

118TH CONGRESS
2D SESSION

S. 3734

To require submission of the National Security Strategy and the budget of the President before the President may deliver the State of the Union address.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2024

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To require submission of the National Security Strategy and the budget of the President before the President may deliver the State of the Union address.

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 “Send Us Budget Mate-
5 rials and International Tactics In Time Act” or the
6 “SUBMIT IT Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

1 (1) the term “National Security Strategy”
2 means the report described in section 108 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3043); and

4 (2) the term “President’s Budget Request”
5 means the materials that are described in section
6 1105 of title 31, United States Code, and are re-
7 quired to be submitted to Congress on or before the
8 first Monday in February under section 300 of the
9 Congressional Budget Act of 1974 (2 U.S.C. 631).

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

12 (1) Article II, section 3 of the Constitution of
13 the United States states that the President “shall
14 from time to time give to the Congress Information
15 of the State of the Union”.

16 (2) Though not constitutionally required, it has
17 become customary for the President to deliver a
18 State of the Union Address to a joint session of the
19 Congress assembled in the Hall of the House.

20 (3) The President is statutorily required to
21 transmit to Congress certain information that sup-
22 ports congressional deliberations on annual budget,
23 appropriations, and security legislation, and those
24 reports are due around the time the President cus-
25 tomarily delivers a State of the Union Address.

1 (4) Section 300 of the Congressional Budget
2 Act of 1974 (2 U.S.C. 631) requires that the “Presi-
3 dent submits his budget” on or before the “First
4 Monday in February.” Section 1105 of title 31,
5 United States Code, sets other requirements for the
6 President’s Budget Request.

7 (5) Section 108 of the National Security Act of
8 1947 (50 U.S.C. 3043) states that “The President
9 shall transmit to Congress each year a comprehen-
10 sive report on the national security strategy of the
11 United States”, which “shall be transmitted on the
12 date on which the President submits to Congress the
13 budget for the next fiscal year”. The National Secu-
14 rity Strategy proposal provides a framework for de-
15 fense, military, intelligence, nuclear, diplomacy, and
16 development strategies.

17 (6) Congress has received budget requests from
18 President Joseph Biden 116, 49, and 31 days late
19 for fiscal years 2022, 2023, and 2024, respectively,
20 from President Donald Trump 38, 7, 35, and 7 days
21 late for fiscal years 2018, 2019, 2020, and 2021, re-
22 spectively, from President Barack Obama an average
23 of 17.5 days late and ranging from on time twice to
24 65 days late, and from President George W. Bush
25 on time except, for the fiscal year 2002 request.

1 (7) Congress received a National Security
2 Strategy from President Biden on October 12, 2022,
3 from President Trump on December 18, 2017, from
4 President Obama on May 26, 2010, and February
5 6, 2015, and from President Bush on March 16,
6 2006, and on September 17, 2002.

7 (8) One submission of a National Security
8 Strategy per presidential term with variable timing
9 is inconsistent with the President's statutory man-
10 date under section 108 of the National Security Act
11 of 1947 (50 U.S.C. 3043).

12 (9) Each year that President Bush, Obama,
13 Trump, or Biden has given a State of the Union ad-
14 dress, he has done so prior to submitting the Presi-
15 dent's Budget Request and the National Security
16 Strategy.

17 **SEC. 4. STATE OF THE UNION TO FOLLOW THE BUDGET**
18 **AND SECURITY SUBMISSIONS.**

19 (a) STATEMENT OF POLICY.—Neither the leadership
20 of the Senate nor the leadership of the House of Rep-
21 resentatives may invite the President to deliver a State
22 of the Union Address to a joint session of Congress until
23 the President has transmitted, and Congress has received,
24 the National Security Strategy and the President's Budget
25 Request for the subsequent fiscal year.

1 (b) CONFORMING AMENDMENT.—Section 300 of the
2 Congressional Budget Act of 1974 (2 U.S.C. 631) is
3 amended in the table by striking the item relating to the
4 First Monday in February and inserting the following:

“First Monday in February President submits budget request prior to de-
livering any State of the Union address.”.

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