

111TH CONGRESS
2^D SESSION

S. 2965

To establish a Commission for Fiscal Sustainability, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to create prosperity for all Americans.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2010

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To establish a Commission for Fiscal Sustainability, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to create prosperity for all Americans.

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 “Commission for Fiscal
5 Sustainability Act of 2010”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 Title III of the Congressional Budget Act of 1974
3 (2 U.S.C. 631 et seq.) is amended by adding at the end
4 the following new section:

5 “ESTABLISHMENT OF COMMISSION FOR FISCAL
6 SUSTAINABILITY

7 “SEC. 316. (a) DEFINITIONS.—In this section:

8 “(1) COMMISSION.—The term ‘Commission’
9 means the Commission for Fiscal Sustainability es-
10 tablished under subsection (b)(1).

11 “(2) COMMISSION BILL.—The term ‘Commis-
12 sion bill’ means a bill consisting of the proposed leg-
13 islative language of the Commission recommended
14 under subsection (b)(3)(B) and introduced under
15 subsection (e)(1).

16 “(3) FISCAL IMBALANCE.—The term ‘fiscal im-
17 balance’ means the gap between the projected reve-
18 nues and expenditures of the Federal Government.

19 “(b) ESTABLISHMENT OF COMMISSION.—

20 “(1) ESTABLISHMENT.—There is established in
21 the legislative branch a Commission to be known as
22 the ‘Commission for Fiscal Sustainability’.

23 “(2) PURPOSES.—

24 “(A) REVIEW.—The Commission shall re-
25 view the fiscal imbalance of the Federal Govern-
26 ment, including—

1 “(i) analyses of projected Federal ex-
2 penditures;

3 “(ii) analyses of projected Federal
4 revenues; and

5 “(iii) analyses of the current and
6 long-term actuarial financial condition of
7 the Federal Government.

8 “(B) IDENTIFY FACTORS.—The Commis-
9 sion shall identify factors solely related to Fed-
10 eral expenditures that affect the long-term fis-
11 cal imbalance of the Federal Government.

12 “(C) ANALYZE POTENTIAL COURSES OF
13 ACTION.—The Commission shall analyze poten-
14 tial courses of action to address the long-term
15 fiscal imbalance solely related to reductions in
16 Federal expenditures.

17 “(D) PROVIDE RECOMMENDATIONS AND
18 LEGISLATIVE LANGUAGE.—The Commission
19 shall provide recommendations and legislative
20 language that will significantly improve the
21 long-term fiscal imbalance of the Federal Gov-
22 ernment solely through reductions in Federal
23 expenditures. The Commission shall not provide
24 recommendation related to increasing Federal
25 revenues through increased taxes.

1 “(3) DUTIES.—

2 “(A) IN GENERAL.—The Commission shall
3 address the Nation’s long-term fiscal imbal-
4 ances, consistent with the purposes described in
5 paragraph (2), and shall submit the report and
6 recommendations required under subparagraph
7 (B).

8 “(B) REPORT, RECOMMENDATIONS, AND
9 LEGISLATIVE LANGUAGE.—

10 “(i) IN GENERAL.—Not later than
11 September 1, 2010, the Commission shall
12 vote on a report that contains—

13 “(I) a detailed statement of the
14 findings, conclusions, and rec-
15 ommendations of the Commission;

16 “(II) the assumptions, scenarios,
17 and alternatives considered in reach-
18 ing such findings, conclusions, and
19 recommendations; and

20 “(III) proposed legislative lan-
21 guage to carry out such recommenda-
22 tions as described in paragraph
23 (2)(D).

24 “(ii) APPROVAL OF REPORT.—The re-
25 port of the Commission submitted under

1 clause (i) shall require the approval of not
2 fewer than 8 of the 16 members of the
3 Commission.

4 “(iii) ADDITIONAL VIEWS.—A member
5 of the Commission who gives notice of an
6 intention to file supplemental, minority, or
7 additional views at the time of final Com-
8 mission approval of the report under clause
9 (ii), shall be entitled to not less than 3 cal-
10 endar days in which to file such views in
11 writing with the staff director of the Com-
12 mission. Such views shall then be included
13 in the Commission report and printed in
14 the same volume, or part thereof, and their
15 inclusion shall be noted on the cover of the
16 report. In the absence of timely notice, the
17 Commission report may be printed and
18 transmitted immediately without such
19 views.

20 “(iv) TRANSMISSION OF REPORT.—No
21 later than September 15, 2010, the Com-
22 mission shall submit the Commission bill
23 and final report to the President, the Vice
24 President, the Speaker of the House, and

1 the majority and minority leaders of both
2 Houses.

3 “(v) REPORT TO BE MADE PUBLIC.—
4 Upon the approval or disapproval of the
5 Commission report pursuant to clause (ii),
6 the Commission shall promptly make the
7 full report, and a record of the vote, avail-
8 able to the public.

9 “(4) MEMBERSHIP.—

10 “(A) IN GENERAL.—The Commission shall
11 be composed of 16 members designated pursu-
12 ant to subparagraph (B).

13 “(B) DESIGNATION.—Members of the
14 Commission shall be designated as follows:

15 “(i) The majority leader of the Senate
16 shall designate 4 members from among
17 Members of the Senate.

18 “(ii) The minority leader of the Sen-
19 ate shall designate 4 members from among
20 Members of the Senate.

21 “(iii) The Speaker of the House of
22 Representatives shall designate 4 members
23 from among Members of the House of
24 Representatives.

1 “(iv) The minority leader of the
2 House of Representatives shall designate 4
3 members from among Members of the
4 House of Representatives.

5 “(C) CO-CHAIRS.—

6 “(i) IN GENERAL.—There shall be 2
7 Co-Chairs of the Commission. The major-
8 ity leader of the Senate, and Speaker of
9 the House shall designate one Co-Chair
10 among the members of the Commission.
11 The minority leader of the Senate and mi-
12 nority leader of the House shall designate
13 the second Co-Chair among the members
14 of the Commission. The Co-Chairs shall be
15 appointed not later than 14 days after the
16 date of enactment of this section.

17 “(ii) STAFF DIRECTOR.—The Co-
18 Chairs, acting jointly, shall hire the staff
19 director of the Commission.

20 “(D) DATE.—Members of the Commission
21 shall be designated by not later than 14 days
22 after the date of enactment of this section.

23 “(E) PERIOD OF DESIGNATION.—Members
24 shall be designated for the life of the Commis-
25 sion. Any vacancy in the Commission shall not

1 affect its powers, but shall be filled not later
2 than 14 days after the date on which the va-
3 cancy occurs in the same manner as the origi-
4 nal designation.

5 “(F) COMPENSATION.—Members of the
6 Commission shall serve without any additional
7 compensation for their work on the Commis-
8 sion. However, members may be allowed travel
9 expenses, including per diem in lieu of subsist-
10 ence, in accordance with sections 5702 and
11 5703 of title 5, United States Code, while away
12 from their homes or regular places of business
13 in performance of services for the Commission.

14 “(5) ADMINISTRATION.—

15 “(A) AUTHORITY TO ESTABLISH RULES
16 AND REGULATIONS.—The Co-Chairs, in con-
17 sultation with the other members of the Com-
18 mission, may establish rules and regulations for
19 the conduct of Commission business, if such
20 rules and regulations are not inconsistent with
21 this section or other applicable law.

22 “(B) QUORUM.—Ten members of the
23 Commission shall constitute a quorum for pur-
24 poses of voting, meeting, and holding hearings.

25 “(C) VOTING.—

1 “(i) PROXY VOTING.—No proxy voting
2 shall be allowed on behalf of the members
3 of the Commission.

4 “(ii) REPORT, RECOMMENDATIONS
5 AND LEGISLATIVE LANGUAGE.—

6 “(I) DATES.—The Commission
7 may not vote on any version of the re-
8 port, recommendations, or legislative
9 language before the timing provided
10 for in paragraph (3)(B)(i).

11 “(II) CONGRESSIONAL BUDGET
12 OFFICE AND JOINT COMMITTEE ON
13 TAXATION ESTIMATES.—The Congres-
14 sional Budget Office and Joint Com-
15 mittee on Taxation shall provide esti-
16 mates of the Commission report and
17 recommendations (as described in
18 subsection (b)(2)(D)) in accordance
19 with section 308(a) and 201(f) of the
20 Congressional Budget Act of 1974.
21 The Commission may not vote on any
22 version of the report, recommenda-
23 tions, or legislative language unless a
24 final estimate is available for consider-

1 ation by all the members at least 72
2 hours prior to the vote.

3 “(D) MEETINGS.—

4 “(i) INITIAL MEETING.—Not later
5 than 45 days after the date of enactment
6 of this section, the Commission shall hold
7 its first meeting.

8 “(ii) MEETINGS.—The Commission
9 shall meet at the call of the Co-Chairs or
10 at least 10 of its members.

11 “(iii) AGENDA.—An agenda shall be
12 provided to the Commission members at
13 least 1 week in advance of any meeting.
14 Commission members who want to have
15 items placed on the agenda for consider-
16 ation shall notify the staff director as early
17 as possible, but not less than 48 hours in
18 advance of a scheduled meeting.

19 “(iv) SUNSHINE.—The meetings of
20 the Commission shall be open to the public
21 and transcripts of the deliberations and a
22 record of votes of the Commission shall be
23 made public on a public website established
24 by the Commission.

25 “(E) HEARINGS.—

1 “(i) IN GENERAL.—Subject to sub-
2 paragraph (G), the Commission may, for
3 the purpose of carrying out this section,
4 hold such hearings, sit and act at such
5 times and places, take such testimony, re-
6 ceive such evidence, and administer such
7 oaths the Commission considers advisable.

8 “(ii) HEARING PROCEDURES AND RE-
9 SPONSIBILITIES OF CO-CHAIRS.—

10 “(I) ANNOUNCEMENT.—The
11 Commission Co-Chairs shall make
12 public announcement of the date,
13 place, time, and subject matter of any
14 hearing to be conducted at least 1
15 week in advance of such hearing, un-
16 less the Co-Chairs determine that
17 there is good cause to begin such
18 hearing at an earlier date.

19 “(II) WRITTEN STATEMENT.—A
20 witness appearing before the Commis-
21 sion shall file a written statement of
22 proposed testimony at least 2 days
23 prior to appearance, unless the re-
24 quirement is waived by the Co-Chairs,
25 following their determination that

1 there is good cause for failure of com-
2 pliance.

3 “(F) TECHNICAL ASSISTANCE.—Upon
4 written request of the Co-Chairs, a Federal
5 agency shall provide technical assistance to the
6 Commission in order for the Commission to
7 carry out its duties.

8 “(G) INFORMATION.—

9 “(i) RESOURCES.—

10 “(I) IN GENERAL.—Notwith-
11 standing section 1108 of title 31,
12 United States Code, the Commission
13 shall have authority to access assist-
14 ance, materials, resources, statistical
15 data, and other information the Com-
16 mission determines to be necessary to
17 carry out its duties directly from an
18 officer or employee of any executive
19 department, bureau, agency, board,
20 commission, office, independent estab-
21 lishment, or instrumentality of the
22 Government, including the Library of
23 Congress, the Chief Actuary of the
24 Social Security Administration, the
25 Chief Actuary of the Centers for

1 Medicare & Medicaid Services, the
2 Congressional Budget Office, the De-
3 partment of the Treasury, the Depart-
4 ment of Health and Human Services,
5 the Office of Management and Budg-
6 et, the Government Accountability Of-
7 fice, and the Joint Committee on Tax-
8 ation. Each agency or instrumentality
9 shall, to the extent permitted by law,
10 furnish such information to the Com-
11 mission upon written request of the
12 Co-Chairs.

13 “(II) COPIES SUPPLIED.—Copies
14 of written requests and all written or
15 electronic responses provided under
16 this clause shall be provided to the
17 staff director and shall be made avail-
18 able for review by all members of the
19 Commission upon request.

20 “(ii) RECEIPT, HANDLING, STORAGE,
21 AND DISSEMINATION OF INFORMATION.—
22 Information shall only be received, han-
23 dled, stored, and disseminated by members
24 of the Commission and its staff consistent

1 with all applicable statutes, regulations,
2 and Executive orders.

3 “(iii) LIMITATION OF ACCESS TO TAX
4 INFORMATION.—Information accessed
5 under this subparagraph shall not include
6 tax data from the United States Internal
7 Revenue Service, the release of which
8 would otherwise be in violation of law.

9 “(H) POSTAL SERVICES.—The Commission
10 may use the United States mails in the same
11 manner and under the same conditions as other
12 departments and agencies of the Federal Gov-
13 ernment.

14 “(I) ASSISTANCE FROM FEDERAL AGEN-
15 CIES.—

16 “(i) GENERAL SERVICES ADMINISTRA-
17 TION.—Upon the request of the Co-Chairs
18 of the Commission, the Administrator of
19 General Services shall provide to the Com-
20 mission, on a reimbursable basis, the ad-
21 ministrative support services necessary for
22 the Commission to carry out its respon-
23 sibilities under this section. These adminis-
24 trative services may include human re-

1 sources management, budget, leasing, ac-
2 counting, and payroll services.

3 “(ii) OTHER DEPARTMENTS AND
4 AGENCIES.—In addition to the assistance
5 prescribed in clause (i), departments and
6 agencies of the United States may provide
7 to the Commission such services, funds, fa-
8 cilities, staff, and other support services as
9 they may determine advisable and as may
10 be authorized by law.

11 “(J) CONTRACT AUTHORITY.—The Com-
12 mission is authorized to enter into contracts
13 with Federal and State agencies, private firms,
14 institutions, and individuals for the conduct of
15 activity necessary to the discharge of its duties
16 and responsibilities. A contract, lease, or other
17 legal agreement entered into by the Commission
18 may not extend beyond the date of the termi-
19 nation of the Commission.

20 “(c) STAFF OF COMMISSION.—

21 “(1) APPOINTMENT AND COMPENSATION OF
22 SHARED STAFF.—The Co-Chairs may appoint and
23 fix the compensation of a staff director and such
24 other personnel as may be necessary to enable the
25 Commission to carry out its functions, without re-

1 gard to the provisions of title 5, United States Code,
2 governing appointments in the competitive service,
3 but at rates not to exceed the daily rate paid a per-
4 son occupying a position at level III of the Executive
5 Schedule under section 5314 of title 5, United
6 States Code.

7 “(2) ADDITIONAL STAFF FOR COMMISSION
8 MEMBERS.—Each member of the Commission may
9 appoint up to 2 additional dedicated staff and fix
10 the compensation of such dedicated personnel with-
11 out regard to the provisions of title 5, United States
12 Code, governing appointments in the competitive
13 service, but at rates not to exceed the daily rate paid
14 a person occupying a position at level III of the Ex-
15 ecutive Schedule under section 5314 of title 5,
16 United States Code. Dedicated staff shall report to
17 each appointing member.

18 “(3) PERSONNEL AS FEDERAL EMPLOYEES.—

19 “(A) IN GENERAL.—The staff director and
20 any personnel of the Commission who are em-
21 ployees shall be employees under section 2105
22 of title 5, United States Code, for purposes of
23 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
24 that title.

1 “(B) MEMBERS OF COMMISSION.—Sub-
2 paragraph (A) shall not be construed to apply
3 to members of the Commission.

4 “(4) OUTSIDE CONSULTANTS.—No outside con-
5 sultants or other personnel, either by contract, de-
6 tail, volunteer, or through a remunerative agree-
7 ment, may be hired without the approval of the Co-
8 Chairs.

9 “(5) DETAILEES.—With the approval of the
10 Co-Chairs any Federal Government employee may be
11 detailed to the Commission with or without reim-
12 bursement from the Commission, and such detailee
13 shall retain the rights, status, and privileges of his
14 or her regular employment without interruption. Re-
15 imbursable amounts may include the fair value of
16 equipment and supplies used by the detailee in sup-
17 port of the Commission’s activities. For the purpose
18 of this paragraph, Federal Government employees
19 shall include employees of the legislative branch.

20 “(6) CONSULTANT SERVICES.—The Co-Chairs
21 of the Commission are authorized to procure the
22 services of experts and consultants in accordance
23 with section 3109 of title 5, United States Code, but
24 at rates not to exceed the daily rate paid a person
25 occupying a position at level III of the Executive

1 Schedule under section 5316 of title 5, United
2 States Code.

3 “(7) TEMPORARY AND INTERMITTENT SERV-
4 ICES.—The Co-Chairs of the Commission may pro-
5 cure temporary and intermittent services under sec-
6 tion 3109(b) of title 5, United States Code, at rates
7 for individuals which do not exceed the daily equiva-
8 lent of the annual rate of basic pay prescribed for
9 level III of the Executive Schedule under section
10 5316 of such title.

11 “(8) VOLUNTEER SERVICES.—

12 “(A) IN GENERAL.—Notwithstanding the
13 provisions of section 1342 of title 31, United
14 States Code, the Co-Chairs of the Commission
15 are authorized to accept and utilize the services
16 of volunteers serving without compensation.
17 The Commission may reimburse such volunteers
18 for local travel and office supplies, and for
19 other travel expenses, including per diem in lieu
20 of substance, as authorized by section 5703 of
21 title 5, United States Code.

22 “(B) EMPLOYEE STATUS.—A person pro-
23 viding volunteer services to the Commission
24 shall be considered an employee of the Federal
25 Government in the performance of those serv-

1 ices for the purposes of Chapter 81 of title 5,
2 United States Code, relating to compensation
3 for work-related injuries, chapter 171 of title
4 28, United States Code, relating to tort claims
5 and chapter 11 of title 18, United States Code,
6 relating to conflicts of interests.

7 “(C) ETHICAL GUIDELINES FOR STAFF.—
8 In the absence of statutorily defined coverage,
9 the staff, including staff director, shall follow
10 the ethical rules and guidelines of the Senate.
11 Staff coming from the private sector or outside
12 public government may petition the Co-Chairs
13 for a waiver from provisions of Senate Ethics
14 rules.

15 “(9) ADVISORY PANEL.—The Commission may
16 establish an advisory panel consisting of volunteers
17 with knowledge and expertise relevant to the
18 Commission’s purpose. Membership of the Advisory
19 Panel, and the scope of the Panel’s activities, shall
20 be decided by the Co-Chairs in consultation with the
21 other members of the Commission.

22 “(d) TERMINATION.—

23 “(1) IN GENERAL.—The Commission shall ter-
24 minate on the date that is 90 days after the Com-

1 mission submits the report required under sub-
2 section (b)(3)(B).

3 “(2) CONCLUDING ACTIVITIES.—The Commis-
4 sion may use the 90-day period referred to in para-
5 graph (1) for the purpose of concluding its activities,
6 including providing testimony to committees of Con-
7 gress concerning its report and disseminating the
8 final report.

9 “(e) EXPEDITED CONSIDERATION OF COMMISSION
10 RECOMMENDATIONS.—

11 “(1) INTRODUCTION.—

12 “(A) RECONVENING.—

13 “(i) IN THE HOUSE OF REPRESENTA-
14 TIVES.—Upon receipt of a report under
15 subsection (b)(3)(B), the Speaker, if the
16 House would otherwise be adjourned, shall
17 notify the Members of the House that,
18 pursuant to this section, the House shall
19 convene not later than October 1, 2010.

20 “(ii) IN THE SENATE.—

21 “(I) CONVENING.—Upon receipt
22 of a report under subsection
23 (b)(3)(B), if the Senate has adjourned
24 or recessed for more than 2 days, the
25 majority leader of the Senate, after

1 consultation with the minority leader
2 of the Senate, shall notify the Mem-
3 bers of the Senate that, pursuant to
4 this section, the Senate shall convene
5 not later than October 1, 2010.

6 “(II) ADJOURNING.—No concur-
7 rent resolution adjourning the Senate
8 for more than 3 days shall be in order
9 until the Senate votes on passage of
10 the Commission bill under paragraph
11 (2)(B)(iv).

12 “(B) INTRODUCTION OF COMMISSION
13 BILL.—The proposed legislative language con-
14 tained in the report submitted pursuant to sub-
15 section (b)(3)(B), upon receipt by the Congress,
16 shall be introduced not later than October 15,
17 2010, in the Senate and in the House of Rep-
18 resentatives by the majority leader of each
19 House of Congress, for himself, the minority
20 leader of each House of Congress, for himself,
21 or any member of the House designated by the
22 majority leader or minority leader. If the Com-
23 mission bill is not introduced in accordance
24 with the preceding sentence in either House of
25 Congress, then any Member of that House may

1 introduce the Commission bill on any day there-
2 after. Upon introduction, the Commission bill
3 shall be referred to the appropriate committees
4 under subparagraph (C).

5 “(C) COMMITTEE CONSIDERATION.—A
6 Commission bill introduced in either House of
7 Congress shall be jointly referred to the com-
8 mittee or committees of jurisdiction and the
9 Committee on the Budget of that House, which
10 committees shall report the bill without any re-
11 vision and with a favorable recommendation, an
12 unfavorable recommendation, or without rec-
13 ommendation, not later than 7 calendar days
14 after the date of introduction of the bill in that
15 House, or the first day thereafter on which that
16 House is in session. If any committee fails to
17 report the bill within that period, that com-
18 mittee shall be automatically discharged from
19 consideration of the bill, and the bill shall be
20 placed on the appropriate calendar.

21 “(2) EXPEDITED PROCEDURES.—

22 “(A) FAST TRACK CONSIDERATION IN
23 HOUSE OF REPRESENTATIVES.—

24 “(i) PROCEEDING TO CONSIDER-
25 ATION.—It shall be in order, not later than

1 2 days of session after the date on which
2 a Commission bill is reported or discharged
3 from all committees to which it was re-
4 ferred, for the majority leader of the
5 House of Representatives or the majority
6 leader's designee, to move to proceed to
7 the consideration of the Commission bill. It
8 shall also be in order for any Member of
9 the House of Representatives to move to
10 proceed to the consideration of the Com-
11 mission bill at any time after the conclu-
12 sion of such 2-day period. All points of
13 order against the motion are waived. Such
14 a motion shall not be in order after the
15 House has disposed of a motion to proceed
16 on the Commission bill. The previous ques-
17 tion shall be considered as ordered on the
18 motion to its adoption without intervening
19 motion. The motion shall not be debatable.
20 A motion to reconsider the vote by which
21 the motion is disposed of shall not be in
22 order.

23 “(ii) CONSIDERATION.—The Commis-
24 sion bill shall be considered as read. All
25 points of order against the Commission bill

1 and against its consideration are waived.
2 The previous question shall be considered
3 as ordered on the Commission bill to its
4 passage without intervening motion except
5 100 hours of debate equally divided and
6 controlled by the proponent and an oppo-
7 nent, and any motion to limit debate. A
8 motion to reconsider the vote on passage of
9 the Commission bill shall not be in order.

10 “(iii) APPEALS.—Appeals from deci-
11 sions of the chair relating to the applica-
12 tion of the Rules of the House of Rep-
13 resentatives to the procedure relating to a
14 Commission bill shall be decided without
15 debate.

16 “(iv) APPLICATION OF HOUSE
17 RULES.—Except to the extent specifically
18 provided in paragraph (2)(A), consider-
19 ation of a Commission bill shall be gov-
20 erned by the Rules of the House of Rep-
21 resentatives. It shall not be in order in the
22 House of Representatives to consider any
23 Commission bill introduced pursuant to the
24 provisions of this subsection under a sus-
25 pension of the rules pursuant to Clause 1

1 of House Rule XV, or under a special rule
2 reported by the House Committee on
3 Rules.

4 “(v) NO AMENDMENTS.—No amend-
5 ment to the Commission bill shall be in
6 order in the House of Representatives.

7 “(vi) VOTE ON PASSAGE.—Imme-
8 diately following the conclusion of consider-
9 ation of the Commission bill, the vote on
10 passage of the Commission bill shall occur
11 without any intervening action or motion.
12 If the Commission bill is passed, the Clerk
13 of the House of Representatives shall cause
14 the bill to be transmitted to the Senate be-
15 fore the close of the next day of session of
16 the House. The vote on passage shall occur
17 not later than November 1, 2010.

18 “(B) FAST TRACK CONSIDERATION IN SEN-
19 ATE.—

20 “(i) IN GENERAL.—Notwithstanding
21 Rule XXII of the Standing Rules of the
22 Senate, it is in order, not later than 2 days
23 of session after the date on which a Com-
24 mission bill is reported or discharged from
25 all committees to which it was referred, for

1 the majority leader of the Senate or the
2 majority leader's designee to move to pro-
3 ceed to the consideration of the Commis-
4 sion bill. It shall also be in order for any
5 Member of the Senate to move to proceed
6 to the consideration of the Commission bill
7 at any time after the conclusion of such 2-
8 day period. A motion to proceed is in order
9 even though a previous motion to the same
10 effect has been disagreed to. All points of
11 order against the motion to proceed to the
12 Commission bill are waived. The motion to
13 proceed is not debatable. The motion is not
14 subject to a motion to postpone. A motion
15 to reconsider the vote by which the motion
16 is agreed to or disagreed to shall not be in
17 order. If a motion to proceed to the consid-
18 eration of the Commission bill is agreed to,
19 the Commission bill shall remain the unfin-
20 ished business until disposed of.

21 “(ii) DEBATE.—All points of order
22 against the Commission bill and against
23 consideration of the Commission bill are
24 waived. Consideration of the Commission
25 bill and of all debatable motions and ap-

1 peals in connection therewith shall not ex-
2 ceed a total of 100 hours. Debate shall be
3 divided equally between the majority and
4 minority leaders or their designees. A mo-
5 tion further to limit debate on the Com-
6 mission bill is in order and is not debat-
7 able. Any debatable motion or appeal is de-
8 batable for not to exceed 1 hour, to be di-
9 vided equally between those favoring and
10 those opposing the motion or appeal. All
11 time used for consideration of the Commis-
12 sion bill, including time used for quorum
13 calls and voting, shall be counted against
14 the total 100 hours of consideration.

15 “(iii) NO AMENDMENTS.—An amend-
16 ment to the Commission bill, or a motion
17 to postpone, or a motion to proceed to the
18 consideration of other business, or a mo-
19 tion to recommit the Commission bill, is
20 not in order.

21 “(iv) VOTE ON PASSAGE.—The vote
22 on passage shall occur immediately fol-
23 lowing the conclusion of the debate on a
24 Commission bill, and a single quorum call
25 at the conclusion of the debate if re-

1 requested. The vote on passage shall occur
2 not later than November 1, 2010.

3 “(v) ADJOURNMENT.—If, by Novem-
4 ber 1, 2010, either House has failed to
5 adopt a motion to proceed to the Commis-
6 sion bill, paragraph (1)(A)(ii)(II) shall not
7 apply.

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

14 “(C) RULES TO COORDINATE ACTION WITH
15 OTHER HOUSE.—

16 “(i) REFERRAL.—If, before the pas-
17 sage by 1 House of a Commission bill of
18 that House, that House receives from the
19 other House a Commission bill, then the
20 Commission bill of the other House shall
21 not be referred to a committee and shall
22 immediately be placed on the calendar.

23 “(ii) PROCEDURE.—If the Senate re-
24 ceives the Commission bill passed by the
25 House of Representatives before the Sen-

1 ate has voted on passage of the Commis-
2 sion bill—

3 “(I) the procedure in the Senate
4 shall be the same as if no Commission
5 bill had been received from House of
6 Representatives; and

7 “(II) the vote on passage in the
8 Senate shall be on the Commission
9 bill of the House of Representatives.

10 “(iii) TREATMENT OF COMMISSION
11 BILL OF OTHER HOUSE.—If 1 House fails
12 to introduce or consider a Commission bill
13 under this section, the Commission bill of
14 the other House shall be entitled to expedited floor procedures under this section.

15 “(iv) TREATMENT OF COMPANION
16 MEASURES IN THE SENATE.—If following
17 passage of the Commission bill in the Sen-
18 ate, the Senate then receives the Commis-
19 sion bill from the House of Representa-
20 tives, the House-passed Commission bill
21 shall not be debatable. The vote on passage
22 of the Commission bill in the Senate shall
23 be considered to be the vote on passage of
24

1 the Commission bill received from the
2 House of Representatives.

3 “(v) VETOES.—If the President vetoes
4 the Commission bill, debate on a veto mes-
5 sage in the Senate under this section shall
6 be 1 hour equally divided between the ma-
7 jority and minority leaders or their des-
8 ignees.

9 “(3) SUSPENSION.—No motion to suspend the
10 application of this subsection shall be in order in the
11 Senate or in the House of Representatives.”.

12 **SEC. 3. FUNDING.**

13 From the amounts appropriated or made available
14 and remaining unobligated under division A (other than
15 under title X of division A) of the American Recovery and
16 Reinvestment Act of 2009 (Public Law 111–5), there is
17 rescinded pro rata an aggregate amount equal to
18 \$9,000,000, which amount shall be made available without
19 need for further appropriation to the Commission for Fis-
20 cal Sustainability to carry out the purposes of the Com-
21 mission for Fiscal Sustainability, and which shall remain
22 available through fiscal year 2011. Not later than 14 days
23 after the date of enactment of this section, the Director
24 of the Office of Management and Budget shall administer

- 1 the rescission and make available such amount to the
- 2 Commission for Fiscal Sustainability.

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