

117TH CONGRESS
1ST SESSION

S. 1174

To establish a national commission on fiscal responsibility and reform, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Ms. LUMMIS (for herself, Ms. ERNST, Mr. CRAMER, Mr. ROUNDS, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To establish a national commission on fiscal responsibility
and reform, 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 “Sustainable Budget
5 Act of 2021”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMMISSION.—The term “Commission”
9 means the National Commission on Fiscal Responsi-
10 bility and Reform established under subsection (b).

1 (2) FEDERAL AGENCY.—The term “Federal
2 agency” means an establishment in the executive,
3 legislative, or judicial branch of the Federal Govern-
4 ment.

5 (b) ESTABLISHMENT.—Not later than 30 days after
6 the date of the enactment of this Act, there shall be estab-
7 lished within the legislative branch a commission to be
8 known as the National Commission on Fiscal Responsi-
9 bility and Reform.

10 (c) MEMBERSHIP.—

11 (1) COMPOSITION OF COMMISSION.—The Com-
12 mission shall be composed of 18 members, of
13 whom—

14 (A) 6 shall be appointed by the President,
15 of whom not more than 3 shall be from the
16 same political party;

17 (B) 3 shall be appointed by the majority
18 leader of the Senate, from among current Mem-
19 bers of the Senate;

20 (C) 3 shall be appointed by the Speaker of
21 the House of Representatives, from among cur-
22 rent Members of the House of Representatives;

23 (D) 3 shall be appointed by the minority
24 leader of the Senate, from among current Mem-
25 bers of the Senate; and

1 (E) 3 shall be appointed by the minority
2 leader of the House of Representatives, from
3 among current Members of the House of Rep-
4 resentatives.

5 (2) INITIAL APPOINTMENTS.—Not later than
6 60 days after the date on which the Commission is
7 established, initial appointments to the Commission
8 shall be made.

9 (3) VACANCY.—A vacancy on the Commission
10 shall be filled in the same manner as the initial ap-
11 pointment.

12 (d) CO-CHAIRPERSONS.—From among the members
13 appointed under subsection (c), the President shall des-
14 ignate 2 members, who shall not be of the same political
15 party, to serve as co-chairpersons of the Commission.

16 (e) QUALIFICATIONS.—Members appointed to the
17 Commission shall have significant depth of experience and
18 responsibilities in matters relating to—

19 (1) government service;

20 (2) fiscal policy;

21 (3) economics;

22 (4) Federal agency management or private sec-
23 tor management;

24 (5) public administration; and

25 (6) law.

1 (f) DUTIES.—

2 (1) IN GENERAL.—The Commission shall iden-
3 tify policies to—

4 (A) improve the fiscal situation of the Fed-
5 eral Government in the medium term; and

6 (B) achieve fiscal sustainability of the Fed-
7 eral Government in the long term.

8 (2) REQUIREMENTS.—In carrying out para-
9 graph (1), the Commission shall—

10 (A) propose recommendations designed to
11 balance the budget of the Federal Government,
12 excluding interest payments on the public debt,
13 by the date that is 10 years after the date on
14 which the Commission is established, in order
15 to stabilize the ratio of the public debt to the
16 gross domestic product of the United States at
17 an acceptable level; and

18 (B) propose recommendations that mean-
19 ingfully improve the long-term fiscal outlook of
20 the Federal Government, including changes to
21 address the growth of entitlement spending and
22 the gap between the projected revenues and ex-
23 penditures of the Federal Government.

24 (g) REPORTS AND PROPOSED JOINT RESOLUTION.—

25 (1) IN GENERAL.—

1 (A) FINAL REPORT.—Not later than 1
2 year after the date on which all members of the
3 Commission are appointed under subsection (c),
4 the Commission shall vote on the approval of a
5 final report, which shall contain—

6 (i) the recommendations required
7 under subsection (f)(2); and

8 (ii) a proposed joint resolution imple-
9 menting the recommendations described in
10 clause (i).

11 (B) INTERIM REPORTS.—At any time after
12 the date on which all members of the Commis-
13 sion are appointed and prior to voting on the
14 approval of a final report under subparagraph
15 (A), the Commission may vote on the approval
16 of an interim report containing such rec-
17 ommendations described in subsection (f)(2) as
18 the Commission may provide.

19 (2) APPROVAL OF REPORT.—The Commission
20 may only issue a report under this subsection if—

21 (A) not less than 12 members of the Com-
22 mission approve the report; and

23 (B) of the members approving the report
24 under subparagraph (A), not less than 4 are
25 members of the same political party to which

1 the Speaker of the House of Representatives
2 belongs and not less than 4 are members of the
3 same political party to which the minority lead-
4 er of the House of Representatives belongs.

5 (3) SUBMISSION OF REPORT.—With respect to
6 each report approved under this subsection, the
7 Commission shall—

8 (A) submit to Congress the report; and

9 (B) make the report available to the pub-
10 lic.

11 (4) PREPARATION OF JOINT RESOLUTION.—

12 (A) IN GENERAL.—In drafting the pro-
13 posed joint resolution described in paragraph
14 (1)(A)(ii), the Commission—

15 (i) may use the services of the offices
16 of the Legislative Counsel of the Senate
17 and House of Representatives; and

18 (ii) shall consult with the Comptroller
19 General of the United States and the Di-
20 rector of the Congressional Budget Office.

21 (B) CONSULTATION WITH COMMITTEES.—

22 In drafting the proposed joint resolution de-
23 scribed in paragraph (1)(A)(ii), the co-chair-
24 persons of the Commission, with respect to the

1 contents of the proposed joint resolution, shall
2 consult with—

3 (i) the chairperson and ranking mem-
4 ber of each relevant committee of the Sen-
5 ate and the House of Representatives;

6 (ii) the majority and minority leader
7 of the Senate; and

8 (iii) the Speaker and minority leader
9 of the House of Representatives.

10 (C) REQUIREMENTS FOR CONSULTA-
11 TION.—The consultation required under sub-
12 paragraph (B) shall provide the opportunity for
13 each individual described in subparagraph (B)
14 to provide—

15 (i) recommendations for alternative
16 means of addressing the recommendations
17 described in paragraph (1)(A)(i); and

18 (ii) recommendations regarding which
19 recommendations described in paragraph
20 (1)(A)(i) should not be addressed in the
21 proposed joint resolution.

22 (D) RELEVANT COMMITTEES.—For the
23 purpose of this paragraph, the relevant commit-
24 tees of the Senate and the House of Represent-
25 atives shall be—

1 (i) the Committee on Finance of the
2 Senate;

3 (ii) the Committee on Ways and
4 Means of the House of Representatives;

5 (iii) the Committee on Health, Edu-
6 cation, Labor, and Pensions of the Senate;
7 and

8 (iv) the Committee on Energy and
9 Commerce of the House of Representa-
10 tives.

11 (h) POWERS OF THE COMMISSION.—

12 (1) HEARINGS.—The Commission may hold
13 such hearings, sit and act at such times and places,
14 take such testimony, and receive such evidence as
15 the Commission considers advisable to carry out the
16 duties of the Commission described in subsection (f).

17 (2) INFORMATION FROM FEDERAL AGENCIES.—

18 (A) IN GENERAL.—The Commission may
19 secure directly from any Federal agency such
20 information as the Commission considers nec-
21 essary to carry out the duties of the Commis-
22 sion described in subsection (f).

23 (B) PROVISION OF INFORMATION.—Upon
24 request from the co-chairpersons of the Com-
25 mission, the head of a Federal agency shall pro-

1 vide information described in subparagraph (A)
2 to the Commission.

3 (3) POSTAL SERVICES.—The Commission may
4 use the United States mail in the same manner and
5 under the same conditions as departments and agen-
6 cies of the Federal Government.

7 (4) WEBSITE.—

8 (A) CONTENTS.—The Commission shall es-
9 tablish a website containing—

10 (i) the recommendations required
11 under subsection (f)(2); and

12 (ii) the records of attendance of the
13 members of the Commission for each meet-
14 ing of the Commission.

15 (B) DATE OF PUBLICATION.—Not later
16 than 72 hours after the conclusion of a meeting
17 of the Commission, the Commission shall pub-
18 lish a recommendation or record of attendance
19 described under subparagraph (A) that is made
20 or taken at the meeting on the website estab-
21 lished under such subparagraph.

22 (i) ASSISTANCE OF OTHER LEGISLATIVE BRANCH
23 ENTITIES.—As the Commission conducts the work of the
24 Commission—

1 (1) the Comptroller General shall provide tech-
2 nical assistance to the Commission on findings and
3 recommendations of the Government Accountability
4 Office;

5 (2) the Director of the Congressional Budget
6 Office shall provide technical assistance to the Com-
7 mission on findings and recommendations of the
8 Congressional Budget Office; and

9 (3) the chair of the Joint Committee on Tax-
10 ation shall provide technical assistance to the Com-
11 mission on findings and recommendations of the
12 Joint Committee on Taxation.

13 (j) PERSONNEL MATTERS.—

14 (1) IN GENERAL.—Members of the Commission
15 shall serve without compensation.

16 (2) TRAVEL EXPENSES.—Members of the Com-
17 mission shall be allowed travel expenses, including
18 per diem in lieu of subsistence, at rates authorized
19 for employees of agencies under subchapter I of
20 chapter 57 of title 5, United States Code, while
21 away from the homes or regular places of business
22 of the members in the performance of services for
23 the Commission.

24 (3) STAFF.—

25 (A) IN GENERAL.—

1 (i) APPOINTMENT.—The co-chair-
2 persons of the Commission may, without
3 regard to civil service laws and regulations,
4 appoint and terminate an executive direc-
5 tor and such other additional personnel as
6 may be necessary to enable the Commis-
7 sion to perform the duties of the Commis-
8 sion.

9 (ii) APPROVAL.—The appointment of
10 an executive director under clause (i) shall
11 be subject to confirmation by the Commis-
12 sion.

13 (B) COMPENSATION.—

14 (i) IN GENERAL.—The co-chair-
15 persons of the Commission may fix the
16 compensation of the executive director and
17 other personnel of the Commission without
18 regard to the provisions of chapter 51 and
19 subchapter III of chapter 53 of title 5,
20 United States Code, relating to the classi-
21 fication of positions and General Schedule
22 pay rates.

23 (ii) PAY RATE.—The rate of pay for
24 the executive director and other personnel
25 of the Commission may not exceed the rate

1 payable for level V of the Executive Sched-
2 ule under section 5613 of title 5, United
3 States Code.

4 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
5 Any employee of the Federal Government may be
6 detailed to the Commission—

7 (A) without reimbursement; and

8 (B) without interruption or loss of civil
9 service status or privilege.

10 (5) PROCUREMENT OF TEMPORARY AND INTER-
11 MITTENT SERVICES.—The co-chairpersons of the
12 Commission may procure temporary and intermit-
13 tent services under section 3109(b) of title 5, United
14 States Code, at rates for individuals that do not ex-
15 ceed the daily equivalent of the annual rate of basic
16 pay prescribed for level V of the Executive Schedule
17 under section 5316 of such title.

18 (k) TERMINATION OF THE COMMISSION.—The Com-
19 mission shall terminate on the date that is 30 days after
20 the date on which the Commission submits the final report
21 of the Commission under subsection (g)(1)(A).

22 (l) RULES OF CONSTRUCTION.—Nothing in this Act
23 shall be construed to—

24 (1) impair or otherwise affect—

1 (A) authority granted by law to a Federal
2 agency or a head thereof; or

3 (B) functions of the Director of the Office
4 of Management and Budget relating to budg-
5 etary, administrative, or legislative proposals; or

6 (2) create any right or benefit, substantive or
7 procedural, enforceable at law or in equity, by any
8 party against the United States, the departments,
9 agencies, entities, officers, employees, or agents of
10 the United States, or any other person.

11 (m) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated to the Commission such sums as may
14 be necessary to carry out this Act.

15 (2) AVAILABILITY.—Any sums appropriated
16 under paragraph (1) shall remain available, without
17 fiscal year limitation, until expended.

18 (n) INAPPLICABILITY OF FEDERAL ADVISORY COM-
19 MITTEE ACT.—The Federal Advisory Committee Act (5
20 U.S.C. App.) shall not apply to the Commission.

21 **SEC. 3. SPECIAL MESSAGE OF THE PRESIDENT.**

22 (a) DEFINITIONS.—In this section:

23 (1) COMMISSION REPORT.—The term “Commis-
24 sion report” means the final report of the National

1 Commission on Fiscal Responsibility and Reform de-
2 scribed in section 2(g)(1)(A).

3 (2) SPECIAL MESSAGE.—The term “special
4 message” means the special message on the Com-
5 mission report required under subsection (b)(1).

6 (b) SUBMISSION OF SPECIAL MESSAGE.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date on which the Commission submits the Com-
9 mission report to Congress, the President shall sub-
10 mit to Congress a special message on the report.

11 (2) TRANSMITTAL.—The President shall submit
12 the special message—

13 (A) to the Secretary of the Senate if the
14 Senate is not in session; and

15 (B) to the Clerk of the House of Rep-
16 resentatives if the House of Representatives is
17 not in session.

18 (c) CONTENTS OF SPECIAL MESSAGE.—The special
19 message shall describe the reasons for the support or op-
20 position of the President to the proposed joint resolution
21 contained in the Commission report.

22 (d) PUBLIC AVAILABILITY.—The President shall—

23 (1) make a copy of a special message publicly
24 available, including on a website of the President;
25 and

1 (2) publish in the Federal Register a notice of
2 a special message and information on how the spe-
3 cial message can be obtained.

4 **SEC. 4. EXPEDITED CONSIDERATION OF PROPOSED JOINT**
5 **RESOLUTION.**

6 (a) DEFINITION OF COMMISSION JOINT RESOLU-
7 TION.—In this section, the term “Commission joint resolu-
8 tion” means a joint resolution that consists solely of the
9 text of the proposed joint resolution required to be in-
10 cluded in the final report of the Commission under section
11 2(g)(1)(A)(ii).

12 (b) QUALIFYING LEGISLATION.—Only a Commission
13 joint resolution shall be entitled to expedited consideration
14 under this section.

15 (c) CONSIDERATION IN THE HOUSE OF REPRESENT-
16 ATIVES.—

17 (1) INTRODUCTION.—A Commission joint reso-
18 lution may be introduced in the House of Represent-
19 atives (by request)—

20 (A) by the majority leader of the House of
21 Representatives, or by a Member of the House
22 of Representatives designated by the majority
23 leader of the House of Representatives, on the
24 next legislative day after the date on which the

1 Commission approves the final report of the
2 Commission under section 2(g)(1)(A); or

3 (B) if the Commission joint resolution is
4 not introduced under subparagraph (A), by any
5 Member of the House of Representatives on any
6 legislative day beginning on the legislative day
7 after the legislative day described in subpara-
8 graph (A).

9 (2) REFERRAL AND REPORTING.—Any com-
10 mittee of the House of Representatives to which a
11 Commission joint resolution is referred shall report
12 the Commission joint resolution to the House of
13 Representatives without amendment not later than
14 10 legislative days after the date on which the Com-
15 mission joint resolution was so referred. If a com-
16 mittee of the House of Representatives fails to re-
17 port a Commission joint resolution within that pe-
18 riod, it shall be in order to move that the House of
19 Representatives discharge the committee from fur-
20 ther consideration of the Commission joint resolu-
21 tion. Such a motion shall not be in order after the
22 last committee authorized to consider the Commis-
23 sion joint resolution reports it to the House of Rep-
24 resentatives or after the House of Representatives
25 has disposed of a motion to discharge the Commis-

1 sion joint resolution. The previous question shall be
2 considered as ordered on the motion to its adoption
3 without intervening motion, except 20 minutes of de-
4 bate equally divided and controlled by the proponent
5 and an opponent. If such a motion is adopted, the
6 House of Representatives shall proceed immediately
7 to consider the Commission joint resolution in ac-
8 cordance with paragraphs (3) and (4). A motion to
9 reconsider the vote by which the motion is disposed
10 of shall not be in order.

11 (3) PROCEEDING TO CONSIDERATION.—After
12 the last committee authorized to consider a Commis-
13 sion joint resolution reports it to the House of Rep-
14 resentatives or has been discharged (other than by
15 motion) from its consideration, it shall be in order
16 to move to proceed to consider the Commission joint
17 resolution in the House of Representatives. Such a
18 motion shall not be in order after the House of Rep-
19 resentatives has disposed of a motion to proceed
20 with respect to the Commission joint resolution. The
21 previous question shall be considered as ordered on
22 the motion to its adoption without intervening mo-
23 tion. A motion to reconsider the vote by which the
24 motion is disposed of shall not be in order.

1 (4) CONSIDERATION.—The Commission joint
 2 resolution shall be considered as read. All points of
 3 order against the Commission joint resolution and
 4 against its consideration are waived. The previous
 5 question shall be considered as ordered on the Com-
 6 mission joint resolution to its passage without inter-
 7 vening motion, except 2 hours of debate equally di-
 8 vided and controlled by the proponent and an oppo-
 9 nent and 1 motion to limit debate on the Commis-
 10 sion joint resolution. A motion to reconsider the vote
 11 on passage of the Commission joint resolution shall
 12 not be in order.

13 (5) VOTE ON PASSAGE.—The vote on passage
 14 of the Commission joint resolution shall occur not
 15 later than 3 legislative days after the date on which
 16 the last committee authorized to consider the Com-
 17 mission joint resolution reports it to the House of
 18 Representatives or is discharged.

19 (d) EXPEDITED PROCEDURE IN THE SENATE.—

20 (1) INTRODUCTION IN THE SENATE.—A Com-
 21 mission joint resolution may be introduced in the
 22 Senate (by request)—

23 (A) by the majority leader of the Senate,
 24 or by a Member of the Senate designated by the
 25 majority leader of the Senate, on the next legis-

1 lative day after the date on which the President
2 submits the proposed joint resolution under sec-
3 tion 3(b); or

4 (B) if the Commission joint resolution is
5 not introduced under subparagraph (A), by any
6 Member of the Senate on any day on which the
7 Senate is in session beginning on the day after
8 the day described in subparagraph (A).

9 (2) COMMITTEE CONSIDERATION.—A Commis-
10 sion joint resolution introduced in the Senate under
11 paragraph (1) shall be jointly referred to the com-
12 mittee or committees of jurisdiction, which commit-
13 tees shall report the Commission joint resolution
14 without any revision and with a favorable rec-
15 ommendation, an unfavorable recommendation, or
16 without recommendation, not later than 10 session
17 days after the date on which the Commission joint
18 resolution was so referred. If any committee to
19 which a Commission joint resolution is referred fails
20 to report the Commission joint resolution within that
21 period, that committee shall be automatically dis-
22 charged from consideration of the Commission joint
23 resolution, and the Commission joint resolution shall
24 be placed on the appropriate calendar.

1 (3) PROCEEDING.—Notwithstanding rule XXII
2 of the Standing Rules of the Senate, it is in order,
3 not later than 2 days of session after the date on
4 which a Commission joint resolution is reported or
5 discharged from all committees to which the Com-
6 mission joint resolution was referred, for the major-
7 ity leader of the Senate or the designee of the major-
8 ity leader to move to proceed to the consideration of
9 the Commission joint resolution. It shall also be in
10 order for any Member of the Senate to move to pro-
11 ceed to the consideration of the Commission joint
12 resolution at any time after the conclusion of such
13 2-day period. A motion to proceed is in order even
14 though a previous motion to the same effect has
15 been disagreed to. All points of order against the
16 motion to proceed to the Commission joint resolution
17 are waived. The motion to proceed shall not be de-
18 batable. The motion is not subject to a motion to
19 postpone. A motion to reconsider the vote by which
20 the motion is agreed to or disagreed to shall not be
21 in order. If a motion to proceed to the consideration
22 of the Commission joint resolution is agreed to, the
23 Commission joint resolution shall remain the unfin-
24 ished business until disposed of. All points of order
25 against a Commission joint resolution and against

1 consideration of the Commission joint resolution are
2 waived.

3 (4) NO AMENDMENTS.—An amendment to a
4 Commission joint resolution, a motion to postpone,
5 a motion to proceed to the consideration of other
6 business, or a motion to recommit the Commission
7 joint resolution, is not in order.

8 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
9 Appeals from the decisions of the Chair relating to
10 the application of the rules of the Senate, as the
11 case may be, to the procedure relating to a Commis-
12 sion joint resolution shall be decided without debate.

13 (e) AMENDMENT.—A Commission joint resolution
14 shall not be subject to amendment in either the Senate
15 or the House of Representatives.

16 (f) CONSIDERATION BY THE OTHER HOUSE.—

17 (1) IN GENERAL.—If, before passing a Commis-
18 sion joint resolution, a House receives from the
19 other House a Commission joint resolution of the
20 other House—

21 (A) the Commission joint resolution of the
22 other House shall not be referred to a com-
23 mittee; and

24 (B) the procedure in the receiving House
25 shall be the same as if no Commission joint res-

1 olution had been received from the other House
 2 until the vote on passage, when the Commission
 3 joint resolution received from the other House
 4 shall supplant the Commission joint resolution
 5 of the receiving House.

6 (2) REVENUE MEASURES.—This subsection
 7 shall not apply to the House of Representatives if a
 8 Commission joint resolution received from the Sen-
 9 ate is a revenue measure.

10 (g) RULES TO COORDINATE ACTION WITH OTHER
 11 HOUSE.—

12 (1) TREATMENT OF COMMISSION JOINT RESO-
 13 LUTION OF OTHER HOUSE.—If a Commission joint
 14 resolution is not introduced in the Senate or the
 15 Senate fails to consider a Commission joint resolu-
 16 tion under this section, the Commission joint resolu-
 17 tion of the House of Representatives shall be entitled
 18 to expedited floor procedures under this section.

19 (2) TREATMENT OF COMPANION MEASURES IN
 20 THE SENATE.—If, following passage of a Commis-
 21 sion joint resolution in the Senate, the Senate re-
 22 ceives from the House of Representatives a Commis-
 23 sion joint resolution, the House-passed Commission
 24 joint resolution shall not be debatable. The vote on
 25 passage of the Commission joint resolution in the

1 Senate shall be considered to be the vote on passage
 2 of the Commission joint resolution received from the
 3 House of Representatives.

4 (3) VETOES.—If the President vetoes a Com-
 5 mission joint resolution, consideration of a veto mes-
 6 sage in the Senate under this paragraph shall be 10
 7 hours equally divided between the majority and mi-
 8 nority leaders of the Senate or the designees of the
 9 majority and minority leaders of the Senate.

10 (h) EXERCISE OF RULEMAKING POWER.—This sec-
 11 tion is enacted by Congress—

12 (1) as an exercise of the rulemaking power of
 13 the Senate and House of Representatives, respec-
 14 tively, and, as such—

15 (A) it is deemed a part of the rules of each
 16 House, respectively, but applicable only with re-
 17 spect to the procedure to be followed in that
 18 House in the case of a Commission joint resolu-
 19 tion; and

20 (B) it supersedes other rules only to the
 21 extent that it is inconsistent with such rules;
 22 and

23 (2) with full recognition of the constitutional
 24 right of either House to change the rules (so far as
 25 relating to the procedure of that House) at any time,

- 1 in the same manner, and to the same extent as in
- 2 the case of any other rule of that House.

