

103^D CONGRESS
1ST SESSION

H. R. 3483

To establish a Mandatory Spending Control Commission to determine appropriate methods to limit the growth of mandatory spending.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1993

Mr. SCHAEFER introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To establish a Mandatory Spending Control Commission to determine appropriate methods to limit the growth of mandatory spending.

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 “Mandatory Spending
5 Control Act of 1993”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to determine appropriate
8 methods for limiting the growth of mandatory spending,
9 including decreased funding levels, growth limits, and im-
10 proved cost efficiency.

1 **SEC. 3. MANDATORY SPENDING CONTROL COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-
3 pendent commission to be known as the “Mandatory
4 Spending Control Commission”.

5 (b) DUTIES.—The Commission shall carry out the
6 duties specified for it in this Act.

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

10 (B) By January 1, 1995, the President shall submit
11 to the Senate the nominations of those first appointed to
12 the Commission.

13 (2) In selecting individuals for nominations for ap-
14 pointments to the Commission, the President should con-
15 sult with—

16 (A) the Speaker of the House of Representa-
17 tives concerning the appointment of 2 members;

18 (B) the majority leader of the Senate concern-
19 ing the appointment of 2 members;

20 (C) the minority leader of the House of Rep-
21 resentatives concerning the appointment of 1 mem-
22 ber; and

23 (D) the minority leader of the Senate concern-
24 ing the appointment of 1 member.

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

1 designate 1 such individual to serve as Chairman of the
2 Commission.

3 (4) A vacancy in the Commission shall be filled in
4 the manner in which the original appointment was made.

5 (d) TERMS.—(1) Except as provided by paragraphs
6 (2) and (3), members (including the member designated
7 as chairman) shall be appointed for terms of 3 years.

8 (2) Of the members first appointed—

9 (A) 1 appointed in consultation with the Speak-
10 er, 1 appointed in consultation with the majority
11 leader of the Senate, and 1 appointed by the Presi-
12 dent shall be appointed for terms of 1 year; and

13 (B) 1 appointed in consultation with the minor-
14 ity leader of the House of Representatives, 1 ap-
15 pointed in consultation with the minority leader of
16 the Senate, and 1 appointed by the President shall
17 be appointed for terms of 2 years.

18 (3) Any member appointed to fill a vacancy occurring
19 before the expiration of the term for which his predecessor
20 was appointed shall be appointed only for the remainder
21 of that term. A member may serve after the expiration
22 of his term until his successor has taken office. No individ-
23 ual may serve on the Commission for more than 1 term.

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

4 (2) All the proceedings, information, and delibera-
5 tions of the Commission shall be open, upon request, to
6 the chairman and ranking minority party member of the
7 Committee on the Budget of each House of Congress.

8 (f) PAY AND TRAVEL EXPENSES.—(1)(A) Each
9 member, other than the Chairman, shall be paid at a rate
10 equal to the daily equivalent of the minimum annual rate
11 of basic pay payable for level IV of the Executive Schedule
12 under section 5315 of title 5, United States Code, for each
13 day (including travel time) during which the member is
14 engaged in the actual performance of duties vested in the
15 Commission.

16 (B) The Chairman shall be paid for each day referred
17 to in subparagraph (A) at a rate equal to the daily equiva-
18 lent of the minimum annual rate of basic pay payable for
19 level III of the Executive Schedule under section 5314 of
20 title 5, United States Code.

21 (2) Members shall receive travel expenses, including
22 per diem in lieu of subsistence, in accordance with sections
23 5702 and 5703 of title 5, United States Code.

24 (g) DIRECTOR OF STAFF.—(1) The Commission
25 shall, without regard to section 5311(b) of title 5, United

1 States Code, appoint a Director who has not served as
2 a Federal employee during the one-year period preceding
3 the date of such appointment.

4 (2) The Director shall be paid at the rate of basic
5 pay payable for level IV of the Executive Schedule under
6 section 5315 of title 5, United States Code.

7 (h) STAFF.—(1) Subject to paragraphs (2) and (3),
8 the Director, with the approval of the Commission, may
9 appoint and fix the pay of additional personnel.

10 (2) The Director may make such appointments with-
11 out regard to the provisions of title 5, United States Code,
12 governing appointments in the competitive service, and
13 any personnel so appointed may be paid without regard
14 to the provisions of chapter 51 and subchapter III of chap-
15 ter 53 of that title relating to classification and General
16 Schedule pay rates, except that an individual so appointed
17 may not receive pay in excess of the maximum annual rate
18 of basic pay payable for a position above GS-15 of the
19 General Schedule.

20 (3) Not more than one-third of the personnel em-
21 ployed by or detailed to the Commission may be on detail
22 from any Government agency or from the legislative
23 branch.

24 (4) Upon request of the Chairman, the head of any
25 Federal department or agency may detail any of the per-

1 sonnel of that department or agency to the Commission
2 to assist the Commission in carrying out its duties under
3 this Act.

4 (i) CONSULTANTS AND PROPERTY.—(1) The Com-
5 mission may procure by contract, to the extent funds are
6 available, the temporary or intermittent services of experts
7 or consultants pursuant to section 3109 of title 5, United
8 States Code.

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

11 (j) FUNDING.—There are authorized to be appro-
12 priated \$3,000,000 to the Commission for fiscal year 1995
13 and for each subsequent fiscal year to carry out its duties
14 under this Act. Upon confirmation of all Commissioners,
15 each cabinet level department shall transfer from its ad-
16 ministrative expenses account necessary funding to the
17 Commission on a pro rata basis based on that depart-
18 ment's funding percentage of the total executive branch
19 budget.

20 (k) TERMINATION.—The Commission shall terminate
21 on the thirtieth calendar day beginning after the President
22 notifies the Commission, in writing, that the budget has
23 been in balance (or in surplus) for two consecutive fiscal
24 years, unless, as a part of that notification, the President

1 states that for budgetary reasons he has determined that
2 the Commission shall not so terminate.

3 **SEC. 4. PROCEDURE FOR MAKING RECOMMENDATION FOR**
4 **PROPOSED CUTS.**

5 (a) REVIEW AND RECOMMENDATIONS BY THE COM-
6 MISSION.—(1) Before May 15 of each calendar year, the
7 Commission shall examine and review all mandatory
8 spending programs, and conduct public hearings, to deter-
9 mine appropriate methods for limiting the growth of these
10 programs to 103 percent of aggregate spending for man-
11 datory programs for the preceding fiscal year.

12 (2) The Commission shall request recommendations
13 for mandatory spending reductions from the heads of exec-
14 utive departments and agencies, chairmen of congressional
15 committees, the Director of the Congressional Budget Of-
16 fice, the Director of the Office of Management and Budg-
17 et, the Director of the General Accounting Office, and any
18 other persons who may be of assistance. These heads shall
19 also provide to the Commission information respecting
20 programs within their jurisdiction. The Commission may
21 also consider unsolicited comments.

22 (3) Individuals named in paragraph (2) shall endeav-
23 or to promptly comply with requests made to them by the
24 Commission under that paragraph.

1 (b) The Commission shall, by May 15th, transmit to
2 the President a report containing the Commission's find-
3 ings and conclusions based on a review and analysis of
4 the recommendations.

5 (c) REVIEW BY THE PRESIDENT.—The President
6 shall, by June 1st, transmit to the Commission a report
7 containing the President's comments and suggestions re-
8 specting the Commission's recommendations.

9 (d) FINAL RECOMMENDATIONS.—After reviewing the
10 comments and suggestions of the President, the Commis-
11 sion shall transmit, by June 15th, a report of its final
12 recommendations to the Congress and to the public. This
13 report shall take into account any net reduction in spend-
14 ing for mandatory programs set forth in the concurrent
15 resolution on the budget (as agreed to) for the fiscal year
16 covered by the report. If that concurrent resolution is in
17 compliance with the growth limitation provision for that
18 fiscal year as set forth in subsection (a)(1), then the report
19 of the Commission shall recommend no congressional ac-
20 tion respecting that fiscal year.

21 (e) GROWTH LIMITATION.—All reports described in
22 this section shall be in full compliance with the growth
23 limitation provision of subsection (a)(1).

1 (f) CRITERIA FOR RECOMMENDATIONS.—All reports
2 described in this section shall set forth the criteria upon
3 which its recommendations are based.

4 **SEC. 5. CONGRESSIONAL CONSIDERATION OF COMMIS-**
5 **SION'S REPORT.**

6 (a) DEFINITIONS.—For purposes of this section—

7 (1) the term “implementing bill” means only a
8 bill which is introduced as provided under subsection
9 (b), and contains the proposed legislative rec-
10 ommendations contained in the final report submit-
11 ted to the Congress under section 4(e) without modi-
12 fication; and

13 (2) the term “session day” means a day that ei-
14 ther the Senate or the House of Representatives is
15 in session.

16 (b) INTRODUCTION.—On the fifth calendar day be-
17 ginning after the date on which a final report is submitted
18 to the Congress under section 4(e), an implementing bill
19 shall be introduced—

20 (1) in the Senate by the majority leader for
21 himself and the minority leader; and

22 (2) in the House of Representatives by the ma-
23 jority leader for himself and the minority leader.

24 (c) DISCHARGE.—If the committee to which an im-
25 plementing bill is referred has not reported that bill within

1 one month, that committee shall be immediately dis-
2 charged from further consideration of such bill, and such
3 bill shall be placed on the appropriate calendar of the
4 House involved.

5 (d) CONSIDERATION.—(1)(A) On or after the first
6 day after the date on which the committee to which an
7 implementing bill is referred has reported, or has been dis-
8 charged (under subsection (c)) from further consideration
9 of, such a bill, it is in order (even though a previous mo-
10 tion to the same effect has been disagreed to) for any
11 member of the House of Representatives or the Senate,
12 respectively, to move to proceed to the consideration of
13 the bill (but only the day after the calendar day on which
14 the member announces to the House concerned the mem-
15 ber's intention to do so).

16 (B) All points of order against an implementing bill
17 (and against consideration of that bill) are waived except
18 the point of order set forth in subsection (g).

19 (C)(i) A motion to proceed to the consideration of an
20 implementing bill is highly privileged in the House of Rep-
21 resentatives and is privileged in the Senate and is not de-
22 batable.

23 (ii) A motion described in clause (i) is not subject
24 to amendment, to a motion to proceed to the consideration
25 of other business, or to a motion to table.

1 (iii) A motion to reconsider the vote by which a mo-
2 tion described in clause (i) is agreed to or not agreed to
3 shall not be in order.

4 (iv) If a motion described in clause (i) is agreed to,
5 the House of Representatives or the Senate, as the case
6 may be, shall immediately proceed to consideration of the
7 bill without intervening motion, order, or other business,
8 and the bill shall remain the unfinished business of the
9 House of Representatives or the Senate, as the case may
10 be, until disposed of.

11 (2)(A) Debate on an implementing bill and on all de-
12 batable motions and appeals in connection therewith shall
13 be limited to not more than 4 hours in the House of Rep-
14 resentatives and 10 hours in the Senate, which shall be
15 divided equally between those favoring and those opposing
16 the bill.

17 (B) An amendment to an implementing bill is not in
18 order. This provision is not subject to a motion to suspend,
19 nor can a unanimous consent agreement wave this section.

20 (C) A motion further to limit debate on an imple-
21 menting bill is in order and not debatable.

22 (D) A motion to postpone consideration of an imple-
23 menting bill, a motion to proceed to the consideration of
24 other business, a motion to table, or a motion to recommit
25 the bill is not in order.

1 (E) A motion to reconsider the vote by which an im-
2 plementing bill is agreed to or not agreed to is not in
3 order.

4 (3) Immediately following the conclusion of the de-
5 bate on an implementing bill and a single quorum call at
6 the conclusion of the debate if requested in accordance
7 with the rules of the House of Representatives or the Sen-
8 ate, as the case may be, the vote on final passage of the
9 bill shall occur.

10 (4) Appeals from the decisions of the Chair relating
11 to the application of the rules of the House of Representa-
12 tives or of the Senate, as the case may be, to the procedure
13 relating to an implementing bill shall be decided without
14 debate.

15 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
16 fore the passage by one House of an implementing bill
17 that was introduced in that House, that House receives
18 from the other House an implementing bill—

19 (A) the bill of the other House shall not be re-
20 ferred to a committee and may not be considered in
21 the House that receives it otherwise than on final
22 passage under subparagraph (B)(ii); and

23 (B)(i) the procedure in the House that receives
24 such a bill with respect to such a bill that was intro-

1 duced in that House shall be the same as if no bill
2 had been received from the other House; but

3 (ii) the vote on final passage shall be on the bill
4 of the other House.

5 (2) Upon disposition of an implementing bill that is
6 received by one House from the other House, it shall no
7 longer be in order to consider such a bill that was intro-
8 duced in the receiving House.

9 (f) DATE CERTAIN.—If the Senate and the House of
10 Representatives have not acted upon the implementing bill
11 by July 20th, then on that day or the next day of session
12 thereafter the bill shall be called up by the Presiding Offi-
13 cer of each House upon convening and a roll call vote shall
14 be conducted on passage, but after that House of Congress
15 has debated the bill pursuant to the provisions of sub-
16 sections (d)(2)(A) and (C). If the bill passes one House,
17 the bill shall be transmitted on the same legislative day
18 to the other House and that House shall vote on passage
19 of that bill on its next session day.

20 (g) POINT OF ORDER.—It shall not be in order in
21 the House of Representatives or the Senate to consider
22 any implementing bill that is not in full compliance with
23 the growth limitation provision of section 4(a)(1) or that
24 contains any provision that increases taxes.

1 (h) RULES OF THE SENATE AND HOUSE OF REP-
2 RESENTATIVES.—This section is enacted by Congress—

3 (1) as an exercise of the rulemaking power of
4 the Senate and House of Representatives, respec-
5 tively, and is deemed to be part of the rules of each
6 House, respectively, but applicable only with respect
7 to the procedure to be followed in that House in the
8 case of an implementing bill, and it supersedes other
9 rules only to the extent that it is inconsistent with
10 such rules; and

11 (2) with full recognition of the constitutional
12 right of either House to change the rules (so far as
13 they relate to the procedure of that House) at any
14 time, in the same manner, and to the same extent
15 as in the case of any other rule of that House.

16 **SEC. 6. BUDGET OUTLAY REDUCTIONS PERMANENT.**

17 All obligational authority reduced pursuant to this
18 Act shall be done in a manner that shall make such reduc-
19 tions permanent.

20 **SEC. 7. ADDITIONAL ENFORCEMENT PROVISIONS.**

21 No reductions in direct spending pursuant to this Act
22 shall be treated as a net deficit decrease for purposes of
23 section 252 of the Balanced Budget and Emergency Defi-
24 cit Control Act of 1985.

1 **SEC. 8. COMPLIANCE REPORT BY COMPTROLLER GEN-**
2 **ERAL.**

3 Within 15 days after the end of a session of Congress,
4 the Comptroller General shall submit to the Congress and
5 the President a report stating whether the requirements
6 of this Act have been complied with and indicating the
7 respects (if any) in which they have not.

8 **SEC. 9. DEFINITIONS AND SCOREKEEPING.**

9 (a) DEFINITION.—(1) As used in this Act, the term
10 “direct spending” has the meaning given to that term by
11 section 250(c) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 (2) As used in this Act, the term “mandatory spend-
14 ing” has the meaning given to “direct spending” by sec-
15 tion 250(c) of the Balanced Budget and Emergency Defi-
16 cit Control Act of 1985, except that, for purposes of this
17 Act only, it includes social security and excludes net inter-
18 est and deposit insurance.

19 (b) SCOREKEEPING.—The Congressional Budget Of-
20 fice shall prepare all necessary estimates to carry out this
21 Act in conformance with its scorekeeping guidelines.

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