

114TH CONGRESS  
2D SESSION

# S. 3061

To establish a national commission on fiscal responsibility and reform.

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 2016

Mr. MANCHIN (for himself, Mr. KIRK, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish a national commission on fiscal responsibility  
and reform.

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 “Fiscal Responsibility  
5 Act of 2016” or the “FIRE Act”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—Not later than 180 days after  
8 each inauguration of a President, there shall be estab-  
9 lished within the legislative branch a commission to be  
10 known as the National Commission on Fiscal Responsi-

1 bility and Reform (referred to in this section as the “Com-  
2 mission”).

3 (b) MEMBERSHIP.—A Commission established under  
4 subsection (a) shall be composed of 18 members of  
5 whom—

6 (1) six members shall be appointed by the  
7 President, of whom not more than 4 shall be from  
8 the same political party;

9 (2) three members shall be appointed by the  
10 Majority Leader of the Senate, from among current  
11 Members of the Senate;

12 (3) three members shall be appointed by the  
13 Speaker of the House of Representatives, from  
14 among current Members of the House of Represent-  
15 atives;

16 (4) three members shall be appointed by the  
17 Minority Leader of the Senate, from among current  
18 Members of the Senate; and

19 (5) three members shall be appointed by the  
20 Minority Leader of the House of Representatives,  
21 from among current Members of the House of Rep-  
22 resentatives.

23 (c) CO-CHAIRPERSONS.—From among the members  
24 appointed under paragraph (1), the President shall des-

1 designate 2 members, who shall not be of the same political  
2 party, to serve as Co-Chairpersons of the Commission.

3 (d) QUALIFICATIONS.—Members appointed to each  
4 Commission established under subsection (a) shall have  
5 significant depth of experience and responsibilities in mat-  
6 ters relating to government service, fiscal policy, econom-  
7 ics, Federal agency or private sector management, public  
8 administration, and law.

9 (e) DUTIES.—

10 (1) IN GENERAL.—Each Commission estab-  
11 lished under subsection (a) shall identify policies to  
12 improve the fiscal situation in the medium term and  
13 to achieve fiscal sustainability over the long term.

14 (2) REQUIREMENTS.—In carrying out para-  
15 graph (1), each Commission shall—

16 (A) propose recommendations designed to  
17 balance the budget, excluding interest payments  
18 on the debt, by the end of the 10-year period  
19 beginning on the date on which the Commission  
20 is established, in order to stabilize the debt-to-  
21 GDP ratio at an acceptable level; and

22 (B) propose recommendations that mean-  
23 ingfully improve the long-term fiscal outlook,  
24 including changes to address the growth of enti-  
25 tlement spending and the gap between the pro-

1           jected revenues and expenditures of the Federal  
2           Government.

3       (f) REPORTS.—

4           (1) IN GENERAL.—Not later than 1 year after  
5       the date on which members are appointed under  
6       subsection (a) to a Commission, the Commission  
7       shall vote on the approval of a final report con-  
8       taining the recommendations required under sub-  
9       section (e).

10          (2) APPROVAL OF REPORT.—Each Commission  
11       may only issue a final report if the final report is  
12       approved by not less than 12 members of the Com-  
13       mission.

14          (3) SUBMISSION OF REPORT TO CONGRESS.—A  
15       final report approved under this subsection shall be  
16       submitted to Congress and made available to the  
17       public.

18       (g) POWERS OF THE COMMISSION.—

19           (1) HEARINGS.—Each Commission may hold  
20       such hearings, sit and act at such times and places,  
21       take such testimony, and receive such evidence as  
22       the Commission considers advisable to carry out the  
23       duties of the Commission described in subsection (e).

24           (2) INFORMATION FROM FEDERAL AGENCIES.—  
25       Each Commission may secure directly from any Fed-

1       eral department or agency such information as the  
2       Commission considers necessary to carry out the du-  
3       ties of the Commission described in subsection (e).  
4       Upon request from the Co-Chairpersons of a Com-  
5       mission, the head of a department or agency shall  
6       provide the information requested to the Commis-  
7       sion.

8               (3) POSTAL SERVICES.—Each Commission may  
9       use the United States mails in the same manner and  
10      under the same conditions as other departments and  
11      agencies of the Federal Government.

12              (4) WEBSITE.—Each Commission shall estab-  
13      lish a website that shall contain—

14                      (A) the recommendations required under  
15                      subsection (e); and

16                      (B) the records of attendance of the mem-  
17                      bers of the Commission for each meeting of the  
18                      Commission.

19              (h) GAO ASSISTANCE.—The Comptroller General of  
20      the United States shall provide technical assistance to  
21      each Commission, as each Commission conducts the work  
22      of the Commission, on the findings and recommendations  
23      of the Government Accountability Office.

24              (i) CBO ASSISTANCE.—The Director of the Congres-  
25      sional Budget Office shall provide technical assistance to

1 each Commission, as each Commission conducts the work  
2 of the Commission, on the findings and recommendations  
3 of the Congressional Budget Office.

4 (j) PERSONNEL MATTERS.—

5 (1) IN GENERAL.—Members of each Commis-  
6 sion shall serve without any additional compensa-  
7 tion.

8 (2) TRAVEL EXPENSES.—Members of each  
9 Commission shall be allows travel expenses, includ-  
10 ing per diem in lieu of subsistence, as rates author-  
11 ized for employees of agencies under subchapter I of  
12 chapter 57 of title 5, United States Code, while  
13 away from their homes or regular places of business  
14 in the performance of services for the Commission.

15 (3) STAFF.—

16 (A) IN GENERAL.—The Co-Chairpersons of  
17 each Commission, may without regard to the  
18 civil service laws and regulations, appoint and  
19 terminate an executive director and such other  
20 additional personnel as may be necessary to en-  
21 able the Commission to perform its duties. The  
22 employment of an executive director shall be  
23 subject to confirmation by the Commission.

24 (B) COMPENSATION.—The Co-Chair-  
25 persons of each Commission may fix the com-

1           pensation of the executive director and other  
2           personnel without regard to the provisions of  
3           chapter 51 and subchapter III of chapter 53 of  
4           title 5, United States Code, relating to the clas-  
5           sification of positions and General Schedule pay  
6           rates, except that the rate of pay for the execu-  
7           tive director and other personnel may not ex-  
8           ceed the rate payable for level V of the Execu-  
9           tive Schedule under section 5613 of such title.

10           (4) DETAIL OF GOVERNMENT EMPLOYEES.—

11           Any Federal Government employee may be detailed  
12           to a Commission established under subsection (a)  
13           without reimbursement, and such detail shall be  
14           without interruption or loss of civil service status or  
15           privilege.

16           (5) PROCUREMENT OF TEMPORARY AND INTER-

17           MITTENT SERVICES.—The Co-Chairpersons of each  
18           Commission may procure temporary and intermit-  
19           tent services under section 3109(b) of title 5, United  
20           States Code, at rates for individuals which do not  
21           exceed the daily equivalent of the annual rate of  
22           basic pay prescribed for level V of the Executive  
23           Schedule under section 5316 of such title.

24           (k) TERMINATION OF THE COMMISSION.—Each

25           Commission established under subsection (a) shall termi-

1 nate 30 days after the date on which the Commission sub-  
2 mits the final report of the Commission under subsection  
3 (f).

4 (l) RULES OF CONSTRUCTION.—Nothing in this Act  
5 shall be construed to—

6 (1) impair or otherwise affect—

7 (A) authority granted by law to an execu-  
8 tive department, agency, or the head thereof; or

9 (B) functions of the Director of the Office  
10 of Management and Budget relating to budg-  
11 etary, administrative, or legislative proposals; or

12 (2) create any right or benefit, substantive or  
13 procedural, enforceable at law or in equity by any  
14 party against the United States, its departments,  
15 agencies, or entities, its officers, employees, or  
16 agents, or any other person.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be  
19 appropriated to each Commission established under  
20 this Act such sums as may be necessary to carry out  
21 this Act.

22 (2) AVAILABILITY.—Any sums appropriated  
23 under paragraph (1) shall remain available, without  
24 fiscal year limitation, until expended.



1 **SEC. 3. CONSIDERATION OF COMMISSION RECOMMENDA-**  
2 **TIONS.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Commission report” means a  
5 final report submitted to Congress under section  
6 2(f)(3); and

7 (2) the term “joint resolution” means a joint  
8 resolution that contains legislative text necessary to  
9 implement the recommendations contained in the  
10 Commission report.

11 (b) SUBMISSION OF PROPOSED JOINT RESOLU-  
12 TION.—

13 (1) IN GENERAL.—Not later than 180 days  
14 after the date on which a Commission report is sub-  
15 mitted under section 2(f)(3), the President shall  
16 transmit to Congress a special message accompanied  
17 by a proposed joint resolution.

18 (2) REQUIREMENTS FOR PREPARATION OF PRO-  
19 POSED JOINT RESOLUTION.—

20 (A) CONSULTATION WITH CONGRESS.—

21 (i) IN GENERAL.—The President may  
22 not transmit a proposed joint resolution  
23 under paragraph (1) until after the Presi-  
24 dent completes consultation with Congress  
25 in accordance with this subparagraph.

1                   (ii) CONSULTATION WITH COMMIT-  
2                   TEES.—The President shall consult with  
3                   the chairman and ranking minority mem-  
4                   ber of each relevant committee of the Sen-  
5                   ate or of the House of Representatives re-  
6                   garding the contents of a proposed joint  
7                   resolution.

8                   (iii) REQUIREMENTS FOR CONSULTA-  
9                   TION.—The consultation required under  
10                  clause (ii) shall provide the opportunity for  
11                  the chairman and ranking member of each  
12                  relevant committee of the Senate or of the  
13                  House of Representatives to provide—

14                         (I) substantive feedback or rec-  
15                         ommendations relating to the Com-  
16                         mission report and how best to legisla-  
17                         tively address the recommendations  
18                         contained in the Commission report;

19                         (II) recommendations for alter-  
20                         native means of addressing the rec-  
21                         ommendations contained in the Com-  
22                         mission report; and

23                         (III) recommendations regarding  
24                         which recommendations contained in  
25                         the Commission report should not be

1                   addressed in the proposed joint reso-  
2                   lution.

3                   (iv) RELEVANT COMMITTEES.—The  
4                   relevant committees of the Senate and the  
5                   House of Representatives for purposes of  
6                   this subparagraph shall be—

7                                 (I) determined by the President;

8                                 and

9                                 (II) based on the content of the  
10                   proposed joint resolution.

11                   (B) CONSULTATION WITH GAO AND CBO.—

12                   The President shall prepare a proposed joint  
13                   resolution transmitted under paragraph (1) in  
14                   consultation with the Comptroller General of  
15                   the United States and the Director of the Con-  
16                   gressional Budget Office.

17                   (3) CONTENTS OF SPECIAL MESSAGE.—A spe-  
18                   cial message transmitted under paragraph (1)  
19                   shall—

20                                 (A) specify recommendations outlined in  
21                   the Commission report that are excluded from  
22                   the proposed joint resolution;

23                                 (B) detail why the recommendations de-  
24                   scribed in subparagraph (A) were excluded from  
25                   the proposed joint resolution;

1           (C) specify recommendations outlined in  
2           the Commission report that are included in the  
3           proposed joint resolution; and

4           (D) identify programs included in the  
5           Commission report that should be eliminated or  
6           consolidated.

7           (4) TRANSMITTAL.—The President shall submit  
8           the special message to the Secretary of the Senate  
9           if the Senate is not in session and to the Clerk of  
10          the House of Representatives if the House is not in  
11          session.

12          (5) PUBLIC AVAILABILITY.—The President  
13          shall make a copy of the special message and the  
14          proposed joint resolution publicly available, and shall  
15          publish in the Federal Register a notice of the mes-  
16          sage and information on how it can be obtained.

17          (c) INTRODUCTION BY LEADERS.—

18           (1) IN THE HOUSE OF REPRESENTATIVES.—

19           (A) IN GENERAL.—Not later than 30 days  
20           on which the House of Representatives is in  
21           session after the date on which the President  
22           transmits a proposed joint resolution under  
23           subsection (b), the proposed joint resolution  
24           shall be introduced in the House of Representa-  
25           tives (by request) by the majority leader of the

1 House of Representatives or by a Member of  
2 the House of Representatives designated by the  
3 majority leader of the House of Representa-  
4 tives.

5 (B) JOINT RESOLUTION NOT INTRO-  
6 DUCED.—

7 (i) IN GENERAL.—If, within 31 days  
8 on which the House of Representatives is  
9 in session after the date on which the  
10 President transmits a proposed joint reso-  
11 lution under subsection (b), the proposed  
12 joint resolution is not introduced in accord-  
13 ance with subparagraph (A), it shall be in  
14 order for the minority leader of the House  
15 of Representatives or a Member of the  
16 House of Representatives designated by  
17 the minority leader of the House of Rep-  
18 resentatives to introduce the proposed joint  
19 resolution.

20 (ii) JOINT RESOLUTION INTRODUC-  
21 TION BY OTHERS.—If, within 40 days on  
22 which the House of Representatives is in  
23 session after the date on which the Presi-  
24 dent transmits a proposed joint resolution  
25 under subsection (b), the proposed joint

1 resolution is not introduced in accordance  
2 with subparagraph (A) or clause (i) of this  
3 subparagraph, it shall be in order for any  
4 member of the House of Representatives to  
5 introduce the proposed joint resolution in  
6 the House of Representatives.

7 (2) IN THE SENATE.—

8 (A) IN GENERAL.—Not later than 30 days  
9 on which the Senate is in session after the date  
10 on which the President transmits a proposed  
11 joint resolution under subsection (b), the pro-  
12 posed joint resolution shall be introduced in the  
13 Senate (by request) by the majority leader of  
14 the Senate or by a Member of the Senate des-  
15 ignated by the majority leader of the Senate.

16 (B) JOINT RESOLUTION NOT INTRO-  
17 DUCED.—

18 (i) IN GENERAL.—If, within 31 days  
19 on which the Senate is in session after the  
20 date on which the President transmits a  
21 proposed joint resolution under subsection  
22 (b), the proposed joint resolution is not in-  
23 troduced in accordance with subparagraph  
24 (A), it shall be in order for the minority  
25 leader of the Senate or a Member of the

1 Senate designated by the minority leader  
2 of the Senate to introduce the proposed  
3 joint resolution.

4 (ii) JOINT RESOLUTION INTRODUC-  
5 TION BY OTHERS.—If, within 40 days on  
6 which the Senate is in session after the  
7 date on which the President transmits a  
8 proposed joint resolution under subsection  
9 (b), the proposed joint resolution is not in-  
10 troduced in accordance with subparagraph  
11 (A) or clause (i) of this subparagraph, it  
12 shall be in order for any member of the  
13 Senate to introduce the proposed joint res-  
14 olution.

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