

103D CONGRESS
1ST SESSION

H. R. 10

To require reauthorizations of budget authority for Government programs at least every ten years, to provide for review of Government programs at least every ten years, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MINETA (for himself and Mr. GEPHARDT) introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To require reauthorizations of budget authority for Government programs at least every ten years, to provide for review of Government programs at least every ten years, 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 That this Act may be cited as the “Sunset Act of 1993”.

4 SEC. 2. The purposes of this Act are—

5 (1) to require that most Government programs
6 be reauthorized according to a schedule at least once
7 every ten years;

1 (2) to limit the length of time for which Gov-
2 ernment programs can be authorized to ten years;

3 (3) to bar the expenditure of funds for Govern-
4 ment programs which have not been provided for by
5 a law enacted during the ten-year sunset reauthor-
6 ization cycle; and

7 (4) to encourage the reexamination of selected
8 Government programs each Congress.

9 SEC. 3. (a) For purposes of this Act—

10 (1) The term “budget authority” has the mean-
11 ing given to it by section 3(2) of the Congressional
12 Budget Act of 1974.

13 (2) The term “permanent budget authority”
14 means budget authority provided for an indefinite
15 period of time or an unspecified number of fiscal
16 years which does not require recurring action by the
17 Congress, but does not include budget authority pro-
18 vided for a specified fiscal year which is available for
19 obligation or expenditure in one or more succeeding
20 fiscal years.

21 (3) The term “Comptroller General” means the
22 Comptroller General of the United States.

23 (4) The term “agency” means an executive
24 agency as defined in section 105 of title 5, United
25 States Code, except that such term includes the

1 United States Postal Service and the Postal Rate
2 Commission but does not include the General Ac-
3 counting Office.

4 (5) The term “sunset reauthorization cycle”
5 means the period of five Congresses beginning with
6 the One Hundred Fourth Congress and with each
7 sixth Congress following the One Hundred Fourth
8 Congress.

9 (b) For purposes of this Act, each program (including
10 any program exempted by a provision of law from inclu-
11 sion in the Budget of the United States) shall be assigned
12 to the functional and subfunctional categories to which it
13 is assigned in the Budget of the United States Govern-
14 ment, fiscal year 1993. Each committee of the Senate or
15 the House of Representatives which reports any bill or res-
16 olution which authorizes the enactment of new budget au-
17 thority for a program not included in the fiscal year 1993
18 budget shall include, in the committee report accompany-
19 ing such bill or resolution (and, where appropriate, the
20 conferees shall include in their joint statement on such bill
21 or resolution), a statement as to the functional and
22 subfunctional category to which such program is to be as-
23 signed.

1 (c) For purposes of titles I, II, and III of this Act,
 2 the reauthorization date applicable to a program is the
 3 date specified for such program under section 101(b).

4 TITLE I—REAUTHORIZATION OF GOVERNMENT
 5 PROGRAMS

6 SEC. 101. (a) Each Government program (except
 7 those listed in section 103) shall be reauthorized at least
 8 once during each sunset reauthorization cycle during the
 9 Congress in which the reauthorization date applicable to
 10 such program (pursuant to subsection (b)) occurs.

11 (b) The first reauthorization date applicable to a Gov-
 12 ernment program is the date specified in the following
 13 table, and each subsequent reauthorization date applicable
 14 to a program is the date ten years following the preceding
 15 reauthorization date:

Programs included within subfunctional category	First reauthorization date
254 Space, Science, Applications and Technology 272 Energy Conservation. 301 Water Resources. 352 Agriculture and Research Services. 371 Mortgage Credit and Thrift Insurance. 376 Other Advancement and Regulation of Commerce 501 Elementary, Secondary, and Vocational Education 601 General Retirement and Disability Insurance. 602 Federal Employment Retirement and Disability. 703 Hospital and Medical Care for Veterans. 807 Other General Government.	September 30, 1994.
051 Department of Defense—Military 053 Atomic Energy Defense Activities. 154 Foreign Information and Exchange Act. 251 General Science and Basic Research. 306 Other Natural Resources.	September 30, 1996.

Programs included within subfunctional category	First reauthorization date
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
553 Education and Training of Health Care Work Force.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Director and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities	September 30, 1998.
152 International Security Assistance.	
155 International Financial Programs.	
253 Space Flight.	
255 Supporting Space Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Function.	
806 Other General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs	September 30, 2000.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Public Assistance and Other Income Supplements	
702 Veterans Education, Training, and Rehabilitation	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
908 Other Interest.	
151 Foreign Economic and Financial Assistance	September 30, 2002.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

1 (c)(1) It shall not be in order in either the Senate
2 or the House of Representatives to consider any bill or
3 resolution, or amendment thereto, which authorizes the
4 enactment of new budget authority for a program for a
5 period of more than ten fiscal years, for an indefinite pe-
6 riod, or (except during the Congress in which such next
7 reauthorization date occurs) for any fiscal year beginning
8 after the next reauthorization date applicable to such pro-
9 gram. Notwithstanding the preceding sentence, it shall be
10 in order to consider a bill or resolution for the purpose
11 of considering an amendment to the bill or resolution
12 which would make the authorization period conform to the
13 requirement of such sentence.

14 (2)(A) It shall not be in order in either the Senate
15 or the House of Representatives to consider any bill or
16 resolution, or amendment thereto, which provides new
17 budget authority for a program for any fiscal year begin-
18 ning after any reauthorization date applicable to such pro-
19 gram under subsection (b), unless the provision of such
20 new budget authority is specifically authorized by a law
21 which constitutes a required authorization for such pro-
22 gram.

23 (B) For the purposes of this title, the term “required
24 authorization” means a law authorizing the enactment of

1 new budget authority for a program, which complies with
2 the provisions of paragraph (1).

3 (3) No new budget authority may be obligated or ex-
4 pended for a program for a fiscal year beginning after the
5 last fiscal year in a sunset reauthorization cycle unless a
6 provision of law providing for the expenditure of such
7 funds has been enacted during such sunset reauthorization
8 cycle.

9 (4) Any provision of law providing permanent budget
10 authority for a program shall cease to be effective (for the
11 purpose of providing such budget authority) on the first
12 reauthorization date applicable to such program.

13 (5) It shall not be in order in either the Senate or
14 the House of Representatives to consider any bill or reso-
15 lution, or amendment thereto, which provides new budget
16 authority for a program unless the bill or resolution, or
17 amendment thereto (or the report which accompanies such
18 bill or resolution), includes a specific reference to the pro-
19 vision of law which constitutes a required authorization
20 for such program. Notwithstanding the preceding sen-
21 tence, it shall be in order to consider a bill or resolution
22 for the purpose of considering an amendment which pro-
23 vides such reference to the appropriate provision of law.

24 SEC. 102. (a) It shall not be in order in either the
25 Senate or the House of Representatives to consider any

1 bill or resolution, or amendment thereto, which has been
2 reported by a committee and which authorizes the enact-
3 ment of new budget authority for a program for a fiscal
4 year beginning after the next reauthorization date applica-
5 ble to such program, unless a reauthorization review of
6 such program has been completed during the Congress in
7 which the reauthorization date for such program occurs
8 (or during a subsequent Congress when such required au-
9 thorization is considered), and the report accompanying
10 such bill or resolution includes a separate section entitled
11 “Reauthorization Review” recommending, based on such
12 review, whether the program or the laws affecting such
13 program should be continued without change, continued
14 with modifications, or terminated, and also includes, to the
15 extent the committee or committees having jurisdiction
16 deem appropriate, each of the following matters:

17 (1) Information and analysis on the organiza-
18 tion, operation, costs, results, accomplishments, and
19 effectiveness of the program.

20 (2) An identification of any other programs
21 having similar objectives, and a justification of the
22 need for the proposed program in comparison with
23 those other programs which may be potentially con-
24 flicting or duplicative.

1 (3) An identification of the objectives intended
2 for the program, and the problems or needs which
3 the program is intended to address, including an
4 analysis of the performance expected to be achieved,
5 based on the bill or resolution as reported.

6 (4) A comparison of the amount of new budget
7 authority which was authorized for the program in
8 each of the previous four fiscal years and the
9 amount of new budget authority provided in each
10 such year.

11 (b) It shall not be in order in either the Senate or
12 the House of Representatives to consider a bill or resolu-
13 tion, or amendment thereto, which authorizes the enact-
14 ment of new budget authority for a program for which
15 there previously has been no such authorization unless the
16 report accompanying such bill or resolution sets forth, to
17 the extent that the committee or committees having juris-
18 diction deem appropriate, the information specified in sub-
19 sections (a)(2) and (a)(3).

20 (c) Each committee having legislative jurisdiction
21 over a program referred to in section 103 shall conduct
22 a review of such program of the type described in sub-
23 section (a) of this section at least once during each sunset
24 reauthorization cycle, during the Congress in which the
25 reauthorization date applicable to such program occurs,

1 and shall submit to the Senate or the House of Represent-
2 atives, as the case may be, a report containing its rec-
3 ommendations and other information of the type described
4 in subsection (a). It shall not be in order in either the
5 Senate or the House of Representatives to consider a bill
6 or resolution reported by the committee having legislative
7 jurisdiction which authorizes the enactment of new budget
8 authority for such program unless such report accom-
9 panies such bill or resolution, or has been submitted dur-
10 ing the Congress in which the reauthorization date for
11 such program occurred as provided in section 101(b),
12 whichever first occurs.

13 SEC. 103. Section 101(c) shall not apply to the
14 following:

15 (1) Programs included within functional cat-
16 egory 900 (Interest).

17 (2) Any Federal programs or activities to en-
18 force civil rights guaranteed by the Constitution of
19 the United States or to enforce antidiscrimination
20 laws of the United States, including but not limited
21 to the investigation of violations of civil rights, civil
22 or criminal litigation or the implementation or en-
23 forcement of judgments resulting from such litiga-
24 tion, and administrative activities in support of the
25 foregoing.

1 (3) Programs which are related to the adminis-
2 tration of the Federal judiciary and which are classi-
3 fied in the fiscal year 1993 budget under
4 subfunctional category 752 (Federal litigative and
5 judicial activities).

6 (4) Payments of refunds of internal revenue col-
7 lections as provided in title I of the Supplemental
8 Treasury and Post Office Departments Appropria-
9 tion Act of 1949 (62 Stat. 561), but not to include
10 refunds to persons in excess of their tax payments.

11 (5) Programs included in the fiscal year 1993
12 budget in subfunctional categories 701 (Income se-
13 curity for veterans), 702 (Veterans education, train-
14 ing, and rehabilitation), 704 (Veterans housing), and
15 programs for providing health care which are in-
16 cluded in such budget in subfunctional category 703
17 (Hospital and medical care for veterans).

18 (6) Social Security and Federal employee retire-
19 ment programs including the following:

20 (A) Programs funded through trust funds
21 which are included with subfunctional cat-
22 egories 551 (Health care services), 601 (Gen-
23 eral retirement and disability insurance), or 602
24 (Federal employee retirement and disability).

1 (B) Retirement pay and retired pay of
2 military personnel on the retired lists of the
3 Army, Navy, Marine Corps, and the Air Force,
4 including the Reserve components thereof, re-
5 tainer pay for personnel of the Inactive Fleet
6 Reserve; and payments under section 4 of Pub-
7 lic Law 92-425 and chapter 73 of title 10,
8 United States Code (survivor's benefits), classi-
9 fied in the fiscal year 1993 budget in
10 subfunctional category 051 (Department of De-
11 fense—military).

12 (C) Retirement pay and medical benefits
13 for retired commissioned officers of the Coast
14 Guard, the Public Health Service Commissioned
15 Corps, and the National Oceanic and Atmos-
16 pheric Commissioned Corps and their survivors
17 and dependents, classified in the fiscal year
18 1993 budget in subfunctional category 551
19 (Health care services) or in subfunctional cat-
20 egory 306 (Other natural resources).

21 (D) Retired pay of military personnel of
22 the Coast Guard and Coast Guard Reserve,
23 members of the former Lighthouse Service, and
24 for annuities payable to beneficiaries of retired
25 military personnel under the retired service-

1 man's family protection plan (10 U.S.C. 1431–
2 1446) and survivor benefit plan (10 U.S.C.
3 1447–1455), classified in the fiscal year 1993
4 budget in subfunctional category 403 (Water
5 transportation).

6 (E) Payments to the Central Intelligence
7 Agency Retirement and Disability Fund, classi-
8 fied in fiscal year 1993 budget in subfunctional
9 category 054 (Defense-related activities).

10 (F) Payments to the Civil Service Retire-
11 ment and Disability Fund for financing un-
12 funded liabilities, classified in fiscal year 1993
13 budget in subfunctional category 805 (Central
14 personnel management).

15 (G) Payments to the Foreign Service Re-
16 tirement and Disability Fund, classified in fis-
17 cal year 1993 budget in subfunctional category
18 153 (Conduct of foreign affairs).

19 (H) Payments to the Federal Old-Age and
20 Survivors Insurance and the Federal Disability
21 Insurance Trust Funds, classified in fiscal year
22 1993 budget in various subfunctional cat-
23 egories.

24 (I) Administration of the retirement and
25 disability programs set forth in this section.

1 SEC. 104. (a) It is the sense of the Congress that
2 all programs should be considered and reauthorized in
3 program categories which constitute major areas of legis-
4 lative policy. Such authorizations should be for sufficient
5 periods of time to enhance oversight and the review and
6 evaluation of Government programs.

7 (b) The reauthorization schedule contained in section
8 101(b) may be changed by concurrent resolution of the
9 two Houses of the Congress (except that changes in the
10 schedule affecting permanent appropriations may be made
11 only by law).

12 (c) All messages, petitions, memorials, concurrent
13 resolutions, and bills proposing changes in section 101(b)
14 and all bills proposing changes in section 103, shall be
15 referred first to the committee with legislative jurisdiction
16 over any program affected by the proposal and sequen-
17 tially to the Committee on Rules in the House of Rep-
18 resentatives or to the Committee on Rules and Adminis-
19 tration in the Senate.

20 (d) Except as provided in subsection (f), the Commit-
21 tee on Rules in the House of Representatives or the Com-
22 mittee on Rules and Administration in the Senate shall
23 report with its recommendations any concurrent resolution
24 or bill referred to it under subsection (c) and which pre-
25 viously has been reported favorably by a committee of leg-

1 islative jurisdiction within thirty days (not counting any
2 day on which the Senate or the House of Representatives
3 is not in session), beginning with the day following the
4 day on which such resolution or bill is so referred.

5 (e) The recommendations of the Committee on Rules
6 or the Committee on Rules and Administration pursuant
7 to subsection (d) or (f) shall include a statement on each
8 of the following matters:

9 (1) The effect the proposed change would have
10 on the sunset reauthorization schedule.

11 (2) The effect the proposed change would have
12 on the jurisdictional and reauthorization responsibil-
13 ities and workloads of the authorizing committees
14 of Congress.

15 (3) Any suggested grouping of similar programs
16 which would further the goals of this Act to make
17 more effective comparisons between programs having
18 like objectives.

19 (f) Any concurrent resolution or bill proposing a
20 change in section 101(b) or 103 shall be referred in the
21 House to the Committee on Rules and in the Senate to
22 the Committee on Rules and Administration. Such com-
23 mittee shall report an omnibus concurrent resolution or
24 bill containing its recommendations regarding the pro-
25 posed changes and consideration of such bill or resolution

1 shall be highly privileged in the House of Representatives
2 and privileged in the Senate. The provisions of subsections
3 (c) and (d) of section 1017 of the Impoundment Control
4 Act of 1974, insofar as they relate to consideration of re-
5 scission bills, shall apply to the consideration of concur-
6 rent resolutions and bills proposing changes reported pur-
7 suant to this subsection, amendments thereto, motions
8 and appeals with respect thereto, and conference reports
9 thereon.

10 (g) It shall not be in order in the Senate or the House
11 of Representatives to consider a bill or resolution reported
12 pursuant to subsection (b), (c), (d), or (f) which proposes
13 a reauthorization date for a program beyond the final re-
14 authorization date of the sunset reauthorization cycle then
15 in progress. Notwithstanding the preceding sentence, it
16 shall be in order to consider a bill or resolution for the
17 purpose of considering an amendment which meets the re-
18 quirements of this subsection.

19 TITLE II—PROGRAM INVENTORY

20 SEC. 201. (a) The Comptroller General and the Di-
21 rector of the Congressional Budget Office, in cooperation
22 with the Director of the Congressional Research Service,
23 shall prepare an inventory of Federal programs (hereafter
24 in this title referred to as the “program inventory”).

1 (b) The purpose of the program inventory is to advise
2 and assist the Congress in carrying out the requirements
3 of titles I and III. Such inventory shall not in any way
4 bind the committees of the Senate or the House of Rep-
5 resentatives with respect to their responsibilities under
6 such titles and shall not infringe on the legislative and
7 oversight responsibilities of such committees. The Comp-
8 troller General shall compile and maintain the inventory,
9 and the Director of the Congressional Budget Office shall
10 provide budgetary information for inclusion in the inven-
11 tory.

12 (c) Not later than January 1, 1994, the Comptroller
13 General, after consultation with the Director of the Con-
14 gressional Budget Office and the Director of the Congres-
15 sional Research Service, shall submit the program inven-
16 tory to the Senate and House of Representatives.

17 (d) In the report submitted under this section, the
18 Comptroller General, after consultation and in cooperation
19 with and consideration of the views and recommendations
20 of the Director of the Congressional Budget Office, shall
21 group programs into program areas appropriate for the
22 exercise of the review and reexamination requirements of
23 this Act. Such groupings shall identify program areas in
24 a manner which classifies each program in only one func-
25 tional and only one subfunctional category and which is

1 consistent with the structure of national needs, agency
2 missions, and basic programs developed pursuant to sec-
3 tion 1105 of title 31, United States Code.

4 (e) The program inventory shall set forth for each
5 program each of the following matters:

6 (1) The specific provision or provisions of law
7 authorizing the program.

8 (2) The committees of the Senate and the
9 House of Representatives which have legislative or
10 oversight jurisdiction over the program.

11 (3) A brief statement of the purpose or pur-
12 poses to be achieved by the program.

13 (4) The committees which have jurisdiction over
14 legislation providing new budget authority for the
15 program, including the appropriate subcommittees of
16 the Committees on Appropriations of the Senate and
17 the House of Representatives.

18 (5) The agency and, if applicable, the subdivi-
19 sion thereof responsible for administering the pro-
20 gram.

21 (6) The grants-in-aid, if any, provided by such
22 program to State and local governments.

23 (7) The next reauthorization date for the pro-
24 gram.

1 (8) A unique identification number which links
2 the program and functional category structure.

3 (9) The year in which the program was origi-
4 nally established and, where applicable, the year in
5 which the program expires.

6 (10) Where applicable, the year in which new
7 budget authority for the program was last author-
8 ized and the year in which current authorizations of
9 new budget authority expire.

10 (f) The inventory shall contain a separate tabular list-
11 ing of programs which are not required to be reauthorized
12 pursuant to section 101(c).

13 (g) The report also shall set forth for each program
14 whether the new budget authority provided for such pro-
15 grams is—

16 (1) authorized for a definite period of time;

17 (2) authorized in a specific dollar amount but
18 without limit of time;

19 (3) authorized without limit of time or dollar
20 amounts;

21 (4) not specifically authorized; or

22 (5) permanently provided,

23 as determined by the Director of the Congressional
24 Budget Office.

1 (h) For each program or group of programs, the pro-
2 gram inventory also shall include information prepared by
3 the Director of the Congressional Budget Office indicating
4 each of the following matters:

5 (1) The amounts of new budget authority au-
6 thorized and provided for the program for each of
7 the preceding four fiscal years and, where applicable,
8 the four succeeding fiscal years.

9 (2) The functional and subfunctional category
10 in which the program is presently classified and was
11 classified under the fiscal year 1991 budget.

12 (3) The identification code and title of the ap-
13 propriation account in which budget authority is
14 provided for the program.

15 SEC. 202. The General Accounting Office, the Con-
16 gressional Research Service, and the Congressional Budg-
17 et Office shall permit the mutual exchange of available in-
18 formation in their possession which would aid in the com-
19 pilation of the program inventory.

20 SEC. 203. The Office of Management and Budget,
21 and the Executive agencies and the subdivisions thereof
22 shall, to the extent necessary and possible, provide the
23 General Accounting Office with assistance requested by
24 the Comptroller General in the compilation of the program
25 inventory.

1 SEC. 204. Each committee of the Senate and the
2 House of Representatives, the Congressional Budget Of-
3 fice, and the Congressional Research Service shall review
4 the program inventory as submitted under section 201 and
5 not later than March 1, 1994, each shall advise the Comp-
6 troller General of any revisions in the composition or iden-
7 tification of programs and groups of programs which it
8 recommends. After full consideration of the reports of all
9 such committees and officials, the Comptroller General in
10 consultation with the committees of the Senate and the
11 House of Representatives shall report, not later than May
12 1, 1994, a revised program inventory to the Senate and
13 the House of Representatives.

14 SEC. 205. (a) The Comptroller General, after the
15 close of each session of the Congress, shall revise the pro-
16 gram inventory and report the revisions to the Senate and
17 the House of Representatives.

18 (b) After the close of each session of the Congress,
19 the Director of the Congressional Budget Office shall pre-
20 pare a report, for inclusion in the revised inventory, with
21 respect to each program included in the program inventory
22 and each program established by law during such session,
23 which includes the amount of the new budget authority
24 authorized and the amount of new budget authority pro-
25 vided for the current fiscal year and each of the five suc-

1 ceeding fiscal years. If new budget authority is not author-
2 ized or provided or is authorized or provided for an indefi-
3 nite amount for any of such five succeeding fiscal years
4 with respect to any program, the Director shall make pro-
5 jections of the amounts of such new budget authority nec-
6 essary to be authorized or provided for any such fiscal year
7 to maintain a current level of services.

8 (c) Not later than one year after the first or any sub-
9 sequent reauthorization date, the Director of the Congres-
10 sional Budget Office, in consultation with the Comptroller
11 General and the Director of the Congressional Research
12 Service, shall compile a list of the provisions of law related
13 to all programs subject to such reauthorization date for
14 which new budget authority was not authorized. The Di-
15 rector of the Congressional Budget Office shall include
16 such a list in the report required by subsection (b). The
17 committees with legislative jurisdiction over the affected
18 programs shall study the affected provisions and make any
19 recommendations they deem to be appropriate with regard
20 to such provisions to the Senate and the House of Rep-
21 resentatives.

22 SEC. 206. The Director of the Congressional Budget
23 Office and the Comptroller General shall include in their
24 respective reports to the Congress pursuant to section
25 202(f) of the Congressional Budget Act of 1974 and sec-

1 tion 719 of title 31, United States Code, an assessment
2 of the adequacy of the functional and subfunctional cat-
3 egories contained in section 101(b) of this Act for group-
4 ing programs of like missions or objectives.

5 SEC. 207. (a) The Director of the Congressional
6 Budget Office shall tabulate and issue an annual report
7 on the progress of congressional action on bills and resolu-
8 tions reported by a committee of either House or passed
9 by either House which authorize the enactment of new
10 budget authority for programs.

11 (b) The report shall include an up-to-date tabulation
12 for the fiscal year beginning October 1 and the succeeding
13 four fiscal years of the amounts of budget authority (1)
14 authorized by law or proposed to be authorized in any bill
15 or resolution reported by any committee of the Senate or
16 the House of Representatives, or (2) if budget authority
17 is not authorized or proposed to be authorized for any of
18 the five fiscal years, the amounts necessary to maintain
19 a current level of services for programs in the inventory.

20 (c) The Director of the Congressional Budget Office
21 shall issue periodic reports on the programs and the provi-
22 sions of laws which are scheduled for reauthorization in
23 each Congress pursuant to the reauthorization schedule
24 in section 101(b). In these reports, the Director shall iden-
25 tify each provision of law which authorizes the enactment

1 of new budget authority for programs scheduled for reau-
2 thorization and the title of the appropriation bill, or part
3 thereof, which would provide new budget authority pursu-
4 ant to each authorization.

5 TITLE III—PROGRAM REEXAMINATION

6 SEC. 301. (a) Each committee of the Senate and the
7 House of Representatives periodically shall provide
8 through the procedures established in section 302, for the
9 conduct of a comprehensive reexamination of selected pro-
10 grams or groups of programs over which it has jurisdic-
11 tion.

12 (b) In selecting programs and groups of programs for
13 reexamination, each committee shall consider each of the
14 following matters:

15 (1) The extent to which substantial time has
16 passed since the program or group of programs has
17 been in effect.

18 (2) The extent to which a program or group of
19 programs appears to require significant change.

20 (3) The resources of the committee with a view
21 toward undertaking reexaminations across a broad
22 range of programs.

23 (4) The desirability of examining related pro-
24 grams concurrently.

1 SEC. 302. (a)(1) The funding resolution first re-
2 ported by each committee of the Senate in 1995, and
3 thereafter for the first session of each Congress, shall in-
4 clude, and the first funding resolution introduced by each
5 committee of the House of Representatives (and referred
6 to the Committee on House Administration) for such year
7 and thereafter for the first session of each Congress shall
8 include, a section setting forth the committee's plan for
9 reexamination of programs under this title. Such plan
10 shall include each of the following matters:

11 (A) The programs to be reexamined and the
12 reasons for their selection.

13 (B) The scheduled completion date for each
14 program reexamination, which date shall not be later
15 than the end of the Congress preceding the Congress
16 in which the reauthorization date applicable to a
17 program occurs as provided in section 101(b), unless
18 the committee explains in a statement in the report
19 accompanying its proposed funding resolution (in
20 the Senate), or in a statement supplied by the re-
21 spective committee and included in the report of the
22 Committee on House Administration (in the House
23 of Representatives), the reasons for a later comple-
24 tion date, except that reports on programs scheduled
25 for reauthorization during the 104th Congress and

1 selected for reexamination in a committee's plan
2 adopted in 1994 may be submitted at any time on
3 or before February 15, 1995.

4 (C) The estimated cost for each reexamination.

5 (2) The report accompanying the funding resolution
6 reported by each committee of the Senate in 1995 and
7 thereafter for the first session of each Congress, shall in-
8 clude, and the report accompanying the funding resolution
9 reported by the Committee on House Administration with
10 respect to each committee of the House of Representatives
11 shall include, a statement of that committee, with respect
12 to each reexamination in its plan, of each of the following
13 matters:

14 (A) A description of the components of the
15 reexamination.

16 (B) A statement of whether the reexamination
17 is to be conducted (i) by the committee, or (ii) at the
18 request and under the direction of or under contract
19 with the committee, as the case may be, by one or
20 more instrumentalities of the legislative branch, one
21 or more instrumentalities of the executive branch, or
22 one or more nongovernmental organizations, or (iii)
23 by a combination of the foregoing.

24 (3) It shall not be in order to consider a funding reso-
25 lution with respect to a committee of the Senate or the

1 House of Representatives in 1995, and thereafter for the
2 first session of a Congress, unless—

3 (A) such resolution includes a section contain-
4 ing the information described in paragraph (1) and
5 the report accompanying such resolution contains
6 the information described in paragraph (2); and

7 (B) the report required by subsection (c) with
8 respect to each program reexamination scheduled for
9 completion during the preceding Congress by such
10 committee has been submitted for printing.

11 (4) It shall not be in order to consider an amendment
12 to the section of a funding resolution described in para-
13 graph (1) reported by a committee of the Senate for a
14 year, or reported by the Committee on House Administra-
15 tion with respect to a committee of the House of Rep-
16 resentatives for a year—

17 (A) if such amendment would require reexam-
18 ination of a program which has been reexamined by
19 such committee under this section during any of the
20 five preceding years;

21 (B) if such amendment would cause such sec-
22 tion not to contain the information described in
23 paragraph (1) with respect to each program to be
24 reexamined by such committee; or

1 (C) if notice of intention to propose such
2 amendment has not been given to such committee
3 and, in the case of an amendment in the Senate, to
4 the Committee on Rules and Administration of the
5 Senate, or, in the case of an amendment in the
6 House of Representatives, to the Committee on
7 House Administration, not later than January 20 of
8 the calendar year in which such year begins or the
9 first day of the session of the Congress in which
10 such year begins, whichever is later.

11 The notice required by subparagraph (C) shall include the
12 substance of the amendment intended to be proposed, and,
13 if such amendment would add one or more programs to
14 be reexamined, shall include the information described in
15 paragraphs (1) and (2) with respect to each such program.
16 Subparagraph (C) shall not apply to amendments pro-
17 posed by such committee or by the Committee on Rules
18 and Administration or House Administration, as the case
19 may be.

20 (b) In order to achieve coordination of program
21 reexamination each committee shall, in preparing each re-
22 examination plan required by subsection (a), consult with
23 appropriate committees of the Senate or appropriate com-
24 mittees of the House of Representatives, as the case may
25 be, and shall inform itself of related activities of and sup-

1 port or assistance that may be provided by (1) the General
2 Accounting Office, the Congressional Budget Office, the
3 Congressional Research Service, and the Office of Tech-
4 nology Assessment, and (2) appropriate instrumentalities
5 in the executive and judicial branches.

6 (c) Each committee shall prepare and have printed
7 a report with respect to each reexamination completed
8 under this title. Each such report shall be delivered to the
9 Secretary of the Senate or the Clerk of the House of Rep-
10 resentatives, as the case may be, not later than the date
11 specified in the resolution and printed as a Senate or
12 House document, accordingly. To the extent permitted by
13 law or regulation, such number of additional copies as the
14 committee may order shall be printed for the use of the
15 committee. If two or more committees have legislative ju-
16 risdiction over the same program or portions of the same
17 program, such committees may reexamine such program
18 jointly and submit a joint report with respect to such reex-
19 amination.

20 (d) The report pursuant to subsection (c) shall set
21 forth the findings, recommendations, and justifications
22 with respect to the program, and shall include to the ex-
23 tent the committee deems appropriate, each of the follow-
24 ing matters:

1 (1) An identification of the objectives intended
2 for the program and the problem it was intended to
3 address.

4 (2) An identification of any trends, develop-
5 ments, and emerging conditions which are likely to
6 affect the future nature and extent of the problems
7 or needs which the program is intended to address
8 and an assessment of the potential primary and sec-
9 ondary effects of the proposed program.

10 (3) An identification of any other program hav-
11 ing potentially conflicting or duplicative objectives.

12 (4) A statement of the number and types of
13 beneficiaries or persons served by the program.

14 (5) An assessment of the effectiveness of the
15 program and the degrees to which the original objec-
16 tives of the program or group of programs have been
17 achieved.

18 (6) An assessment of the cost effectiveness of
19 the program, including where appropriate, a cost-
20 benefit analysis of the operation of the program.

21 (7) An assessment of the relative merits of al-
22 ternative methods which could be considered to
23 achieve the purposes of the program.

24 (8) Information on the regulatory, privacy, and
25 paperwork impacts of the program.

1 (e) A report submitted pursuant to this section shall
2 be deemed to satisfy the reauthorization review require-
3 ments of title I.

4 SEC. 303. Each department or agency of the execu-
5 tive branch which is responsible for the administration of
6 a program selected for reexamination pursuant to this title
7 shall, not later than six months before the completion date
8 specified for reexamination reports pursuant to section
9 302(a)(1)(B), submit to the Office of Management and
10 Budget and to the appropriate committee or committees
11 of the Senate and the House of Representatives a report
12 of its findings, recommendations, and justifications with
13 respect to each of the matters set forth in section 302(d),
14 and the Office of Management and Budget shall submit
15 to such committee or committees such comments as it
16 deems appropriate.

17 SEC. 304. For the purposes of this title—

18 (1) The term “funding resolution” means, with
19 respect to each committee of the House of Rep-
20 resentatives, the primary funding resolution for such
21 committee which is effective for the duration of a
22 Congress.

23 (2) An amendment to a funding resolution in-
24 cludes a resolution of the Senate which amends such
25 funding resolution.

1 TITLE IV—TAX EXPENDITURES

2 SEC. 401. For purposes of this title—

3 (1) The term “tax expenditure provision”
4 means any provision of Federal law which allows a
5 special exclusion, exemption, or deduction in deter-
6 mining liability for any tax or which provides a spe-
7 cial credit against any tax, a preferential rate of tax,
8 or a deferral of tax liability.

9 (2) The term “Committee on Ways and Means”
10 means the Committee on Ways and Means of the
11 House of Representatives.

12 (3) The term “Committee on Finance” means
13 the Committee on Finance of the Senate.

14 (4) The term “Joint Tax Committee” means
15 the Joint Committee on Taxation of the Congress.

16 SEC. 402. (a) Not later than July 1, 1994, the Direc-
17 tor of the Congressional Budget Office after consultation
18 with the Joint Tax Committee shall prepare an inventory
19 of tax expenditures provisions (hereinafter in this title re-
20 ferred to as the “tax inventory”) and submit a report
21 thereon to the Committee on Ways and Means and the
22 Committee on Finance. The report shall include for each
23 tax expenditure provision—

1 (1) the statute, regulation, ruling, or other cir-
2 cumstance which is the basis for the tax expenditure
3 provision;

4 (2) an identification of the tax against which
5 the tax expenditure provision allows a special exclu-
6 sion, exemption, or deduction in determining liability
7 or provides a special credit, a preferential rate of
8 tax, or a deferral of tax liability;

9 (3) a brief statement of the purpose or pur-
10 poses to be achieved by the tax expenditure provi-
11 sion;

12 (4) the period of time, if any, for which the tax
13 expenditure provision has been in effect;

14 (5) the estimated revenue loss from the tax ex-
15 penditure provision for the preceding 4 fiscal years;

16 (6) an analysis of the distributional impact of
17 the tax expenditure provision; and

18 (7) the functional and subfunctional category of
19 the budget in which the tax expenditure provision is
20 classified.

21 (b) The General Accounting Office, the Congressional
22 Research Service, and the Office of Technology Assess-
23 ment shall provide the Congressional Budget Office and
24 the Joint Tax Committee with information requested
25 which would aid in the compilation of the tax inventory.

1 (c) The Department of the Treasury, the Office of
2 Management and Budget, and the other agencies shall, to
3 the extent necessary and possible, provide the Congres-
4 sional Budget Office and the Joint Tax Committee with
5 any assistance requested for the preparation of the tax
6 inventory.

7 SEC. 403. The Committee on Ways and Means and
8 the Committee on Finance shall review the tax inventory
9 submitted as provided in section 402 and, not later than
10 October 1, 1994, shall advise the Director of the Congres-
11 sional Budget Office of any proposed revisions in the com-
12 position or identification of tax expenditure provisions in
13 the tax inventory. After considering the advice of such
14 committees, such Director, in consultation with the Joint
15 Tax Committee, shall report, not later than December 1,
16 1994, a revised tax inventory to the House and the Senate.

17 SEC. 404. (a) The Director of the Congressional
18 Budget Office, after the close of each session of the Con-
19 gress, shall revise the tax inventory after consultation with
20 the Joint Tax Committee and issue a report on the revi-
21 sions thereto to the Senate and House of Representatives.
22 Such report shall indicate, with respect to each tax ex-
23 penditure provision established during such session, the
24 revenue loss which will result in the current fiscal year
25 and the 5 succeeding fiscal years.

1 (b) The Director of the Congressional Budget Office
2 shall tabulate and issue periodic reports to the Senate and
3 the House of Representatives on the progress of congress-
4 sional action on bills and resolutions reported by the Com-
5 mittee on Ways and Means or the Committee on Finance
6 or passed by either House which affect tax expenditure
7 provisions and each new tax expenditure provision pro-
8 posed to be enacted by any bill or resolution reported, with
9 respect to the amount of revenue loss which would result
10 in the next fiscal year and each of the 4 succeeding fiscal
11 years.

12 SEC. 405. (a) During the second session of the One
13 Hundred First Congress, the Committee on Ways and
14 Means and the Committee on Finance shall report, and
15 the Congress shall complete action on, a bill prescribing
16 a schedule of reauthorization dates for all tax expenditure
17 provisions (other than those specifically exempted in the
18 bill) which are in the tax inventory, or, if not in such in-
19 ventory, which are in effect on the date of the enactment
20 of such bill or which have been enacted or otherwise estab-
21 lished as of such date and will become effective after such
22 date. Under such schedule there shall be 5 first reauthor-
23 ization dates for tax expenditure provisions beginning with
24 September 30, 1996, and continuing on September 30 of
25 each of the following 4 even-numbered years, and each

1 subsequent reauthorization date applicable to a tax ex-
2 penditure provision shall be the date 10 years following
3 the preceding reauthorization date.

4 (b) Upon enactment of the bill described in sub-
5 section (a), and subject to the rules and changes provided
6 pursuant to section 406, each tax expenditure provision
7 shall cease to be effective on January 1 of the year follow-
8 ing the first (or subsequent) reauthorization date provided
9 in the schedule adopted pursuant to subsection (a) and
10 the bills, resolutions, or amendments thereto enacted pur-
11 suant to subsection (d), unless it would otherwise cease
12 to be effective at an earlier date, or unless it is reauthor-
13 ized by a law enacted after the date of enactment of this
14 Act.

15 (c) It shall not be in order in either the Senate or
16 the House of Representatives to consider a bill or resolu-
17 tion, or amendment thereto, which provides for the reau-
18 thorization of all or part of a tax expenditure provision
19 which is in the schedule adopted pursuant to subsection
20 (a) or which was enacted pursuant to subsection (d)—

- 21 (1) for an indefinite period of time,
- 22 (2) for a period exceeding 10 taxable years, or
- 23 (3) (except during the Congress in which the
24 next reauthorization date for such provision occurs)
25 for any taxable year beginning after the next reau-

1 thorization date applicable to such tax expenditure
2 provision.

3 (d) After the enactment of the bill described in sub-
4 section (a), it shall not be in order in either the Senate
5 or the House of Representatives to consider any bill or
6 resolution, or amendment thereto, which proposes the en-
7 actment of a tax expenditure provision (other than a reau-
8 thorization under subsection (c)) that does not have a re-
9 authorization date (and subsequent reauthorization dates)
10 which conform with the schedule provided in subsection
11 (a).

12 (e) Reauthorization dates shall be prescribed under
13 subsections (a) and (d) so as to provide for a review of
14 tax expenditure provisions during the same Congress as
15 the review under this Act of programs and tax expenditure
16 provisions having similar objectives, consistent with pro-
17 viding an even distribution of the work of reviewing tax
18 expenditure provisions during each Congress and taking
19 into consideration the economic impact of the review proc-
20 ess and the interest of avoiding adverse impact on pre-
21 viously acquired assets.

22 SEC. 406. In carrying out the requirements of section
23 405 the Committee on Ways and Means, the Committee
24 on Finance, and the Congress may prescribe transition
25 rules and conforming and technical changes to minimize

1 unfairness, to mitigate any adverse effect which might re-
2 sult for taxpayers who have relied on a tax expenditure
3 provision, or to provide for an orderly end of the effective-
4 ness of any such provision.

5 SEC. 407. It shall not be in order in either the Senate
6 or the House of Representatives to consider a bill, resolu-
7 tion, or amendment thereto which proposes a reauthoriza-
8 tion date for a tax expenditure provision beyond the final
9 reauthorization date of the current sunset reauthorization
10 cycle.

11 SEC. 408. (a) It shall not be in order in either the
12 Senate or the House of Representatives to consider any
13 bill, resolution, or amendment thereto, which provides for
14 the reauthorization of a tax expenditure provision for a
15 taxable year beginning after the next reauthorization date
16 applicable to such provision, unless a reauthorization re-
17 view of such provision has been completed during the Con-
18 gress in which the reauthorization date for such provision
19 occurs, and the report accompanying such bill or resolu-
20 tion includes a recommendation as to whether the tax ex-
21 penditure provision should be continued without change,
22 continued with modifications, or terminated, and includes,
23 in the scope and detail the Committee on Ways and Means
24 and the Committee on Finance deem appropriate, the fol-
25 lowing:

1 (1) information and analysis on the operation,
2 costs, results, accomplishments, and effectiveness of
3 the tax expenditure provision;

4 (2) an identification of any other tax expendi-
5 ture provisions or any other programs having similar
6 objectives, and a justification of the need for the
7 proposed tax expenditure in comparison with those
8 tax expenditure provisions or programs which may
9 be potentially conflicting or duplicative; and

10 (3) an identification of the objectives intended
11 for the tax expenditure provision, and the problem
12 or needs which the tax expenditure provision is in-
13 tended to address, including an analysis of the per-
14 formance expected to be achieved, based on the bill
15 or resolution as reported.

16 (b) It shall not be in order in either the Senate or
17 the House of Representatives to consider any bill, resolu-
18 tion, or amendment thereto, which proposes the enactment
19 of a new tax expenditure provision unless the bill, resolu-
20 tion, or amendment thereto is accompanied by a report
21 which sets forth, in the scope and detail the Committee
22 on Ways and Means and the Committee on Finance deem
23 appropriate, the information specified in subsections
24 (a)(2) and (a)(3) of this section.

1 TITLE V—MISCELLANEOUS

2 SEC. 501. Section 1108(e) of title 31, United States
3 Code, is amended by inserting before the period a comma
4 and “or at the request of a committee of either House
5 of Congress presented after the day on which the Presi-
6 dent transmits the budget to the Congress under section
7 1105 of this title for the fiscal year”.

8 SEC. 502. Nothing in this Act shall require the public
9 disclosure of matters that are specifically authorized under
10 criteria established by an Executive order to be kept secret
11 in the interest of national defense or foreign policy and
12 are in fact properly classified pursuant to such Executive
13 order, or which are otherwise specifically protected by law.

14 SEC. 503. The provisions of this section and sections
15 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102,
16 104(a), 104(c), 104(d), 104(e), 104(f), 104(g), title III
17 (except section 303), sections 405 (c) and (d), 407, and
18 408, section 505, and section 506 of this Act are enacted
19 by the Congress—

20 (1) as an exercise of the rulemaking power of
21 the Senate and the House of Representatives respec-
22 tively, and as such they shall be considered as part
23 of the rules of each House, respectively, or of that
24 House to which they specifically apply, and such

1 rules shall supersede other rules only to the extent
2 that they are inconsistent therewith; and

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

8 SEC. 504. (a)(1) To assist in the review or reexam-
9 ination of a program, the head of an agency which admin-
10 isters such program and the head of any other agency,
11 when requested, shall provide to each committee of the
12 Senate and the House of Representatives which has legis-
13 lative jurisdiction over such program such studies, infor-
14 mation, analyses, reports, and assistance as the committee
15 may request.

16 (2) Not later than six months before the first reau-
17 thorization date specified for a program in section 101(b)
18 the head of the agency which administers such program
19 or the head of any other agency, when requested by a com-
20 mittee of the Senate or the House of Representatives, shall
21 conduct a review of those regulations currently promul-
22 gated and in use by that agency which the committee spe-
23 cifically has requested be reviewed and submit a report
24 to the Senate or the House of Representatives as the case
25 may be, setting forth the regulations that agency intends

1 to retain, eliminate, or modify if the program is reauthor-
2 ized and stating the basis for its decision.

3 (3) On or before October 1 of the year preceding the
4 beginning of the Congress in which occurs the reauthoriza-
5 tion date for a program, the Comptroller General shall fur-
6 nish to each committee of the Senate and the House of
7 Representatives which has legislative jurisdiction over
8 such program a listing of the prior audits and reviews of
9 such program completed during the preceding six years.

10 (4) Consistent with the discharge of the duties and
11 functions imposed by law on them or their respective Of-
12 fices or Service, the Comptroller General, the Director of
13 the Congressional Budget Office, the Director of the Of-
14 fice of Technology Assessment, and the Director of the
15 Congressional Research Service shall furnish to each com-
16 mittee of the Senate and the House of Representatives
17 such information, analyses, and reports as the committee
18 may request to assist it in conducting reviews or evalua-
19 tions of programs.

20 (b)(1) On or before October 1 of the year preceding
21 the beginning of the Congress in which occurs the reau-
22 thorization date for a program, the President, with the
23 cooperation of the head of each appropriate agency, shall
24 submit to the Congress a “Regulatory Duplication and

1 Conflicts Report” for all such programs scheduled for re-
2 authorization in the next Congress.

3 (2) Each such regulatory duplication and conflicts re-
4 port shall—

5 (A) identify regulatory policies, including data
6 collection requirements, of such programs or the
7 agencies which administer them, which duplicate or
8 conflict with each other or with rules or regulations
9 or regulatory policies of other programs or agencies,
10 and identify the provisions of law which authorize or
11 require such duplicative or conflicting regulatory
12 policies or the promulgation of such duplicative or
13 conflicting rules or regulations;

14 (B) identify the regulatory policies, including
15 data collection requirements, of such programs
16 which are, or which tend to be, duplicative of or in
17 conflict with rules or regulations or regulatory poli-
18 cies of State or local governments; and

19 (C) contain recommendations which address the
20 conflicts or duplications identified in subparagraphs
21 (A) and (B).

22 (3) The regulatory duplication and conflicts report
23 submitted by the President pursuant to this subsection
24 shall be referred to the committee or committees of the

1 House of Representatives and the Senate with legislative
2 jurisdiction over the programs affected by the reports.

3 SEC. 505. (a) Not later than 15 days after the begin-
4 ning of the second regular session of the Congress in
5 which occurs the reauthorization date applicable to a pro-
6 gram under section 101(b), the chairmen of the commit-
7 tees of the Senate and the House of Representatives hav-
8 ing legislative jurisdiction over such programs shall intro-
9 duce, in their respective Houses, a bill which, if enacted
10 into law, would constitute a required authorization (as de-
11 fined in section 101(c)(1)(B)), and such a bill (hereafter
12 in this section referred to as a “sunset reauthorization
13 bill”) shall be referred to the appropriate committee of the
14 Senate or the House of Representatives, as the case may
15 be. This subsection shall not apply in the case of a pro-
16 gram which has been reauthorized by a required author-
17 ization which was signed into law by the President prior
18 to fifteen days after the beginning of the second regular
19 session of the Congress in which occurs the reauthoriza-
20 tion date applicable to such program.

21 (b) If the committee to which a sunset reauthoriza-
22 tion bill for a program has not reported such bill by May
23 15 of the year in which the reauthorization date for such
24 program occurs, and no other bill which would constitute
25 a required authorization for such program has been en-

1 acted into law by that date, it is in order to move to dis-
2 charge the committee from further consideration of the
3 sunset reauthorization bill at any time thereafter.

4 (c) The provisions of section 912(a) of title 5, United
5 States Code, as it relates to the discharge of resolutions
6 of disapproval on reorganization plans, shall apply to mo-
7 tions to discharge sunset reauthorization bills, and the
8 provisions of subsections (b)(2), (c) (2) through (5), and
9 (d) of section 1017 of the Impoundment Control Act of
10 1974, insofar as they relate to the consideration of rescis-
11 sion bills shall apply to the consideration of such sunset
12 reauthorization bills, amendments thereto, motions and
13 appeals with respect thereto, and conference reports there-
14 on.

15 SEC. 506. The Committees on Governmental Affairs
16 and on Rules and Administration of the Senate and the
17 Committees on Government Operations and on Rules of
18 the House of Representatives shall review the operation
19 of the procedures established by this Act, and shall submit
20 a report not later than December 31, 2000, and each five
21 years thereafter, setting forth their findings and rec-
22 ommendations. Such reviews and reports may be con-
23 ducted jointly.

24 SEC. 507. There are authorized to be appropriated
25 for fiscal years ending before October 1, 2004, such sums

1 as may be necessary to carry out the review requirement
2 of titles I and III and the requirements for the compilation
3 of the inventory of Federal programs as set forth in title
4 II.

○

HR 10 IH—2