To establish a commission on fiscal stability and reform.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2023

Mr. MANCHIN (for himself, Mr. ROMNEY, Ms. SINEMA, Mr. YOUNG, Mr. HICKENLOOPER, Ms. LUMMIS, Mr. WARNER, Mr. CORNYN, Mrs. SHAHEEN, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a commission on fiscal stability and reform.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fiscal Stability Act
of 2023”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CO-CHAIR.—The term “co-chair” means an
individual appointed to serve as a co-chair of the
Fiscal Commission under section 3(a)(2)(C).
(2) DIRECT SPENDING.—The term “direct spending” has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(3) DISCRETIONARY APPROPRIATIONS.—The term “discretionary appropriations” has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(4) FISCAL COMMISSION.—The term “Fiscal Commission” means the commission established under section 3(a)(1).

(5) IMPLEMENTING BILL.—The term “implementing bill” means a bill consisting solely of the text of the implementing bill that the Fiscal Commission approves and submits under subparagraphs (A) and (D), respectively, of section 3(c)(2).

(6) OUTSIDE EXPERT.—The term “outside expert” means an individual who is not an elected official or an officer or employee of the Federal Government or of any State.

SEC. 3. ESTABLISHMENT OF FISCAL COMMISSION.

(a) ESTABLISHMENT OF FISCAL COMMISSION.—

(1) ESTABLISHMENT.—There is established in the legislative branch a Fiscal Commission.
(2) Membership.—

(A) In general.—The Fiscal Commission shall be composed of 16 members appointed in accordance with subparagraph (B) and with due consideration to chairs and ranking members of the committees and subcommittees of subject matter jurisdiction, if applicable.

(B) Appointment.—Not later than 14 days after the date of enactment of this Act—

(i) the majority leader of the Senate shall appoint 3 individuals from among the Members of the Senate, and 1 outside expert, who shall serve as members of the Fiscal Commission;

(ii) the minority leader of the Senate shall appoint 3 individuals from among the Members of the Senate, and 1 outside expert who shall serve as members of the Fiscal Commission;

(iii) the Speaker of the House of Representatives shall appoint 3 individuals from among the Members of the House of Representatives, and 1 outside expert, who shall serve as members of the Fiscal Commission; and
(iv) the minority leader of the House of Representatives shall appoint 3 individuals from among the Members of the House of Representatives, and 1 outside expert, who shall serve as members of the Fiscal Commission.

(C) Co-chairs.—Not later than 14 days after the date of enactment of this Act—

(i) the leadership of the Senate and House of Representatives who caucus with the same political party as the President shall appoint 1 individual from among the members of the Fiscal Commission who shall serve as a co-chair of the Fiscal Commission; and

(ii) the leadership of the Senate and House of Representatives who caucus with the opposite political party as the President, shall appoint 1 individual from among the members of the Fiscal Commission who shall serve as a co-chair of the Fiscal Commission.

(D) Period of appointment.—
(i) **IN GENERAL.**—The members of the Fiscal Commission shall be appointed for the life of the Fiscal Commission.

(ii) **VACANCY.**—

(I) **IN GENERAL.**—Any vacancy in the Fiscal Commission shall not affect the powers of the Fiscal Commission, but shall be filled not later than 14 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(II) **INELIGIBLE MEMBERS.**—If a member of the Fiscal Commission who was appointed as a Member of the Senate or the House Representatives ceases to be a Member of the Senate or the House of Representatives, as applicable—

(aa) the member shall no longer be a member of the Fiscal Commission; and

(bb) a vacancy in the Fiscal Commission exists.

(E) **MEMBER PERSONNEL ISSUES.**—
(i) Outside Expert.—Any outside expert appointed as a member of the Fiscal Commission—

(I) shall not be considered to be a Federal employee for any purpose by reason of service on the Fiscal Commission;

(II) shall serve without compensation; and

(III) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Fiscal Commission.

(ii) Members of Congress.—Each member of the Fiscal Commission who is a Member of the Senate or the House of Representatives shall serve without compensation in addition to the compensation received for the services of the member as
a Member of the Senate or the House of Representatives.

(3) Administration.—

(A) In general.—To enable the Fiscal Commission to exercise the powers, functions, and duties of the Fiscal Commission, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Fiscal Commission approved by the staff director of the Fiscal Commission, subject to the rules and regulations of the Senate.

(B) Quorum.—A majority of the members of the Fiscal Commission who are Members of the Senate or the House of Representatives, not fewer than 3 of whom were appointed to the Fiscal Commission by a Member of the Senate or the House of Representatives who caucuses with the same political party as the President and not fewer than 3 of whom were appointed to the Fiscal Commission by a Member of the Senate or the House of Representatives who caucuses with the opposite political party as the President, shall constitute a quorum.

(C) Voting.—
(i) In general.—Only members of the Fiscal Commission who are Members of the Senate or the House of Representatives may vote on any matter. An outside expert serving as a member of the Fiscal Commission shall be a nonvoting member.

(ii) Proxy voting.—No proxy voting shall be allowed on behalf of any member of the Fiscal Commission on any matter.

(iii) Congressional Budget Office estimates.—

(I) In general.—The Director of the Congressional Budget Office shall, with respect to the implementing bill of the Fiscal Commission described in subsection (c)(2)(A)(i)(II), provide to the Fiscal Commission—

(aa) estimates of the implementing bill in accordance with sections 308(a) and 201(f) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a), 601(f)); and
(bb) information on the budgetary effect of the implementing bill on the long-term fiscal outlook.

(II) LIMITATION.—The Fiscal Commission may not vote on any version of the report, recommendations, or implementation bill of the Fiscal Commission under subsection (c)(2)(A) unless the estimates and information described in subclause (I) of this clause are made available for consideration by all members of the Fiscal Commission not later than 48 hours before that vote, as certified by the co-chairs of the Fiscal Commission.

(D) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this Act, the Fiscal Commission shall hold the first meeting of the Fiscal Commission.

(ii) AGENDA.—The co-chairs of the Fiscal Commission shall provide an agenda to the members of the Fiscal Commission
not later than 48 hours before each meeting of the Fiscal Commission.

(E) HEARINGS.—

(i) IN GENERAL.—The Fiscal Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the Fiscal Commission considers advisable.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the Fiscal Commission shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted under this subparagraph not later than 7 days before the date of the hearing, unless the co-chairs determine that there is good cause to begin such hearing on an earlier date.
(II) Written statement.—A witness appearing before the Fiscal Commission shall file a written statement of the proposed testimony of the witness not later than 2 days before the date of the appearance of the witness, unless the co-chairs of the Fiscal Commission—

(aa) determine that there is good cause for the witness to not file the written statement; and

(bb) waive the requirement that the witness file the written statement.

(F) Technical assistance.—Upon written request of the co-chairs of the Fiscal Commission, the head of a Federal agency shall provide technical assistance to the Fiscal Commission in order for the Fiscal Commission to carry out the duties of the Fiscal Commission.

(b) Staff of Fiscal Commission.—

(1) In general.—In accordance with the guidelines, rules, and requirements relating to employees of the Senate—
(A) the co-chairs of the Fiscal Commission may jointly appoint and fix the compensation of a staff director for the Fiscal Commission; and

(B) the staff director may appoint and fix the compensation of additional staff of the Fiscal Commission.

(2) Detail of other congressional staff.—With the approval of the Member of Congress employing an employee of a personal office of a Member of Congress or a committee of the Senate or the House of Representatives, such an employee may be detailed to the Fiscal Commission on a reimbursable basis.

(3) Ethical standards.—

(A) Senate.—Members of the Fiscal Commission appointed by Members of the Senate and the staff of the Fiscal Commission shall adhere to the ethics rules of the Senate.

(B) House of Representatives.—Members of the Fiscal Commission appointed by Members of the House of Representatives shall be governed by the ethics rules and requirements of the House of Representatives.

(c) Duties.—

(1) Improve fiscal condition.—
(A) IN GENERAL.—The Fiscal Commission shall identify policies to—

(i) meaningfully improve the long-term fiscal condition of the Federal Government;

(ii) achieve a sustainable ratio of the public debt of the Federal Government to the gross domestic product of the United States, which shall be not more than 100 percent, by fiscal year 2039; and

(iii) improve the solvency of Federal programs for which a Federal trust fund exists for a period of at least 75 years.

(B) REQUIREMENTS.—In carrying out subparagraph (A), the Fiscal Commission shall propose recommendations that meaningfully improve the long-term fiscal condition of the Federal Government, including—

(i) changes to address the current levels of discretionary appropriations, direct spending, and revenues and the gap between current revenues and expenditures of the Federal Government; and

(ii) changes to address the growth of discretionary appropriations, direct spend-
ing, and revenues and the gap between the
projected revenues and expenditures of the
Federal Government.

(C) Recommendations of Committees.—Not later than 60 days after the date
of enactment of this Act, each committee of the
Senate and the House of Representatives may
transmit to the Fiscal Commission any rec-
ommendations of the committee relating to
changes in law to achieve the changes described
in subparagraph (B).

(2) Report, Recommendations, and Imple-
menting Bill.—

(A) Consideration and Vote.—

(i) In General.—Not later than May
1, 2025, the Fiscal Commission shall meet
to consider, and vote on—

(I) a report that contains—

(aa) a detailed statement of
the policies identified by, and the
findings, conclusions, and rec-
ommendations of, the Fiscal
Commission under paragraph
(1);
(bb) the estimate of the Congressional Budget Office required under subsection (a)(3)(C)(iii)(I); and

(cc) a statement of the economic and budgetary effects of the implementing bill described in subclause (II); and

(II) an implementing bill to carry out the recommendations of the Fiscal Commission described in subclause (I)(aa).

(ii) Approval of Report and Implementing Bill.—A report and implementing bill of the Fiscal Commission shall only be approved under clause (i) upon an affirmative vote of a majority of the members of the Fiscal Commission who are Members of the Senate or the House of Representatives, not fewer than 3 of whom were appointed to the Fiscal Commission by a Member of the Senate or the House of Representatives who caucuses with the same political party as the President and not fewer than 3 of whom were appointed
to the Fiscal Commission by a Member of
the Senate or the House of Representatives
who caucuses with the opposite political
classical party as the President.

(iii) **Single Report and Implementing Bill.**—It shall not be in order
for the Fiscal Commission to consider or
submit to Congress more than 1 report de-
dscribed in clause (i)(I) or more than 1 im-
plementing bill described in clause (i)(II).

(B) **Additional Views.**—

(i) **In General.**—A Member of the
Fiscal Commission who gives notice of an
intention to file supplemental, minority, or
additional views at the time of the final
Fiscal Commission vote on the approval of
the report and implementing bill of the
Fiscal Commission under subparagraph
(A) shall be entitled to 3 days to file those
views in writing with the staff director of
the Fiscal Commission.

(ii) **Inclusion in Report.**—Views
filed under clause (i) shall be included in
the report of the Fiscal Commission under
subparagraph (A) and printed in the same
volume, or part thereof, and such inclusion shall be noted on the cover of the report, except that, in the absence of timely notice, the report may be printed and transmitted immediately without such views.

(C) Report and Implementing Bill to be Made Public.—Upon the approval or disapproval of a report and implementing bill under subparagraph (A) by the Fiscal Commission, the Fiscal Commission shall promptly, and not more than 24 hours after the approval or disapproval or, if timely notice is given under subparagraph (B), not more than 24 hours after additional views are filed under such subparagraph, make the report, the implementing bill, and a record of the vote on the report and implementing bill available to the public.

(D) Submission of Report and Implementing Bill.—If a report and implementing bill are approved by the Fiscal Commission under subparagraph (A), not later than 3 days after the date on which the report and implementing bill are made available to the public under subparagraph (C), the Fiscal Commission shall submit the report and implementing bill to
the President, the Vice President, the Speaker
of the House of Representatives, and the major-
ity and minority leaders of each House of Con-
gress. The report shall be referred to all com-
mittees of jurisdiction in the respective Houses.

(d) TERMINATION.—The Fiscal Commission shall
terminate on the date that is 30 days after the date the
Fiscal Commission submits the report and implementing
bill under subsection (c)(2)(D).

SEC. 4. EXPEDITED CONSIDERATION OF FISCAL COMMISSION IMPLEMENTING BILLS.

(a) QUALIFYING LEGISLATION.—

(1) IN GENERAL.—Only an implementing bill
shall be entitled to expedited consideration under
this section.

(2) SINGLE BILL.—Except as provided in sub-
section (d), it shall not be in order in the Senate or
the House of Representatives to consider more than
1 implementing bill.

(b) CONSIDERATION IN THE HOUSE OF REPRESENTA-
TIVES.—

(1) INTRODUCTION.—If the Fiscal Commission
approves and submits an implementing bill under
subparagraphs (A) and (D), respectively, of section
3(c)(2), the implementing bill may be introduced in
the House of Representatives (by request)—

   (A) by the majority leader of the House of
Representatives, or by a Member of the House
of Representatives designated by the majority
leader of the House of Representatives, on the
third legislative day after the date the Fiscal
Commission approves and submits such imple-
menting bill; or

   (B) if the implementing bill is not intro-
duced under subparagraph (A), by any Member
of the House of Representatives on any legisla-
tive day beginning on the legislative day after
the legislative day described in subparagraph
(A).

(2) Referral and Reporting.—Any com-
mittee of the House of Representatives to which an
implementing bill is referred shall report the imple-
menting bill to the House of Representatives without
amendment not later than 5 legislative days after
the date on which the implementing bill was so re-
ferred. If any committee of the House of Represent-
atives to which an implementing bill is referred fails
to report the implementing bill within that period,
that committee shall be automatically discharged
from consideration of the implementing bill, and the
implementing bill shall be placed on the appropriate
calendar.

(3) PROCEEDING TO CONSIDERATION.—After
the last committee authorized to consider an imple-
menting bill reports it to the House of Representa-
tives or has been discharged from its consideration,
it shall be in order to move to proceed to consider
the implementing bill in the House of Representa-
tives. Such a motion shall not be in order after the
House of Representatives has disposed of a motion
to proceed with respect to the implementing bill. The
previous question shall be considered as ordered on
the motion to its adoption without intervening mo-
tion.

(4) CONSIDERATION.—The implementing bill
shall be considered as read. All points of order
against the implementing bill and against its consid-
eration are waived. An amendment to the imple-
menting bill is not in order. The previous question
shall be considered as ordered on the implementing
bill to its passage without intervening motion except
2 hours of debate equally divided and controlled by
the proponent and an opponent.
(5) Vote on Passage.—The vote on passage of the implementing bill shall occur pursuant to the constraints under clause 8 of rule XX of the Rules of the House of Representatives.

(c) Expedited Procedure in the Senate.—

(1) Introduction in the Senate.—On the day on which an implementing bill is submitted to the Senate under section 3(c)(2)(D), the implementing bill shall be introduced, by request, by the majority leader of the Senate for himself or herself and the minority leader of the Senate, or by any Member so designated by them. If the Senate is not in session on the day on which such implementing bill is submitted, it shall be introduced as provided on the first day thereafter on which the Senate is in session. Such implementing bill shall be placed on the Calendar of Business under General Orders.

(2) Proceeding.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which an implementing bill is placed on the Calendar, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the implementing bill. It shall also be in order for any Member of the Senate to
move to proceed to the consideration of the imple-
menting bill at any time after the conclusion of such
2-day period. A motion to proceed is in order even
though a previous motion to the same effect has
been disagreed to. All points of order against the
motion to proceed to the implementing bill are
waived. The motion to proceed is not debatable. The
motion is not subject to a motion to postpone. A mo-
tion to reconsider the vote by which the motion is
agreed to or disagreed to shall not be in order. If
a motion to proceed to the consideration of the im-
plementing bill is agreed to, it shall remain the un-
finished business until disposed of. All points of
order against the implementing bill and against its
consideration are waived.

(3) NO AMENDMENTS.—An amendment to the
implementing bill, a motion to postpone, a motion to
proceed to the consideration of other business, or a
motion to commit the implementing bill is not in
order.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—
Appeals from the decisions of the Chair relating to
the application of the rules of the Senate, as the
case may be, to the procedure relating to an imple-
menting bill shall be decided without debate.
(d) Consideration by the Other House.—

(1) In General.—If, before passing an implementing bill, one House receives from the other House an implementing bill consisting solely of the text of the implementing bill approved by the Fiscal Commission—

(A) the implementing bill of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no implementing bill had been received from the other House until the vote on passage, when the implementing bill received from the other House shall supplant the implementing bill of the receiving House.

(2) Revenue Measures.—This subsection shall not apply to the House of Representatives if an implementing bill received from the Senate is a revenue measure.

(3) No Implementing Bill in the Senate.—If an implementing bill is not introduced in the Senate or the Senate fails to consider an implementing bill under this section, the implementing bill of the House of Representatives shall be entitled to expedited floor procedures under this section.
(4) Treatment of companion measure in the Senate.—If, following passage of an implementing bill in the Senate, the Senate then receives from the House of Representatives an implementing bill consisting of the same text as the Senate-passed implementing bill, the House-passed implementing bill shall not be debatable. The vote on passage of the implementing bill in the Senate shall be considered to be the vote on passage of the implementing bill received from the House of Representatives.

(e) Vetoes.—If the President vetoes an implementing bill, consideration of a veto message in the Senate shall be 10 hours equally divided between the majority and minority leaders of the Senate or the designees of the majority and minority leaders of the Senate.

(f) Constructive Resubmission.—

(1) In general.—In addition to the expedited procedures otherwise provided under this section, in the case of any implementing bill submitted under section 3(c)(2)(D) during the period beginning on the date occurring—

(A) in the case of the Senate, 30 session days; or

(B) in the case of the House of Representatives, 30 legislative days,
before the date the Congress adjourns a session of
Congress and ending on the date on which the same
or succeeding Congress first convenes its next ses-
son, the expedited procedures under this section
shall apply to such implementing bill in the suc-
cceeding session of Congress.

(2) APPLICATION.—In applying this section for
the purposes of constructive resubmission, an imple-
menting bill described under paragraph (1) shall be
treated as though such implementing bill were sub-
mitted by the Fiscal Commission on—

(A) in the case of the Senate, the 15th ses-

session day; or

(B) in the case of the House of Represent-

atives, the 15th legislative day,

after the succeeding session of Congress first con-
venes.

(3) LIMITATION.—The constructive resubmis-

sion under this subsection shall not apply if a vote
with respect to the implementing bill was taken in
either House in a preceding session of Congress.

SEC. 5. FUNDING.

Funding for the Fiscal Commission shall be derived
from the contingent fund of the Senate from the appro-
priations account “Miscellaneous Items”, subject to the rules and regulations of the Senate.

SEC. 6. RULEMAKING.

The provisions of section 4 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and, as such, the provisions—

(A) shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and

(B) shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

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