

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4435  
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Unauthorized Spend-  
3 ing Accountability Act of 2023”.

**4 SEC. 2. ESTABLISHMENT OF BUDGETARY LEVEL REDUC-  
5 TION SCHEDULE.**

6       (a) IN GENERAL.—There is hereby established a re-  
7 occurring three-year budgetary level reduction cycle with  
8 respect to any unauthorized program, to begin in fiscal  
9 year 2024, consistent with the requirements of this Act.

10       (b) DEFINITIONS.—In this Act:

11           (1) BUDGETARY LEVEL.—The term “budgetary  
12 level” means the allocation made under section  
13 302(a) of the Congressional Budget Act of 1974 (2  
14 U.S.C. 633(a)) to the Committee on Appropriations  
15 of the House of Representatives or the Senate in a  
16 concurrent resolution on the budget for a fiscal year,  
17 and includes any such allocation made pursuant to  
18 a deeming resolution.

1           (2) EXPIRING FISCAL YEAR.—The term “expir-  
2           ing fiscal year” means, with respect to an unauthor-  
3           ized program, the fiscal year during which author-  
4           izations of appropriations will expire for such pro-  
5           gram.

6           (3) UNAUTHORIZED PROGRAM.—The term “un-  
7           authorized program” means any program or activity  
8           listed in the annual report published by the Congres-  
9           sional Budget Office, entitled “Expired and Expiring  
10          Authorizations of Appropriations”, or any successor  
11          report, with respect to which authorizations of ap-  
12          propriations will expire during the fiscal year in  
13          which such report is published.

14          (c) APPLICATION TO PROGRAMS THAT EXPIRED BE-  
15          FORE FISCAL YEAR 2024.—For purposes of applying this  
16          Act to any unauthorized program funded during fiscal  
17          year 2024 and for which authorizations of appropriations  
18          expired before such fiscal year, such program shall be  
19          deemed to be a program or activity listed in the report  
20          referred to in subsection (b)(3) with respect to which au-  
21          thorizations of appropriations will expire during fiscal year  
22          2024.

1 **SEC. 3. REDUCTION IN BUDGETARY LEVEL FOR UNAU-**  
2 **THORIZED PROGRAMS.**

3 (a) BUDGETARY LEVEL FOR FISCAL YEAR FOL-  
4 LOWING EXPIRATION OF AUTHORIZATION.—With respect  
5 to any unauthorized program, on the date that a budg-  
6 etary level is established for the fiscal year immediately  
7 following the expiring fiscal year, such level shall imme-  
8 diately be reduced by an amount equal to 10 percent of  
9 the funds appropriated for such program in the expiring  
10 fiscal year.

11 (b) BUDGETARY LEVEL FOR SECOND AND THIRD  
12 FISCAL YEARS FOLLOWING EXPIRATION OF AUTHORIZA-  
13 TION.—With respect to any unauthorized program that re-  
14 sults in a budgetary level reduction under subsection (a)  
15 that remains an unauthorized program in the second or  
16 third fiscal year following the expiring fiscal year, on the  
17 date that a budgetary level is established for either such  
18 second or third fiscal year, the budgetary level for either  
19 such fiscal year shall be reduced by an amount equal to  
20 15 percent of the funds appropriated for such program  
21 in the expiring fiscal year.

22 (c) TRANSMITTAL OF NEW BUDGETARY LEVEL.—  
23 Upon the reduction of a budgetary level (if any) under  
24 subsection (a) or (b), the chair of the Committee on the  
25 Budget of the House of Representatives and the Senate  
26 shall submit the revised budgetary level to the chair of

1 the Committee on Appropriations of the House of Rep-  
2 resentatives and the Senate, respectively.

3 **SEC. 4. TERMINATION OF UNAUTHORIZED PROGRAMS**  
4 **AFTER THIRD UNAUTHORIZED YEAR.**

5 (a) IN GENERAL.—Any unauthorized program that  
6 causes a budgetary level reduction under section 3(b) ap-  
7 plicable to the third fiscal year following the expiring fiscal  
8 year shall, effective immediately on October 1 of the fiscal  
9 year immediately following such third fiscal year, be termi-  
10 nated, except that any unobligated amounts available for  
11 such program after the date of termination shall remain  
12 available for recording, adjusting, and liquidating valid ob-  
13 ligations of such program issued before such termination  
14 date.

15 (b) OBLIGATION OF FUNDS PROHIBITED WITHOUT  
16 REAUTHORIZATION.—No funds may be obligated for any  
17 program terminated pursuant to subsection (a) in any fis-  
18 cal year without an express reauthorization of the program  
19 by Congress containing an authorization of appropriations  
20 period not to exceed three years.

21 **SEC. 5. EXEMPTION FROM BUDGETARY LEVEL REDUCTION.**

22 (a) IN GENERAL.—Consistent with subsection (b)—  
23 (1) any unauthorized program that causes a  
24 budgetary level reduction applicable to a fiscal year  
25 under section 3 that is expressly reauthorized during

1 the fiscal year in which such level is established shall  
2 not be subject to the requirements of this Act; and

3 (2) upon the date of such reauthorization, any  
4 such reduction shall be restored.

5 (b) LIMITATION.—Subsection (a) shall only apply if  
6 the reauthorization contains a sunset provision applicable  
7 to such program providing for an authorization of appro-  
8 priations period of not more than three years.

