter-
19 mination of the program;

20 (2) the transfer of such unexpended balances of
21 appropriations, and of other funds, available for use
22 in connection with the program; and

23 (3) terminating the activities under the pro-
24 gram.

1 **SEC. 9. TERMINATION OF CERTAIN EXISTING AUTHORIZA-**
2 **TIONS.**

3 (a) IN GENERAL.—It shall not be in order in either
4 the Senate or the House of Representatives to consider
5 a bill, resolution, amendment, or conference report making
6 appropriations for a fiscal year which begins 5 years after
7 the effective date of this Act if the appropriation is made
8 pursuant to a law, in effect on the effective date of this
9 Act, authorizing new budget authority for a period of more
10 than 4 fiscal years or for an unspecified number of fiscal
11 years.

12 (b) WAIVER OF POINT OF ORDER.—In the Senate,
13 a point of order raised under this section may be waived
14 upon an affirmative vote of three-fifths of the Members
15 duly chosen and sworn.

16 (c) POINT OF ORDER SUSTAINED.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), if a point of order under this section is
19 sustained, the matter as to which the point of order
20 is raised shall be stricken.

21 (2) CONFERENCE REPORTS.—When a House of
22 Congress is considering a conference report or an
23 amendment between the Houses, upon a point of
24 order under this section being sustained as to matter
25 in the conference report or amendment, such mate-
26 rial shall be deemed stricken, and the House of Con-

1 gress shall proceed to consider the question of
2 whether the House shall recede from its amendment
3 and concur with a further amendment, or concur in
4 the amendment of the other House of Congress with
5 a further amendment, as the case may be, which
6 further amendment shall consist of only that portion
7 of the conference report or amendment, as the case
8 may be, not so stricken. In any case in which such
9 point of order is sustained against a conference re-
10 port (or proposed amendment derived from such
11 conference report by operation of this paragraph),
12 no further amendment shall be in order.

13 **SEC. 10. LACK OF AUTHORIZATION.**

14 (a) IN GENERAL.—It shall not be in order in either
15 the Senate or the House of Representatives to consider
16 a bill or resolution making appropriations for a program
17 for the first fiscal year beginning more than 1 year after
18 the date of enactment of this Act or any fiscal year there-
19 after if the appropriation is not made pursuant to a law
20 in effect authorizing new budget authority for the pro-
21 gram.

22 (b) POINT OF ORDER.—In the Senate, a point of
23 order under this section may be raised by a Senator as
24 provided in section 313(e) of the Congressional Budget
25 Act of 1974. A point of order under this section may be

1 waived in accordance with the procedures under section
2 313(e) of the Congressional Budget Act of 1974 upon an
3 affirmative vote of three-fifths of the Members duly chosen
4 and sworn.

5 (c) CONFERENCE REPORTS.—When the Senate is
6 considering a conference report on, or an amendment be-
7 tween the Houses in relation to, a bill or joint resolution,
8 upon a point of order being made by any Senator pursuant
9 to subsection (b), and such point of order being sustained,
10 such material contained in such conference report or
11 House amendment shall be stricken, and the Senate shall
12 proceed to consider the question of whether the Senate
13 shall recede from its amendment and concur with a fur-
14 ther amendment, or concur in the House amendment with
15 a further amendment, as the case may be, which further
16 amendment shall consist of only that portion of the con-
17 ference report or House amendment, as the case may be,
18 not so stricken. Any such motion in the Senate shall be
19 debatable. In any case in which such point of order is sus-
20 tained against a conference report (or Senate amendment
21 derived from such conference report by operation of this
22 paragraph), no further amendment shall be in order.

23 **SEC. 11. REPORTS ON PROPOSED IMPLEMENTATION.**

24 (a) IN THE SENATE.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the effective date of this Act, each committee of the
3 Senate shall file with the Senate a report—

4 (A) indicating the schedule, procedure, and
5 content of the analysis, appraisal, and evalua-
6 tion that the committee intends to use to imple-
7 ment this Act, with particular emphasis on im-
8 plementation of sections 5 and 6; and

9 (B) making any recommendations for how
10 to implement procedures comparable to the pro-
11 cedures under this Act for direct spending (as
12 defined under section 250(c)(8) of the Balanced
13 Budget and Emergency Deficit Control Act of
14 1985 (2 U.S.C. 900(c)(8))) and tax expendi-
15 tures (as defined in section 3(3) of the Congres-
16 sional Budget Act of 1974 (2 U.S.C. 622(3))).

17 (2) REFERRAL.—Each report under this sub-
18 section shall be referred to the Committee on Rules
19 and Administration of the Senate which shall hold
20 such hearings as the committee determines nec-
21 essary. Following a review of the reports, the Com-
22 mittee on Rules and Administration of the Senate
23 may report to the Senate changes in the Standing
24 Rules of the Senate to provide uniform standards for
25 the implementation of this Act and the requirements

1 for the analysis, appraisal, and evaluation of pro-
2 grams.

3 (b) IN THE HOUSE OF REPRESENTATIVES.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the effective date of this Act, each committee of the
6 House of Representatives shall file with the House
7 of Representatives a report—

8 (A) indicating the schedule, procedure, and
9 content of the analysis, appraisal, and evalua-
10 tion that the committee intends to use to imple-
11 ment this Act; and

12 (B) making any recommendations for how
13 to implement procedures comparable to the pro-
14 cedures under this Act for direct spending (as
15 defined under section 250(c)(8) of the Balanced
16 Budget and Emergency Deficit Control Act of
17 1985 (2 U.S.C. 900(c)(8))) and tax expendi-
18 tures (as defined in section 3(3) of the Congres-
19 sional Budget Act of 1974 (2 U.S.C. 622(3))).

20 (2) REFERRAL.—Each report under this sub-
21 section shall be referred to the Committee on House
22 Administration of the House of Representatives
23 which shall hold such hearings as the committee de-
24 termines necessary. Following a review of the re-
25 ports, the Committee on House Administration of

1 the House of Representatives may report to the
 2 House of Representatives changes in the Rules of
 3 the House of Representatives to provide uniform
 4 standards for the implementation of this Act and the
 5 requirements for the analysis, appraisal, and evalua-
 6 tion of programs.

7 **SEC. 12. AUTHORIZATIONS UNDER IMPLEMENTATION RE-**
 8 **PORTS.**

9 (a) COVERED PROGRAM.—In this section, the term
 10 “covered program” means a program for which—

11 (1) the report of a committee of Congress with
 12 jurisdiction of the program submitted under section
 13 11 includes a schedule to enact a law authorizing
 14 the enactment of new budget authority for the pro-
 15 gram, which may not be for a period of more than
 16 4 fiscal years;

17 (2) funds are appropriated during the fiscal
 18 year during which this Act takes effect; and

19 (3) an authorization of the enactment of new
 20 budget authority is not in effect.

21 (b) AUTHORIZATION.—Except as provided in sub-
 22 section (c), for purposes of enforcing section 10 in relation
 23 to a covered program, a law shall be deemed to be in effect
 24 authorizing the enactment of new budget authority for the
 25 covered program for each fiscal year for which a law au-

1 authorizing the enactment of new budget authority is sched-
2 uled to be enacted under the schedule in the applicable
3 report described in subsection (a)(1).

4 (c) EXCEPTION.—Subsection (b) shall not apply to
5 a covered program if the schedule in the applicable report
6 described in subsection (a)(1) specifies that—

7 (1) the fourth fiscal year covered by the sched-
8 ule will be the first fiscal year for which a law au-
9 thorizing the enactment of new budget authority is
10 scheduled to be enacted for more than 50 percent of
11 the programs within the jurisdiction of the com-
12 mittee; or

13 (2) less than 20 percent of the programs within
14 the jurisdiction of the committee are scheduled for
15 a law to be enacted authorizing the enactment of
16 new budget authority during the first or second fis-
17 cal year covered by the schedule.

18 (d) SUBMISSION FOR THE RECORD.—Not later than
19 5 legislative days after the date on which a committee of
20 the Senate or the House of Representatives submits a re-
21 port under section 11 that includes a schedule to enact
22 a law authorizing the enactment of new budget authority,
23 the Chairman of the Committee on Rules and Administra-
24 tion or the Chairman of the Committee on House Admin-
25 istration of the House of Representatives, respectively,

1 shall submit the schedule for printing in the Congressional
2 Record.

3 **SEC. 13. REFERRAL OF BILLS OR RESOLUTIONS MODI-**
4 **FYING THIS ACT.**

5 (a) REFERRAL IN THE SENATE.—In the Senate, any
6 bill or joint resolution that modifies this Act shall be re-
7 ferred to the Committee on the Budget of the Senate and
8 the Committee on Homeland Security and Governmental
9 Affairs.

10 (b) REFERRAL IN THE HOUSE OF REPRESENTA-
11 TIVES.—In the House of Representatives, any bill or joint
12 resolution that modifies this Act shall be referred to the
13 Committee on the Budget of the House of Representatives
14 and the Committee on Oversight and Government Reform.

15 **SEC. 14. ASSISTANCE TO SENATE AND HOUSE COMMIT-**
16 **TEES.**

17 (a) ASSISTANCE FROM THE COMPTROLLER GEN-
18 ERAL.—At the request of the chairman or ranking mem-
19 ber of any committee of the Senate or the House of Rep-
20 resentatives, the Comptroller General of the United States
21 shall furnish to such committee information, analyses, and
22 reports to assist the committee in carrying out the duties
23 of the committee under this Act.

24 (b) ASSISTANCE FROM THE CONGRESSIONAL BUDG-
25 ET OFFICE.—Consistent with the discharge by the Con-

1 gressional Budget Office of the duties and functions of
 2 the Congressional Budget Office under the Congressional
 3 Budget Act of 1974, the Director of the Congressional
 4 Budget Office shall, at the request of the chairman or
 5 ranking member of any committee of the Senate or the
 6 House of Representatives, furnish to the committee infor-
 7 mation and analyses to assist the committee in carrying
 8 out the duties of the committee under this Act.

9 (c) ASSISTANCE FROM THE CONGRESSIONAL RE-
 10 SEARCH SERVICE.—At the request of the chairman or
 11 ranking member of any committee of the Senate or House
 12 of Representatives, the Director of the Congressional Re-
 13 search Service shall furnish to the committee information,
 14 analyses, and reports to assist the committee in carrying
 15 out the duties of the committee under this Act.

16 **SEC. 15. EFFECTIVE DATE.**

17 This Act shall take effect on the first day of the first
 18 regular session of Congress which begins after the date
 19 of enactment of this Act.

20 **SEC. 16. RULEMAKING.**

21 This section and sections 3, 4, 5, 6, 7, 8, 9, 10, 11,
 22 12, and 13 of this Act are enacted by Congress—

23 (1) as an exercise of the rulemaking power of
 24 the Senate and the House of Representatives, re-
 25 spectively, and as such they shall be considered as

1 part of the rules of each House, respectively, or of
2 that House to which they specifically apply; and
3 such rules shall supersede other rules only to the ex-
4 tent that they are inconsistent therewith; and

5 (2) with full recognition of the constitutional
6 right of either House to change such rules (so far
7 as relating to such House) at any time, in the same,
8 manner, and to the same extent as in the case of
9 any other rule of such House.

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