

118TH CONGRESS
1ST SESSION

H. R. 5591

To establish a direct spending safeguard limitation on any direct spending program without a specific level of authorized spending, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2023

Ms. FOXX introduced the following bill; which was referred to the Committee on the Budget

A BILL

To establish a direct spending safeguard limitation on any direct spending program without a specific level of authorized spending, 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 “Spending Safeguard
5 Act”.

6 **SEC. 2. SPENDING LIMITATION ON DIRECT SPENDING PRO-**
7 **GRAMS.**

8 (a) ESTABLISHMENT OF SPENDING SAFEGUARD
9 LIMITATION.—

1 (1) IN GENERAL.—The Director of the Office of
2 Management and Budget shall establish a spending
3 limitation (in this Act referred to as a “spending
4 safeguard limitation”) with respect to any direct
5 spending program not later than 90 days after any
6 such program is enacted or reauthorized (as the case
7 may be).

8 (2) DETERMINATION OF SPENDING SAFEGUARD
9 LIMITATION.—The spending safeguard limitation es-
10 tablished under paragraph (1) for a direct spending
11 program shall be equal to—

12 (A) with respect to any such program
13 within budget function 050 (Defense), 550
14 (Health), 600 (Income Security), or 700 (Vet-
15 erans Benefits and Services), 120 percent of
16 the cost of the program; and

17 (B) with respect to any such program
18 within any other budget function, 110 percent
19 of the cost of the program.

20 (3) DETERMINATION OF COST OF PROGRAM.—
21 For purposes of paragraphs (2) (A) and (B), the
22 cost of the program shall be the estimated six-year
23 cost of the program, as determined by the Director
24 using the scorecards or estimate (as the case may
25 be) applicable to the program under section 4 of the

1 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
2 933).

3 (b) SPENDING SAFEGUARD LIMITATION SCORE-
4 CARDS.—

5 (1) IN GENERAL.—The Director shall maintain
6 and make publicly available a spending safeguard
7 limitation scorecard displaying the spending level for
8 any direct spending program that is subject to a
9 spending safeguard limitation pursuant to this Act.

10 (2) MONTHLY COSTS.—Not later than 7 days
11 after the end of each month beginning after the first
12 full month in which such a direct spending program
13 is operational, the Secretary of the Treasury shall
14 transmit to the Director a report listing the total
15 amount of spending for any direct spending program
16 listed on the scorecard.

17 (3) OMB BIENNIAL REPORT.—After the end of
18 any six-month period, the Director shall submit a re-
19 port to the Committees on the Budget of the House
20 of Representatives and the Senate containing the
21 total level of spending for any such direct spending
22 program and the relation between such level and the
23 spending safeguard limitation applicable to such pro-
24 gram.

25 (c) PRESIDENT BUDGET SUBMISSIONS.—

1 (1) ANNUAL.—Section 1105(a) of title 31,
2 United States Code, is amended by adding at the
3 end the following:

4 “(40) a report on the total level of spending for
5 any direct spending program subject to a spending
6 safeguard limitation pursuant to the Spending Safe-
7 guard Act, and the relation between such level and
8 the spending safeguard limitation applicable to such
9 program.”.

10 (2) MID-SESSION.—Section 1106(a)(1)(C) of
11 such title is amended by striking “section
12 1105(a)(8) and (9)(B) and (C)” and inserting “sec-
13 tion 1105(a) (8), (9) (B) and (C), and (40)”.

14 (d) PROCEDURES IN CASE OF BREACH.—

15 (1) SPENDING LIMITATION BREACH REPORT.—
16 If, during any of the six years used to determine the
17 cost of a direct spending program pursuant to sub-
18 section (a)(3), the Director determines, using the re-
19 ports submitted under subsection (b)(2), that a di-
20 rect spending program listed on the scorecard estab-
21 lished under subsection (b) will reach the applicable
22 spending safeguard limitation within six months, the
23 Director shall transmit, not later than 15 days after
24 the date of such determination, a report to the Com-
25 mittees on the Budget of the House of Representa-

1 tives and the Senate and the committees that have
2 jurisdiction over the program.

3 (2) OBLIGATION LIMITATION.—If, during any
4 of such six years, the Director determines using the
5 reports submitted under subsection (b)(2) that such
6 a direct spending program has reached the applica-
7 ble spending safeguard limitation—

8 (A) effective 30 days after such determina-
9 tion, no funds may be obligated to carry out
10 such program; and

11 (B) on the date of such determination, the
12 Director shall submit a report to the Commit-
13 tees on the Budget of the House of Representa-
14 tives and the Senate and the committees that
15 have jurisdiction over the program that such an
16 obligation limitation has been imposed.

17 (e) AGENCY PROCEDURES.—Any Federal agency im-
18 plementing a direct spending program listed on the score-
19 card established under subsection (b) shall ensure that any
20 contract, offer of benefits, or other material provided to
21 the program participants includes information specifying
22 that the program is subject to a spending safeguard limi-
23 tation that may impact future availability of funds to pay
24 benefits.

25 (f) DEFINITIONS.—In this Act—

1 (1) the term “Director” means the Director of
2 the Office of Management and Budget;

3 (2) the term “direct spending” has the meaning
4 given such term in section 250(c)(8) of the Balanced
5 Budget and Emergency Deficit Control Act of 1985
6 (2 U.S.C. 900(c)(8)); and

7 (3) the term “direct spending program”—

8 (A) means any Federal program funded by
9 direct spending that—

10 (i) is enacted or reauthorized after the
11 date of enactment of this Act; and

12 (ii) does not have, in statute, a spe-
13 cific level (expressed as a dollar amount) of
14 authorization of appropriations; and

15 (B) does not include Medicare (budget
16 function 570) or Social Security (budget func-
17 tion 650).

18 (g) PROHIBITION ON NEW AUTHORIZATION OF
19 FUNDING.—No additional funds are authorized to be ap-
20 propriated to carry out this Act.

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