

117TH CONGRESS
1ST SESSION

H. R. 6301

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

DECEMBER 16, 2021

Ms. FOXX (for herself, Mr. NORMAN, and Mr. GOOD of Virginia) 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), 570 (Medicare), 600 (Income Secu-
15 rity), 650 (Social Security), or 700 (Veterans
16 Benefits and Services), 120 percent of the cost
17 of the program; and

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

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

1 be) applicable to the program under section 4 of the
2 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
3 933).

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

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

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

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

1 (c) PRESIDENT BUDGET SUBMISSIONS.—

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

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

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

15 (d) PROCEDURES IN CASE OF BREACH.—

16 (1) SPENDING LIMITATION BREACH REPORT.—

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

1 mittees on the Budget of the House of Representa-
2 tives and the Senate and the committees that have
3 jurisdiction over the program.

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

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

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

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

1 (f) DEFINITIONS.—In this Act—

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

4 (2) the term “direct spending” has the meaning
5 given such term in section 250(c)(8) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985
7 (2 U.S.C. 900(c)(8)); and

8 (3) the term “direct spending program” means
9 any Federal program funded by direct spending
10 that—

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

13 (B) does not have, in statute, a specific
14 level (expressed as a dollar amount) of author-
15 ization of appropriations.

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

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