

104TH CONGRESS
1ST SESSION

H. R. 822

To provide a fair, nonpolitical process that will achieve \$45,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1995

Mr. MILLER of Florida (for himself, Mr. MINGE, Mr. ALLARD, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. CALVERT, Mr. CONDIT, Mr. COOLEY, Mr. COX of California, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. FOX of Pennsylvania, Ms. FURSE, Mr. GOODLATTE, Mr. GOSS, Mr. HANCOCK, Ms. HARMAN, Mr. HERGER, Mr. KLUG, Mrs. LINCOLN, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. ROYCE, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. STEARNS, Mr. STENHOLM, and Mr. ZIMMER) introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committees on Rules and the Budget, 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 provide a fair, nonpolitical process that will achieve \$45,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND PURPOSE.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Spending Reduction Enforcement Act of 1995”.

4 (b) PURPOSE.—The purpose of this Act is to provide
5 a fair, nonpolitical process that will achieve at least
6 \$45,000,000,000 in budget outlay reductions each fiscal
7 year until a balanced budget is reached (but in the year
8 in which the balanced budget is reached, only the amount
9 necessary to achieve a balance).

10 **SEC. 2. THE COMMISSION.**

11 (a) ESTABLISHMENT.—There is established an inde-
12 pendent commission to be known as the “Spending Reduc-
13 tion Commission” (referred to as the “Commission”).

14 (b) DUTIES.—The Commission shall propose cost
15 savings and changes in law to achieve at least
16 \$45,000,000,000 of budget outlay reductions for the
17 budget year and each outyear until a balanced budget is
18 reached subject to the following guidelines. It should
19 attempt to:

20 (1) Eliminate redundant and outdated pro-
21 grams, as well as those whose missions can be effec-
22 tively accomplished by the private sector.

23 (2) Reduce those programs with excessive ad-
24 ministrative costs or can be consolidated with other
25 programs.

1 (3) Eliminate programs that provide subsidies
2 that benefit narrow special interest groups at the ex-
3 pense of the national interest.

4 (4) Reduce or eliminate those programs that
5 have low priority in meeting a national interest
6 criterion.

7 (c) APPOINTMENT.—(1)(A) The Commission shall be
8 composed of 7 members appointed by the President, by
9 and with the advice and consent of the Senate.

10 (B) The President shall transmit to the Senate the
11 nominations for appointment to the Commission by no
12 later than January 15th for each fiscal year.

13 (2) In selecting individuals for nominations for ap-
14 pointments to the Commission, the President shall se-
15 lect—

16 (A) 4 of the members from a list of 10 individ-
17 uals submitted by the Speaker of the House of Rep-
18 resentatives and the majority leader of the Senate;
19 and

20 (B) 3 of the members from a list of 10 individ-
21 uals submitted by the minority leader of the House
22 of Representatives and the minority leader of the
23 Senate.

24 (3) At the time the President nominates individuals
25 for appointment to the Commission, the President shall

1 designate one such individual who shall serve as Chairman
2 of the Commission.

3 (4) No current Member of Congress, employee of the
4 Executive branch, or current or former registered lobbyist
5 may serve on the Commission.

6 (d) TERMS.—(1) Except as provided in paragraph
7 (2), each member of the Commission shall serve until No-
8 vember 1st of the calendar year in which the member is
9 appointed.

10 (2) The Chairman of the Commission shall serve until
11 the confirmation of a successor.

12 (e) MEETINGS.—(1) Each meeting of the Commis-
13 sion, other than meetings in which classified information
14 is to be discussed, shall be open to the public.

15 (2) All the proceedings, information, and delibera-
16 tions of the Commission shall be open, upon request, to
17 the Chairman and the ranking minority member of the
18 Budget and Appropriations Committees of each House.

19 (f) VACANCIES.—A vacancy in the Commission shall
20 be filled in the same manner as the original appointment.

21 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
22 member, other than the Chairman, shall be paid at a rate
23 not to exceed the daily equivalent of the minimum annual
24 rate of basic pay payable for level IV of the Executive
25 Schedule under section 5315 of title 5, United States

1 Code, for each day (including travel time) during vested
2 in the Commission.

3 (B) The Chairman shall be paid for each day referred
4 to in subparagraph (A) at a rate not to exceed the daily
5 equivalent of the minimum annual rate of basic pay pay-
6 able for level III of the Executive Schedule under section
7 5314 of title 5, United States Code.

8 (2) Members shall receive travel expenses, including
9 per diem in lieu of subsistence, in accordance with sections
10 5702 and 5703 of title 5, United States Code.

11 (h) DIRECTOR OF STAFF.—(1) The Commission
12 shall, without regard to section 5311(b) of title 5, United
13 States Code, appoint a Director who has not been em-
14 ployed by the Federal Government during the 1-year pe-
15 riod preceding the date of such appointment and who is
16 not a former Member of Congress or registered lobbyist.

17 (2) The Director shall be paid at a rate not to exceed
18 the rate of basic pay payable for level IV of the Executive
19 Schedule under section 5315 of title 5, United States
20 Code.

21 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
22 the Director, with the approval of the Commission, may
23 appoint and fix pay of additional personnel.

24 (2) The Director may take such appointments with-
25 out regard to the provisions of title 5, United States Code,

1 governing appointment in the competitive service, and any
2 personnel so appointed may be paid without regard to the
3 provisions of chapter 51 and subchapter III of chapter 53
4 of that title relating to classification and General Schedule
5 pay rates, except that an individual so appointed may not
6 receive pay in excess of the annual rate of basic pay pay-
7 able for GS-18 of the General Schedule.

8 (3) Not more than one-third of the personnel em-
9 ployed by or detailed to the Commission may be on detail
10 from any Government agency.

11 (4) Upon request of the Director, the head of any
12 Federal department or agency may detail any of the per-
13 sonnel of that department or agency to the Commission
14 to assist the Commission in carrying out its duties under
15 this Act.

16 (5) The Comptroller General of the United States
17 shall provide assistance, including the detailing of employ-
18 ees, to the Commission in accordance with an agreement
19 entered into with the Commission.

20 (j) OTHER AUTHORITY.—(1) The Commission may
21 procure by contract, to the extent funds are available, the
22 temporary or intermittent services of experts or consult-
23 ants pursuant to section 3109 of title 5, United States
24 Code.

1 (2) The Commission may lease space and acquire per-
2 sonal property to the extent funds are available.

3 (k) FUNDING.—Each department and agency shall
4 transfer necessary funding to the Commission on a pro
5 rata basis based on that agency's or department's funding
6 percentage of the total Executive budget.

7 (l) TERMINATION.—Each Commission shall termi-
8 nate on November 1st of the year in which the Commis-
9 sion is appointed.

10 **SEC. 3. PROCEDURE FOR MAKING RECOMMENDATION FOR**
11 **PROPOSED CUTS.**

12 (a) SELECTION CRITERIA.—(1) OMB shall, by no
13 later than January 1st of each year, publish in the Federal
14 Register and transmit to the Budget and Appropriations
15 committees of each House the criteria proposed to be used
16 by OMB in making budget outlay reduction recommenda-
17 tions required by section 2(b). OMB shall provide an op-
18 portunity for public comment on the proposed criteria for
19 a period of at least 10 days and shall include notice of
20 that opportunity in the publication required under the pre-
21 ceding sentence.

22 (2)(A) OMB shall, by no later than January 15th,
23 publish in the Federal Register and transmit to the con-
24 gressional budget and appropriations committees the final
25 criteria to be used in making recommendations for pro-

1 gram cuts. Except as provided in subparagraph (B), such
2 criteria shall be the final criteria to be used in making
3 such recommendations unless disapproved by a joint reso-
4 lution of Congress enacted on or before February 1st.

5 (B) OMB shall amend such criteria, but such amend-
6 ments may not become effective until they have been pub-
7 lished in the Federal Register, opened to public comment
8 for at least 10 days, and then transmitted to the Budget
9 and Appropriations committees of each House in final
10 form by no later than February 1st. Such amended cri-
11 teria shall be the final criteria to be used in making such
12 recommendations unless disapproved by a joint resolution
13 of Congress enacted on or before February 15th.

14 (b) OMB RECOMMENDATIONS.—(1) OMB may, by
15 no later than April 1st, publish in the Federal Register
16 and transmit to the congressional budget and appropria-
17 tions committees and to the Commission OMB's rec-
18 ommendations for budget outlay reductions.

19 (2) OMB shall include, with the list of recommenda-
20 tions published and transmitted pursuant to paragraph
21 (1), a summary of the selection process that resulted in
22 the recommendation.

23 (3) In considering such outlay reductions, OMB shall
24 consider all programs without regard to whether such pro-

1 grams have previously been considered or proposed for
2 elimination.

3 (4) OMB shall make available to the Commission and
4 the Comptroller General of the United States all informa-
5 tion used by OMB in making its recommendations.

6 (c) REVIEW AND RECOMMENDATIONS BY THE COM-
7 MISSION.—(1) After receiving the recommendations from
8 OMB pursuant to subsection (b), the Commission shall
9 conduct public hearings on the recommendations.

10 (2) The Director of the Congressional Budget Office
11 shall notify the Commission on August 1st of any savings
12 that have been enacted into law for the upcoming fiscal
13 year. The year's target for such fiscal year shall be re-
14 duced by the amount of such savings.

15 (3)(A) The Commission shall, by no later than Au-
16 gust 15th, transmit to the President a report containing
17 the Commission's findings and conclusions based on a re-
18 view and analysis of the recommendations.

19 (B) In making its recommendations, the Commission
20 may make changes in any of the recommendations made
21 by OMB.

22 (4) The Commission shall explain and justify in its
23 report submitted to the President pursuant to paragraph
24 (2) any recommendation made by the Commission that is
25 different from the recommendations made by OMB pursu-

1 ant to subsection (b). The Commission shall transmit a
2 copy of such report to the Budget and Appropriations
3 committees of each House on the same date on which it
4 transmits its recommendations to the President under
5 paragraph (2).

6 (5) After August 15th, the Commission shall prompt-
7 ly provide, upon request, to any Member of Congress in-
8 formation used by the Commission in making its
9 recommendations.

10 (6) The Congressional Budget Office shall—

11 (A) assist the Commission, to the extent re-
12 quested, in the Commission's review and analysis of
13 the recommendations made by OMB pursuant to
14 subsection (b); and

15 (B) by no later than June 1st, transmit to the
16 Congress and to the Commission a report containing
17 a detailed analysis of OMB's recommendations and
18 selection process.

19 (d) REVIEW BY THE PRESIDENT.—(1) The President
20 shall, by no later than September 1st, transmit to the
21 Commission and to the Congress, a report containing the
22 President's approval or disapproval of the Commission's
23 recommendations.

24 (2) If the President approves all the recommenda-
25 tions of the Commission, the President shall transmit a

1 copy of such recommendations to the Congress, together
2 with a certification of such approval and legislative lan-
3 guage implementing such recommendations.

4 (3) If the President disapproves the recommendations
5 of the Commission, in whole or in part, the President shall
6 transmit to the Commission and the Congress the reasons
7 for that disapproval. The Commission shall then transmit
8 to the President, by no later than September 5th, a revised
9 list of recommendations.

10 (4) If the President approves all of the revised rec-
11 ommendations of the Commission transmitted to the
12 President under paragraph (3), the President shall trans-
13 mit a copy of such revised recommendation to the Con-
14 gress, together with a certification of such approval.

15 (5) If the President does not transmit to the Con-
16 gress an approval and certification described in paragraph
17 (2) or (4) by September 10th, the process by which budget
18 outlay reductions may occur under this Act with respect
19 to that year shall be terminated.

20 **SEC. 4. BUDGET OUTLAY REDUCTIONS.**

21 (a) IN GENERAL.—The President shall submit rec-
22 ommendations to Congress together with a joint resolution
23 containing legislative language implementing such rec-
24 ommendations not later than September 10th, as provided
25 in section 3.

1 (b) CONGRESSIONAL CONSIDERATION OF PRESI-
2 DENT'S RECOMMENDATIONS.—

3 (1) TERMS OF THE RESOLUTION.—For the pur-
4 poses of subsection (a), the term “joint resolution”
5 means a joint resolution that—

6 (A) is introduced within the 2-day period
7 beginning on the date on which the President
8 transmits a report to the Congress under sec-
9 tion 3(d);

10 (B) does not have a preamble;

11 (C) states after the resolving clause “That
12 Congress approves the recommendations of the
13 Spending Reduction Commission submitted by
14 the President on _____”, the blank space
15 being filled in with the appropriate date and
16 contains the President's legislative language de-
17 scribed in subsection (a); and

18 (D) is entitled a “Joint resolution approv-
19 ing the recommendations of the Spending
20 Reduction Commission.”.

21 (2) REFERRAL.—(A) A resolution described in
22 paragraph (1) that is introduced in the House of
23 Representatives shall be referred to the Committee
24 on Government Operations of the House of
25 Representatives.

1 (B) A resolution described in paragraph (1)
2 that is introduced in the Senate shall be referred to
3 the Committee on Governmental Affairs of the
4 Senate.

5 (3) DISCHARGE.—If the committee to which a
6 resolution described in paragraph (1) is referred has
7 not reported the resolution (or an identical resolu-
8 tion) by the end of the 5-day period beginning on
9 the date on which the President transmits the report
10 to the Congress, such committee shall, at the end of
11 that period, be discharged from further consider-
12 ation of the resolution, and the resolution shall be
13 placed on the appropriate calendar of the House of
14 Representatives or the Senate, as the case may be.

15 (4) CONSIDERATION.—(A)(i) On or after the
16 first day after the date on which the committee to
17 which a joint resolution described in paragraph (1)
18 is referred has reported, or has been discharged
19 (under paragraph (3)) from further consideration of,
20 such a resolution, it is in order (even though a pre-
21 vious motion to the same effect has been disagreed
22 to) for any member of the House of Representatives
23 or the Senate, respectively, to move to proceed to the
24 consideration of the resolution (but only on the date
25 after the calendar day on which the member an-

1 nounces to the House concerned the member's inten-
2 tion to do so).

3 (ii) All points of order against a resolution de-
4 scribed in paragraph (1) (and against consideration
5 of the resolution) are waived.

6 (iii)(I) A motion to proceed to the consideration
7 of a joint resolution described in paragraph (1) is
8 highly privileged in the House of Representatives
9 and is privileged in the Senate and is not debatable.

10 (II) A motion described in subclause (I) is not
11 subject to amendment, to a motion to postpone con-
12 sideration of the resolution, or to a motion to pro-
13 ceed to the consideration of other business.

14 (III) A motion to reconsider the vote by which
15 a motion described in subclause (I) is agreed to or
16 not agreed to shall not be in order.

17 (IV) If a motion described in subclause (I) is
18 agreed to, the House of Representatives or the Sen-
19 ate, as the case may be, shall immediately proceed
20 to consideration of the joint resolution without inter-
21 vening motion, order, or other business, and the res-
22 olution shall remain the unfinished business of the
23 House of Representatives or the Senate, as the case
24 may be, until disposed of.

1 (B)(i) Debate on a joint resolution described in
2 paragraph (1) and on all debatable motions and ap-
3 peals in connection therewith shall be limited to not
4 more than 5 hours, which shall be divided equally
5 between those favoring and those opposing the
6 resolution.

7 (ii) An amendment to a joint resolution de-
8 scribed in paragraph (1) is not in order.

9 (iii) A motion further to limit debate on a joint
10 resolution described in paragraph (1) is in order and
11 not debatable.

12 (iv) A motion to postpone consideration of a
13 joint resolution described in paragraph (1), a motion
14 to proceed to the consideration of other business, or
15 a motion to recommit the resolution is not in order.

16 (v) A motion to reconsider the vote by which a
17 resolution described in paragraph (1) is agreed to or
18 not agreed to is not in order.

19 (C) Immediately following the conclusion of the
20 debate on a joint resolution described in paragraph
21 (1) and a single quorum call at the conclusion of the
22 debate if requested in accordance with the rules of
23 the House of Representatives or the Senate, as the
24 case may be, the vote on final passage of the resolu-
25 tion shall occur.

1 (D) Appeals from the decisions of the Chair re-
2 lating to the application of the rules of the House
3 of Representatives or of the Senate, as the case may
4 be, to the procedure relating to a joint resolution de-
5 scribed in paragraph (1) shall be decided without
6 debate.

7 (5) CONSIDERATION BY OTHER HOUSE.—(A) If,
8 before the passage by one House of a joint resolu-
9 tion described in paragraph (1) that was introduced
10 in that House, that House receives from the other
11 House a joint resolution described in paragraph
12 (1)—

13 (i) the resolution of the other House shall
14 not be referred to a committee and may not be
15 considered in the House that receives it other-
16 wise than on final passage under clause (ii)(II);
17 and

18 (ii)(I) the procedure in the House that re-
19 ceives such a resolution with respect to such a
20 resolution that was introduced in that House
21 shall be the same as if no resolution had been
22 received from the other House; but

23 (II) the vote on final passage shall be on
24 the resolution of the other House.

1 (B) Upon disposition of a joint resolution de-
2 scribed in paragraph (1) that is received by one
3 House from the other House, it shall no longer be
4 in order to consider such a resolution that was intro-
5 duced in the receiving House.

6 (6) DATE CERTAIN.—If the Senate and the
7 House of Representatives have not acted upon the
8 joint resolution by September 30th, then on that day
9 or the next day of session thereafter the joint resolu-
10 tion shall be called up by the Presiding Officer of
11 each House upon convening and a roll call vote shall
12 be conducted on passage. If the joint resolution
13 passes one House a vote on final passage shall be
14 immediately conducted in the other House.

15 (7) RULES OF THE SENATE AND HOUSE OF
16 REPRESENTATIVES.—This subsection is enacted by
17 Congress—

18 (A) as an exercise of the rulemaking power
19 of the Senate and House of Representatives, re-
20 spectively, and is deemed to be part of the rules
21 of each House, respectively, but applicable only
22 with respect to the procedure to be followed in
23 that House in the case of a joint resolution de-
24 scribed in paragraph (1), and it supersedes

1 other rules only to the extent that it is incon-
2 sistent with such rules; and

3 (B) with full recognition of the constitu-
4 tional right of either House to change the rules
5 (so far as they relate to the procedure of that
6 House) at any time, in the same manner, and
7 to the same extent as in the case of any other
8 rule of that House.

9 **SEC. 5. BUDGET OUTLAY REDUCTIONS PERMANENT.**

10 All obligational authority reduced pursuant to this
11 Act shall be done in a manner that shall make such reduc-
12 tions permanent.

13 **SEC. 6. ADDITIONAL ENFORCEMENT PROVISIONS.**

14 (a) SEQUESTER.—

15 (1) If the full amount of savings required by
16 this Act have not been achieved in a session of Con-
17 gress, the Director of the Congressional Budget Of-
18 fice shall notify the Director of the Office of Man-
19 agement and Budget within 10 calendar days after
20 the end of the session of Congress of the amount of
21 savings that has not been achieved as required by
22 this Act.

23 (2) Within 15 calendar days after the Congress
24 adjourns and on the same day as any sequestration
25 under the Balanced Budget and Emergency Deficit

1 Control Act of 1985, there shall be a sequestration
2 of the amount of additional required savings identi-
3 fied under paragraph (1). The sequestration shall be
4 achieved by sequestering one-half the amount pursu-
5 ant to section 251 of the Balanced Budget and
6 Emergency Deficit Control Act of 1985 and one-half
7 the amount pursuant to section 252 of the Balanced
8 Budget and Emergency Deficit Control Act of 1985.

9 (b) PAYGO SCORECARD.—No reductions in direct
10 spending pursuant to this Act shall be treated as a net
11 deficit decrease for purposes of section 252 of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 (c) DISCRETIONARY SPENDING LIMITS.—When
14 OMB submits a sequestration report under section 254
15 (g) or (h) of the Balanced Budget and Emergency Deficit
16 Control Act of 1985, OMB shall include downward adjust-
17 ments to discretionary spending limits (in new budget au-
18 thority and outlays) for the budget year and each outyear
19 to take full account of all reductions in discretionary
20 spending pursuant to this Act for that fiscal year.

21 **SEC. 7. DEFINITIONS.**

22 As used in this Act, the terms “budget outlay”, “out-
23 lay”, “new budget authority”, “direct spending”, and
24 “OMB” have the meanings given to such terms by section

- 1 250(c) of the Balanced Budget and Emergency Deficit
- 2 Control Act of 1985.



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