

116TH CONGRESS
1ST SESSION

H. R. 5211

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. CASE (for himself and Mr. WOMACK) introduced the following bill; which
was referred to the Committee on the Budget, and in addition to the
Committee on Rules, for a period to be subsequently determined by the
Speaker, in each case for consideration of such provisions as fall within
the jurisdiction of the committee concerned

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 2019”.

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

7 (a) ESTABLISHMENT.—Not later than 30 days after
8 the date of the enactment of this Act, there shall be estab-
9 lished within the legislative branch a commission to be

1 known as the National Commission on Fiscal Responsi-
2 bility and Reform (referred to in this Act as the “Commis-
3 sion”).

4 (b) MEMBERSHIP.—

5 (1) COMPOSITION OF COMMISSION.—A Commis-
6 sion shall be composed of 18 members of whom—

7 (A) six members shall be appointed by the
8 President, of whom not more than 4 shall be
9 from the same political party;

10 (B) three members shall be appointed by
11 the majority leader of the Senate, from among
12 current Members of the Senate;

13 (C) three members shall be appointed by
14 the Speaker of the House of Representatives,
15 from among current Members of the House of
16 Representatives;

17 (D) three members shall be appointed by
18 the minority leader of the Senate, from among
19 current Members of the Senate; and

20 (E) three members shall be appointed by
21 the minority leader of the House of Representa-
22 tives, from among current Members of the
23 House of Representatives.

24 (2) INITIAL APPOINTMENTS.—Initial appoint-
25 ments to the Commission shall be made not later

1 than 60 days after the establishment of the Commis-
2 sion.

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

6 (c) CO-CHAIRPERSONS.—From among the members
7 appointed under paragraph (1), the President shall des-
8 ignate 2 members, who shall not be of the same political
9 party, to serve as Co-Chairpersons of the Commission.

10 (d) QUALIFICATIONS.—Members appointed to the
11 Commission shall have significant depth of experience and
12 responsibilities in matters relating to government service,
13 fiscal policy, economics, Federal agency management or
14 private sector management, public administration, and
15 law.

16 (e) DUTIES.—

17 (1) IN GENERAL.—The Commission shall iden-
18 tify policies to improve the fiscal situation in the me-
19 dium term and to achieve fiscal sustainability over
20 the long term.

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

23 (A) propose recommendations designed to
24 balance the budget, excluding interest payments
25 on the debt, by the end of the 10-year period

beginning on the date on which the Commission is established, in order to stabilize the debt-to-GDP ratio at an acceptable level; and

(B) propose recommendations that meaningfully improve the long-term fiscal outlook, including changes to address the growth of entitlement spending and the gap between the projected revenues and expenditures of the Federal Government.

(f) REPORTS.—

(1) IN GENERAL.—

(A) FINAL REPORT.—Not later than 1 year after the date on which members are appointed to the Commission under subsection (b), the Commission shall vote on the approval of a final report containing the recommendations required under subsection (e).

(B) INTERIM REPORTS.—At any time after the date on which members are appointed and prior to voting on the approval of a final report under subparagraph (A), the Commission may vote on the approval of an interim report containing such recommendations described in subsection (e) as the Commission may provide.

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

3 (A) the report is approved by not less than
4 12 members of the Commission; and

5 (B) of the members approving the report,
6 at least 4 are members of the same political
7 party to which the Speaker of the House of
8 Representatives belongs and at least 4 are
9 members of the same political party to which
10 the minority leader of the House of Representa-
11 tives belongs.

12 (3) SUBMISSION OF REPORT TO CONGRESS.—
13 Each report approved under this subsection shall be
14 submitted to Congress and made available to the
15 public.

16 (g) POWERS OF THE COMMISSION.—

17 (1) HEARINGS.—The Commission may hold
18 such hearings, sit and act at such times and places,
19 take such testimony, and receive such evidence as
20 the Commission considers advisable to carry out the
21 duties of the Commission described in subsection (e).

22 (2) INFORMATION FROM FEDERAL AGENCIES.—
23 The Commission may secure directly from any Fed-
24 eral agency such information as the Commission
25 considers necessary to carry out the duties of the

1 Commission described in subsection (e). Upon re-
2 quest from the Co-Chairpersons of the Commission,
3 the head of the Federal agency shall provide the in-
4 formation requested to the Commission.

5 (3) POSTAL SERVICES.—The Commission may
6 use the United States mail in the same manner and
7 under the same conditions as other departments and
8 agencies of the Federal Government.

9 (4) WEBSITE.—

10 (A) CONTENTS.—The Commission shall es-
11 tablish a website that shall contain—

12 (i) the recommendations required
13 under subsection (e); and

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

17 (B) DATE OF PUBLICATION.—The Com-
18 mission shall publish a recommendation or
19 record of attendance described under subpara-
20 graph (A) on the website established under
21 such subparagraph not later than 72 hours
22 after the conclusion of the meeting at which
23 such recommendation is made or at which such
24 record of attendance is taken.

1 (h) ASSISTANCE OF OTHER LEGISLATIVE BRANCH
2 ENTITIES.—

3 (1) GOVERNMENT ACCOUNTABILITY OFFICE.—

4 The Comptroller General shall provide technical as-
5 sistance to the Commission, as the Commission con-
6 ducts the work of the Commission, on the findings
7 and recommendations of the Government Account-
8 ability Office.

9 (2) CONGRESSIONAL BUDGET OFFICE.—The
10 Director of the Congressional Budget Office shall
11 provide technical assistance to the Commission, as
12 the Commission conducts the work of the Commis-
13 sion, on the findings and recommendations of the
14 Congressional Budget Office.

15 (3) JOINT COMMITTEE ON TAXATION.—The
16 chair of the Joint Committee on Taxation shall pro-
17 vide technical assistance to the Commission, as the
18 Commission conducts the work of the Commission,
19 on the findings and recommendations of the Joint
20 Committee on Taxation.

21 (i) PERSONNEL MATTERS.—

22 (1) IN GENERAL.—Members of the Commission
23 shall serve without any additional compensation.

24 (2) TRAVEL EXPENSES.—Members of the Com-
25 mission shall be allowed travel expenses, including

1 per diem in lieu of subsistence, as rates authorized
2 for employees of agencies under subchapter I of
3 chapter 57 of title 5, United States Code, while
4 away from their homes or regular places of business
5 in the performance of services for the Commission.

6 (3) STAFF.—

7 (A) IN GENERAL.—The Co-Chairpersons of
8 the Commission, may without regard to the civil
9 service laws and regulations, appoint and termi-
10 nate an executive director and such other addi-
11 tional personnel as may be necessary to enable
12 the Commission to perform its duties. The em-
13 ployment of an executive director shall be sub-
14 ject to confirmation by the Commission.

15 (B) COMPENSATION.—The Co-Chair-
16 persons of the Commission may fix the com-
17 pensation of the executive director and other
18 personnel without regard to the provisions of
19 chapter 51 and subchapter III of chapter 53 of
20 title 5, United States Code, relating to the clas-
21 sification of positions and General Schedule pay
22 rates, except that the rate of pay for the execu-
23 tive director and other personnel may not ex-
24 ceed the rate payable for level V of the Execu-
25 tive Schedule under section 5613 of such title.

1 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

2 Any Federal Government employee may be detailed
3 to the Commission without reimbursement, and such
4 detail shall be without interruption or loss of civil
5 service status or privilege.

6 (5) PROCUREMENT OF TEMPORARY AND INTER-

7 MITTENT SERVICES.—The Co-Chairpersons of each
8 Commission may procure temporary and intermit-
9 tent services under section 3109(b) of title 5, United
10 States Code, at rates for individuals which do not
11 exceed the daily equivalent of the annual rate of
12 basic pay prescribed for level V of the Executive
13 Schedule under section 5316 of such title.

14 (j) TERMINATION OF THE COMMISSION.—The Com-
15 mission established shall terminate 30 days after the date
16 on which the Commission submits the final report of the
17 Commission under subsection (f).

18 (k) RULES OF CONSTRUCTION.—Nothing in this Act
19 shall be construed to—

20 (1) impair or otherwise affect—

21 (A) authority granted by law to an execu-
22 tive department, agency, or the head thereof; or

23 (B) functions of the Director of the Office
24 of Management and Budget relating to budg-
25 etary, administrative, or legislative proposals; or

1 (2) create any right or benefit, substantive or
2 procedural, enforceable at law or in equity by any
3 party against the United States, its departments,
4 agencies, or entities, its officers, employees, or
5 agents, or any other person.

6 (l) AUTHORIZATION OF APPROPRIATIONS.—

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

10 (2) AVAILABILITY.—Any sums appropriated
11 under paragraph (1) shall remain available, without
12 fiscal year limitation, until expended.

13 (m) FEDERAL AGENCY DEFINED.—The term “Fed-
14 eral agency” means an establishment in the executive, leg-
15 islative, or judicial branch of the Federal Government.

16 **SEC. 3. CONSIDERATION OF COMMISSION RECOMMENDA-**
17 **TIONS.**

18 (a) SUBMISSION OF PROPOSED JOINT RESOLU-
19 TION.—Not later than 60 days after the date on which
20 the Commission submits a report to Congress under sec-
21 tion 2(f)(3), the President shall transmit to Congress a
22 special message on the report, accompanied by a proposed
23 joint resolution consisting of legislative language to imple-
24 ment the recommendations contained in such report.

1 (b) REQUIREMENTS FOR PREPARATION OF PRO-
2 POSED JOINT RESOLUTION.—

3 (1) CONSULTATION WITH CONGRESS.—

4 (A) IN GENERAL.—The President may not
5 transmit a proposed joint resolution under sub-
6 section (a) until after the President completes
7 consultation with Congress in accordance with
8 this paragraph.

9 (B) CONSULTATION WITH COMMITTEES.—
10 The President shall consult with the chairman
11 and ranking minority member of each relevant
12 committee of the Senate or of the House of
13 Representatives regarding the contents of a
14 proposed joint resolution.

15 (C) REQUIREMENTS FOR CONSULTA-
16 TION.—The consultation required under sub-
17 paragraph (B) shall provide the opportunity for
18 the chairman and ranking member of each rel-
19 evant committee of the Senate or of the House
20 of Representatives to provide—

21 (i) recommendations for alternative
22 means of addressing the recommendations
23 contained in the Commission report; and

24 (ii) recommendations regarding which
25 recommendations contained in the Com-

1 mission report should not be addressed in
2 the proposed joint resolution.

3 (D) RELEVANT COMMITTEES.—The rel-
4 evant committees of the Senate and the House
5 of Representatives for purposes of this para-
6 graph shall be—

7 (i) determined by the President; and

8 (ii) based on the content of the pro-
9 posed joint resolution.

10 (2) CONSULTATION WITH GAO AND CBO.—The
11 President shall prepare a proposed joint resolution
12 transmitted under subsection (a) in consultation
13 with the Comptroller General of the United States
14 and the Director of the Congressional Budget Office.

15 (c) CONTENTS OF SPECIAL MESSAGE.—A special
16 message transmitted under subsection (a) shall—

17 (1) specify recommendations outlined in the
18 Commission report that are excluded from the pro-
19 posed joint resolution;

20 (2) detail why the recommendations described
21 in paragraph (1) were excluded from the proposed
22 joint resolution;

23 (3) specify recommendations outlined in the
24 Commission report that are included in the proposed
25 joint resolution; and

1 (4) identify programs included in the Commis-
2 sion report that should be eliminated or consoli-
3 dated.

4 (d) TRANSMITTAL.—The President shall submit the
5 special message to the Secretary of the Senate if the Sen-
6 ate is not in session and to the Clerk of the House of
7 Representatives if the House is not in session.

8 (e) PUBLIC AVAILABILITY.—The President shall
9 make a copy of the special message and the proposed joint
10 resolution publicly available, including publicly available
11 on a website of the President, and shall publish in the
12 Federal Register a notice of the message and information
13 on how it can be obtained.

14 **SEC. 4. EXPEDITED CONSIDERATION OF PROPOSED JOINT**
15 **RESOLUTION.**

16 (a) QUALIFYING LEGISLATION.—

17 (1) IN GENERAL.—Only a Commission joint
18 resolution shall be entitled to expedited consideration
19 under this section.

20 (2) DEFINITION.—In this section, the term
21 “Commission joint resolution” means a joint resolu-
22 tion which consists solely of the text of the proposed
23 joint resolution submitted by the President under
24 section 3(a).

1 (b) CONSIDERATION IN THE HOUSE OF REPRESENT-
2 ATIVES.—

3 (1) INTRODUCTION.—A Commission joint reso-
4 lution may be introduced in the House of Represent-
5 atives (by request)—

6 (A) by the majority leader of the House of
7 Representatives, or by a Member of the House
8 of Representatives designated by the majority
9 leader of the House of Representatives, on the
10 next legislative day after the date on which the
11 President submits the proposed joint resolution
12 under section 3(a); or

13 (B) if the Commission joint resolution is
14 not introduced under subparagraph (A), by any
15 Member of the House of Representatives on any
16 legislative day beginning on the legislative day
17 after the legislative day described in subpara-
18 graph (A).

19 (2) REFERRAL AND REPORTING.—Any com-
20 mittee of the House of Representatives to which a
21 Commission joint resolution is referred shall report
22 the Commission joint resolution to the House of
23 Representatives without amendment not later than
24 10 legislative days after the date on which the Com-
25 mission joint resolution was so referred. If a com-

1 mittee of the House of Representatives fails to re-
2 port a Commission joint resolution within that pe-
3 riod, it shall be in order to move that the House of
4 Representatives discharge the committee from fur-
5 ther consideration of the Commission joint resolu-
6 tion. Such a motion shall not be in order after the
7 last committee authorized to consider the Commis-
8 sion joint resolution reports it to the House of Rep-
9 resentatives or after the House of Representatives
10 has disposed of a motion to discharge the Commis-
11 sion joint resolution. The previous question shall be
12 considered as ordered on the motion to its adoption
13 without intervening motion except 20 minutes of de-
14 bate equally divided and controlled by the proponent
15 and an opponent. If such a motion is adopted, the
16 House of Representatives shall proceed immediately
17 to consider the Commission joint resolution in ac-
18 cordance with paragraphs (3) and (4). A motion to
19 reconsider the vote by which the motion is disposed
20 of shall not be in order.

21 (3) PROCEEDING TO CONSIDERATION.—After
22 the last committee authorized to consider a Commis-
23 sion joint resolution reports it to the House of Rep-
24 resentatives or has been discharged (other than by
25 motion) from its consideration, it shall be in order

1 to move to proceed to consider the Commission joint
2 resolution in the House of Representatives. Such a
3 motion shall not be in order after the House of Rep-
4 resentatives has disposed of a motion to proceed
5 with respect to the Commission joint resolution. The
6 previous question shall be considered as ordered on
7 the motion to its adoption without intervening mo-
8 tion. A motion to reconsider the vote by which the
9 motion is disposed of shall not be in order.

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

22 (5) VOTE ON PASSAGE.—The vote on passage
23 of the Commission joint resolution shall occur not
24 later than 3 legislative days after the date on which
25 the last committee authorized to consider the Com-

1 mission joint resolution reports it to the House of
2 Representatives or is discharged.

3 (c) EXPEDITED PROCEDURE IN THE SENATE.—

4 (1) INTRODUCTION IN THE SENATE.—A Com-
5 mission joint resolution may be introduced in the
6 Senate (by request)—

7 (A) by the majority leader of the Senate,
8 or by a Member of the Senate designated by the
9 majority leader of the Senate, on the next legis-
10 lative day after the date on which the President
11 submits the proposed joint resolution under sec-
12 tion 3(a); or

13 (B) if the Commission joint resolution is
14 not introduced under subparagraph (A), by any
15 Member of the Senate on any day on which the
16 Senate is in session beginning on the day after
17 the day described in subparagraph (A).

18 (2) COMMITTEE CONSIDERATION.—A Commis-
19 sion joint resolution introduced in the Senate under
20 paragraph (1) shall be jointly referred to the com-
21 mittee or committees of jurisdiction, which commit-
22 tees shall report the Commission joint resolution
23 without any revision and with a favorable rec-
24 ommendation, an unfavorable recommendation, or
25 without recommendation, not later than 10 session

1 days after the date on which the Commission joint
2 resolution was so referred. If any committee to
3 which a Commission joint resolution is referred fails
4 to report the Commission joint resolution within that
5 period, that committee shall be automatically dis-
6 charged from consideration of the Commission joint
7 resolution, and the Commission joint resolution shall
8 be placed on the appropriate calendar.

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

1 The motion is not subject to a motion to postpone.
 2 A motion to reconsider the vote by which the motion
 3 is agreed to or disagreed to shall not be in order. If
 4 a motion to proceed to the consideration of the Com-
 5 mission joint resolution is agreed to, the Commission
 6 joint resolution shall remain the unfinished business
 7 until disposed of. All points of order against a Com-
 8 mission joint resolution and against consideration of
 9 the Commission joint resolution are waived.

10 (4) NO AMENDMENTS.—An amendment to a
 11 Commission joint resolution, or a motion to post-
 12 pone, or a motion to proceed to the consideration of
 13 other business, or a motion to recommit the Com-
 14 mission joint resolution, is not in order.

15 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
 16 Appeals from the decisions of the Chair relating to
 17 the application of the rules of the Senate, as the
 18 case may be, to the procedure relating to a Commis-
 19 sion joint resolution shall be decided without debate.

20 (d) AMENDMENT.—A Commission joint resolution
 21 shall not be subject to amendment in either the Senate
 22 or the House of Representatives.

23 (e) CONSIDERATION BY THE OTHER HOUSE.—

24 (1) IN GENERAL.—If, before passing a Commis-
 25 sion joint resolution, a House receives from the

1 other House a Commission joint resolution of the
2 other House—

3 (A) the Commission joint resolution of the
4 other House shall not be referred to a com-
5 mittee; and

6 (B) the procedure in the receiving House
7 shall be the same as if no Commission joint res-
8 olution had been received from the other House
9 until the vote on passage, when the Commission
10 joint resolution received from the other House
11 shall supplant the Commission joint resolution
12 of the receiving House.

13 (2) REVENUE MEASURES.—This subsection
14 shall not apply to the House of Representatives if a
15 Commission joint resolution received from the Sen-
16 ate is a revenue measure.

17 (f) RULES TO COORDINATE ACTION WITH OTHER
18 HOUSE.—

19 (1) TREATMENT OF COMMISSION JOINT RESO-
20 LUTION OF OTHER HOUSE.—If a Commission joint
21 resolution is not introduced in the Senate or the
22 Senate fails to consider a Commission joint resolu-
23 tion under this section, the Commission joint resolu-
24 tion of the House of Representatives shall be entitled
25 to expedited floor procedures under this section.

1 (2) TREATMENT OF COMPANION MEASURES IN
2 THE SENATE.—If, following passage of a Commis-
3 sion joint resolution in the Senate, the Senate then
4 receives from the House of Representatives a Com-
5 mission joint resolution, the House-passed Commis-
6 sion joint resolution shall not be debatable. The vote
7 on passage of the Commission joint resolution in the
8 Senate shall be considered to be the vote on passage
9 of the Commission joint resolution received from the
10 House of Representatives.

11 (3) VETOES.—If the President vetoes a Com-
12 mission joint resolution, consideration of a veto mes-
13 sage in the Senate under this paragraph shall be 10
14 hours equally divided between the majority and mi-
15 nority leaders of the Senate or the designees of the
16 majority and minority leaders of the Senate.

17 (g) EXERCISE OF RULEMAKING POWER.—This sec-
18 tion is enacted by Congress—

19 (1) as an exercise of the rulemaking power of
20 the Senate and House of Representatives, respec-
21 tively, and as such it is deemed a part of the rules
22 of each House, respectively, but applicable only with
23 respect to the procedure to be followed in that
24 House in the case of a Commission joint resolution,

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

○