

111TH CONGRESS
1ST SESSION

S. 1056

To establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2009

Mr. VOINOVICH (for himself, Mr. LIEBERMAN, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, 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 “Securing America’s
5 Future Economy Commission Act” or the “SAFE Com-
6 mission Act”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 “Securing America’s Future Economy Commission” (re-
4 ferred to in this Act as the “Commission”).

5 **SEC. 3. DUTIES OF COMMISSION.**

6 (a) MANDATORY LEGISLATION DEVELOPMENT.—

7 The Commission shall examine the long-term fiscal chal-
8 lenges facing the United States and develop legislation de-
9 signed to address the following issues:

10 (1) The unsustainable imbalance between long-
11 term Federal spending commitments and projected
12 revenues.

13 (2) Increasing net national savings to provide
14 for domestic investment and economic growth.

15 (3) The implications of foreign ownership of
16 debt instruments issued by the United States Gov-
17 ernment.

18 (4) Improving the budget process to place
19 greater emphasis on long-term fiscal issues.

20 (b) POLICY SOLUTIONS.—Legislation developed to
21 address the issues described in subsection (a) may include
22 the following:

23 (1) Reforms necessary to ensure that the pro-
24 grams are fiscally sustainable.

1 (2) Reforms that strengthen the safety net
2 functions of entitlement programs to provide assist-
3 ance to the neediest people.

4 (3) Reforms that make United States tax laws
5 more efficient and more conducive to encouraging
6 economic growth.

7 (4) Incentives to increase private savings.

8 (5) Any other reforms designed to address the
9 issues described in subsection (a).

10 **SEC. 4. INITIAL TOWN HALL STYLE PUBLIC HEARINGS.**

11 (a) IN GENERAL.—The Commission shall hold at
12 least 1 town hall style public hearing within each Federal
13 reserve district, and shall, to the extent feasible, ensure
14 that there is broad public participation in the hearings.

15 (b) HEARING FORMAT.—During each hearing, the
16 Commission shall present to the public, and generate com-
17 ments and suggestions regarding, the issues described in
18 section 3, policies designed to address the issues, and
19 tradeoffs between the policies.

20 **SEC. 5. REPORT.**

21 (a) IN GENERAL.—The Commission shall, not later
22 than 1 year after the date of the enactment of this Act,
23 submit a report to Congress and the President containing
24 the following:

1 (1) A detailed description of the activities of the
2 Commission.

3 (2) A summary of comments and suggestions
4 generated from the town hall style public hearings.

5 (3) A detailed statement of any findings of the
6 Commission as to public preferences regarding the
7 issues, policies, and tradeoffs presented in the town
8 hall style public hearings.

9 (4) A detailed description of the long-term fis-
10 cal problems faced by the United States.

11 (5) A list of policy options for addressing those
12 problems.

13 (6) Criteria for the legislative proposal to be de-
14 veloped by the Commission.

15 (b) CBO ESTIMATES.—The report required by this
16 section and the legislative proposal required by section 6
17 shall rely on estimates and assumptions provided by CBO.

18 (c) OPTIONAL DEVELOPMENT OF COST ESTIMATE
19 ALTERNATIVES.—

20 (1) IN GENERAL.—The Commission shall by an
21 affirmative vote of 5 members develop not more than
22 2 methods for estimating the cost of legislation as
23 a supplement to the estimates and assumptions of
24 the Congressional Budget Office (referred to in this

1 Act as “CBO”) developed as required by subsection
2 (b).

3 (2) SPECIFICALLY.—Any such alternative meth-
4 od must—

5 (A) be designed to supplement the method
6 currently used with regard to estimating the
7 positive economic effects of legislation; and

8 (B) consider the use of automatic stabi-
9 lizers or triggers to enforce spending and rev-
10 enue targets, in the event that policies based on
11 the alternative method fail to achieve targets
12 for outlays and revenues.

13 (3) LIMITATION.—Any alternative developed
14 pursuant to this subsection shall generally comply
15 with subsections (b), (c), and (d) of section 12.

16 **SEC. 6. LEGISLATIVE PROPOSAL.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date the report is submitted under section 5 and by a vote
19 of at least 13 of the members, the Commission shall sub-
20 mit a legislative proposal to Congress and the President
21 designed to address the issues described section 3.

22 (b) PROPOSAL REQUIREMENTS.—The proposal must,
23 to the extent feasible, be designed—

24 (1) to achieve generational equity and long-term
25 economic stability;

1 (2) to address the comments and suggestions of
2 the public; and

3 (3) to meet the criteria set forth in the Com-
4 mission report.

5 (c) INCLUSION OF COST ESTIMATE.—The Commis-
6 sion shall submit with the proposal—

7 (1) a long-term CBO cost estimate prepared
8 under section 12 for the proposal; and

9 (2) in addition to the CBO cost estimate re-
10 quired by paragraph (1) and if an alternative cost
11 estimate method is developed by the Commission, a
12 50-year cost estimate using such method.

13 **SEC. 7. MEMBERSHIP AND MEETINGS.**

14 (a) MEMBERSHIP.—

15 (1) IN GENERAL.—The Commission shall be
16 composed of 18 voting members appointed pursuant
17 to paragraph (2) and 2 nonvoting members de-
18 scribed in paragraph (3).

19 (2) VOTING MEMBERS.—The Commission shall
20 be composed of 18 voting members of whom—

21 (A) 1 shall be the Director of the Office of
22 Management and Budget;

23 (B) 1 shall be the Secretary of the Treas-
24 ury;

1 (C) 3 shall be appointed by the Speaker of
2 the House of Representatives;

3 (D) 3 shall be appointed by the minority
4 leader of the House of Representatives;

5 (E) 3 shall be appointed by the majority
6 leader of the Senate;

7 (F) 3 shall be appointed by the minority
8 leader of the Senate;

9 (G) 1 shall be the chair of the Committee
10 on Finance or a designee from the committee;

11 (H) 1 shall be the ranking member of the
12 Committee on Finance or a designee from the
13 committee;

14 (I) 1 shall be the chair of the Committee
15 on Ways and Means or a designee from the
16 committee; and

17 (J) 1 shall be the chair of the Committee
18 on Ways and Means or a designee from the
19 committee.

20 (3) NONVOTING MEMBERS.—The Comptroller
21 General of the United States and the Director of the
22 Congressional Budget Office shall each be nonvoting
23 members of the Commission and shall advise and as-
24 sist at the request of the Commission.

1 (4) CHAIR AND CO-CHAIR.—The President shall
2 designate 2 co-chairpersons of the Commission from
3 the members appointed under paragraph (2), one of
4 whom must be a Republican and one of whom must
5 be a Democrat.

6 (b) LIMITATIONS AS TO MEMBERS OF CONGRESS.—

7 (1) MEMBERS OF CONGRESS ON COMMISSION.—
8 Each appointing authority described in subsection
9 (a)(2) who is a Member of Congress shall appoint 2
10 Members of Congress to the Commission but may
11 not appoint more than 2 Members of Congress to
12 the Commission.

13 (2) CONTINUATION OF VOTING MEMBERSHIP.—
14 In the case of an individual appointed pursuant to
15 subsection (a)(1) who was appointed as a Member of
16 Congress under paragraph (1), if such individual
17 ceases to be a Member of Congress, that individual
18 shall cease to be a member of the Commission.

19 (c) DATE FOR ORIGINAL APPOINTMENT.—The ap-
20 pointing authorities described in subsection (a)(2) shall
21 appoint the initial members of the Commission not later
22 than 30 days after the date of enactment of this Act.

23 (d) TERMS.—

24 (1) IN GENERAL.—The term of each member is
25 for the life of the Commission.

1 (2) VACANCIES.—A vacancy in the Commission
2 shall be filled not later than 30 days after such va-
3 cancy occurs and in the manner in which the origi-
4 nal appointment was made.

5 (e) PAY AND REIMBURSEMENT.—

6 (1) NO COMPENSATION FOR MEMBERS OF COM-
7 MISSION.—Except as provided in paragraph (2), a
8 member of the Commission may not receive pay, al-
9 lowances, or benefits by reason of their service on
10 the Commission.

11 (2) TRAVEL EXPENSES.—Each member shall
12 receive travel expenses, including per diem in lieu of
13 subsistence under subchapter I of chapter 57 of title
14 5, United States Code.

15 (f) MEETINGS.—The Commission shall meet upon
16 the call of the chairperson or a majority of its voting mem-
17 bers.

18 (g) QUORUM.—Six voting members of the Commis-
19 sion shall constitute a quorum, but a lesser number may
20 hold hearings.

21 **SEC. 8. DIRECTOR AND STAFF OF COMMISSION.**

22 (a) DIRECTOR.—

23 (1) IN GENERAL.—Subject to subsection (c)
24 and to the extent provided in advance in appropria-

1 tion Acts, the Commission shall appoint and fix the
2 pay of a director.

3 (2) DUTIES.—The director of the Commission
4 shall be responsible for the administration and co-
5 ordination of the duties of the Commission and shall
6 perform other such duties as the Commission may
7 direct.

8 (b) STAFF.—In accordance with rules agreed upon
9 by the Commission, subject to subsection (c), and to the
10 extent provided in advance in appropriation Acts, the di-
11 rector may appoint and fix the pay of additional personnel.

12 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—The director and staff of the Commission may be
14 appointed without regard to the provisions of title 5,
15 United States Code, governing appointments in the com-
16 petitive service, and may be paid without regard to the
17 provisions of chapter 51 and subchapter III of chapter 53
18 of that title relating to classification and General Schedule
19 pay rates, except that pay fixed under subsection (a) may
20 not exceed \$150,000 per year and pay fixed under sub-
21 section (b) may not exceed a rate equal to the daily equiva-
22 lent of the annual rate of basic pay for level V of the Exec-
23 utive Schedule under section 5316 of title 5, United States
24 Code.

1 (d) DETAILEES.—Any Federal Government employee
2 may be detailed to the Commission without reimbursement
3 from the Commission, and such detailee shall retain the
4 rights, status, and privileges of their regular employment
5 without interruption.

6 (e) EXPERTS AND CONSULTANTS.—In accordance
7 with rules agreed upon by the Commission and to the ex-
8 tent provided in advance in appropriation Acts, the direc-
9 tor may procure the services of experts and consultants
10 under section 3109(b) of title 5, United States Code, but
11 at rates not to exceed the daily equivalent of the annual
12 rate of basic pay for level V of the Executive Schedule
13 under section 5316 of title 5, United States Code.

14 **SEC. 9. POWERS OF COMMISSION.**

15 (a) HEARINGS AND EVIDENCE.—The Commission
16 may, for the purpose of carrying out this Act, hold such
17 hearings in addition to the town hall style public hearings,
18 sit and act at such times and places, take such testimony,
19 and receive such evidence as the Commission considers ap-
20 propriate. The Commission may administer oaths or affir-
21 mations to witnesses appearing before it.

22 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
23 ber or agent of the Commission may, if authorized by the
24 Commission, take any action which the Commission is au-
25 thorized to take under this section.

1 (c) **MAILS.**—The Commission may use the United
2 States mails in the same manner and under the same con-
3 ditions as other departments and agencies of the United
4 States.

5 (d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
6 the request of the Commission, the Administrator of Gen-
7 eral Services shall provide to the Commission, on a reim-
8 bursable basis, the administrative support services nec-
9 essary for the Commission to carry out its responsibilities
10 under this Act.

11 (e) **CONTRACT AUTHORITY.**—To the extent provided
12 in advance in appropriation Acts, the Commission may
13 enter into contracts to enable the Commission to discharge
14 its duties under this Act.

15 (f) **GIFTS.**—The Commission may accept, use, and
16 dispose of gifts or donations of services or property.

17 **SEC. 10. TERMINATION.**

18 The Commission shall terminate the earlier of—

19 (1) 60 days after submitting its legislative pro-
20 posal; or

21 (2) the date on which the Comptroller General
22 of the United States determines and publishes in the
23 Federal Register a statement that new legislation
24 has been enacted that is estimated to reduce the fis-
25 cal gap by—

1 (A) 1 percent of gross domestic product,
 2 measured over the 20-year period beginning
 3 with the first fiscal year after the date of enact-
 4 ment of such legislation; and

5 (B) 2 percent of gross domestic product,
 6 measured over the 50-year period beginning
 7 with the first fiscal year after the date of enact-
 8 ment of such legislation.

9 **SEC. 11. CONSIDERATION OF LEGISLATION.**

10 (a) INTRODUCTION.—Not later than the fifth legisla-
 11 tive day after the Commission submits its legislative pro-
 12 posal, the majority leader of each House, or his designee,
 13 shall introduce (by request) the legislation submitted by
 14 the Commission.

15 (b) IN THE HOUSE OF REPRESENTATIVES.—

16 (1) PRIVILEGED CONSIDERATION.—

17 (A) IN GENERAL.—In the House of Rep-
 18 resentatives, the legislation shall be referred to
 19 the Committee on the Budget, which shall re-
 20 port the bill without substantive revision.

21 (B) DISCHARGE.—If the House Committee
 22 on the Budget has not reported the legislation
 23 within 60 days after introduction under sub-
 24 section (a)—

1 (i) committee shall be discharged from
2 consideration of the legislation;

3 (ii) the legislation shall be placed on
4 the appropriate calendar; and

5 (iii) a motion to proceed to the consid-
6 eration of the legislation shall be highly
7 privileged and shall not be debatable, and
8 a motion to reconsider the vote by which
9 the motion is disposed of shall not be in
10 order.

11 (2) CONSIDERATION CONSISTENT WITH CON-
12 GRESSIONAL BUDGET ACT.—Consideration of such
13 legislation shall be pursuant to the procedures set
14 forth in paragraphs (2) and (6) of section 305(a) of
15 the Congressional Budget Act of 1974 to the extent
16 not inconsistent with this Act.

17 (3) TRANSMITTAL TO THE SENATE.—If the leg-
18 islation passed in the House of Representatives pur-
19 suant to this section, the Clerk of the House of Rep-
20 resentatives shall cause the legislation to be en-
21 grossed, certified, and transmitted to the Senate not
22 later than 1 calendar day after the day on which the
23 legislation is passed. Such legislation shall be re-
24 ferred to the Senate Committee on the Budget.

25 (c) IN THE SENATE.—

1 (1) AUTOMATIC DISCHARGE OF SENATE BUDG-
2 ET COMMITTEE.—If the Senate Committee on the
3 Budget has not reported the legislation within 60
4 days after introduction under subsection (a)—

5 (A) the committee shall be discharged from
6 consideration of the legislation; and

7 (B) a motion to proceed to the consider-
8 ation of the legislation is highly privileged and
9 is not debatable.

10 (2) CONSIDERATION.—Consideration of such
11 legislation shall be pursuant to the procedures set
12 forth in paragraphs (1) and (5) of section 305(b) of
13 the Congressional Budget Act of 1974 to the extent
14 not inconsistent with this Act.

15 (d) NO AMENDMENTS.—No amendment to the legis-
16 lation submitted by the Commission shall be in order in
17 the Senate and the House of Representatives.

18 (e) PROHIBITION ON CONCURRENT CONSIDERATION
19 OF OTHER BUDGET-RELATED LEGISLATION.—

20 (1) IN GENERAL.—Until a bill or joint resolu-
21 tion considered pursuant to the procedures of this
22 section or a conference report thereon has been en-
23 rolled and presented to the President of the United
24 States, it shall not be in order in either the House
25 of Representatives or the Senate to consider any bill

1 or joint resolution, amendment or motion thereto, or
2 conference report thereon that—

3 (A) provides new budget authority for any
4 fiscal year;

5 (B) provides for an increase in outlays for
6 any fiscal year;

7 (C) provides a decrease in revenues during
8 any fiscal year; or

9 (D) provides an increase in the public debt
10 limit to become effective during any fiscal year.

11 Subparagraphs (A) through (D) shall be applied on
12 a provision-by-provision basis.

13 (2) EXCEPTIONS.—Paragraph (1) does not
14 apply—

15 (A) to any measure under consideration
16 prior to the introduction, in either House, of a
17 bill or joint resolution considered pursuant to
18 the procedures of this section;

19 (B) to any measure considered after a bill
20 or joint resolution considered pursuant to the
21 procedures of this section has been defeated in
22 either House; or

23 (C) to any general appropriation bill or
24 amendment thereto, but only to the extent of
25 discretionary new budget authority provided for

1 the budget year or for the first or second fiscal
2 year after the budget year.

3 (3) WAIVER.—

4 (A) HOUSE OF REPRESENTATIVES.—In the
5 House of Representatives, if a special rule is
6 considered that would waive points of order
7 pursuant to paragraph (1), a motion to strike
8 the provision waiving such points of order shall
9 be in order.

10 (B) SENATE.—In the Senate, a point of
11 order properly raised pursuant to paragraph (1)
12 shall be waived only by an affirmative vote of
13 $\frac{2}{3}$ of the Members senators duly chosen and
14 sworn.

15 (f) APPLICATION OF CONGRESSIONAL BUDGET
16 ACT.—To the extent that they are relevant and not incon-
17 sistent with this Act, the provisions of title III of the Con-
18 gressional Budget Act of 1974 shall apply in the House
19 of Representatives and the Senate to any bill or joint reso-
20 lution, any amendment thereto, and any conference report
21 thereon that is considered pursuant to this section.

22 (g) RULES OF SENATE AND HOUSE OF REPRESENT-
23 ATIVES.—This section is enacted by Congress—

24 (1) as an exercise of the rulemaking power of
25 the Senate and the House of Representatives, re-

1 spectively, and is deemed to be part of the rules of
2 each House, respectively, but applicable only with re-
3 spect to the procedure to be followed in that House
4 in the case of a bill introduced pursuant to this sec-
5 tion, and it supersedes other rules only to the extent
6 that it is inconsistent with such rules; and

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

12 **SEC. 12. LONG-TERM CBO COST ESTIMATE.**

13 (a) PREPARATION AND SUBMISSION.—When the
14 Commission, the President, or the chairman or ranking
15 minority member of the Committee on the Budget of ei-
16 ther House submits a written request to the Director of
17 the Congressional Budget Office for a long-term CBO cost
18 estimate of legislation proposed under this Act, the Direc-
19 tor shall prepare the estimate and have it published in the
20 Congressional Record as expeditiously as possible.

21 (b) CONTENT.—A long-term CBO cost estimate shall
22 include—

23 (1) an estimate of the cost of each provision (if
24 practicable) or group of provisions of the legislation
25 or amendment for first fiscal year it would take ef-

1 fect and for each of the 49 fiscal years thereafter;
2 and

3 (2) a statement of any estimated future costs
4 not reflected by the estimate described in paragraph
5 (1).

6 (c) FORM.—To the extent that a long-term CBO cost
7 estimate presented in dollars is impracticable, the Director
8 of the Congressional Budget Office may instead present
9 the estimate in terms of percentages of gross domestic
10 product, with rounding to the nearest $\frac{1}{10}$ of 1 percent
11 of gross domestic product.

12 (d) LIMITATIONS ON DISCRETIONARY SPENDING.—
13 A long-term CBO cost estimate shall only consider the ef-
14 fects of provisions affecting revenues and direct spending
15 (as defined by the Balanced Budget and Emergency Def-
16 icit Control Act of 1985), and shall not assume that any
17 changes in outlays will result from limitations on, or re-
18 ductions in, annual appropriations.

○