



Thomas A. Schatz  
*President*

November 16, 2015

The Honorable Thomas E. Price, M.D.  
Chairman  
Committee on the Budget  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman,

Today, the House of Representatives will consider H.R. 308, the Keep the Promise Act of 2015, introduced by Rep. Trent Franks (R-Ariz.) on January 13, 2015.

The Council for Citizens Against Government Waste (CCAGW) is aware of the legislative history of this bill, to include similar bills from previous Congresses: H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act (2011), and H.R. 1410, the Keep the Promise Act of 2013. For each of the previous bills, which are virtually identical to H.R. 308, the Congressional Budget Office (CBO) determined that those bills “would have no significant impact on the federal budget” and that they “would not affect direct spending or revenues.”

However, CBO has failed to provide a definitive score for H.R. 308, due to a virtually unprecedented factor: the risk of potential litigation. Of particular concern, CCAGW understands that CBO may have been pressured by opponents of the legislation to inject uncertainty into the final score. Regardless of the merits of the underlying legislation, CCAGW finds these circumstances to be troublesome. Furthermore, CCAGW understands that, when asked to use litigation risk as a scoring factor for other legislation, CBO indicated that such an approach was inconsistent with their established procedures.

Therefore, without reference to the merits of the underlying legislation, CCAGW believes that, in the absence of a definitive score for this bill and given the precedent of two previous estimates that indicated “no significant impact” of virtually identical legislation, thus rendering CBO’s latest scoring statement an outlier, passage of H.R. 308 should not reasonably be considered to increase spending.

Sincerely,

*Thomas Schatz*