

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5525)
MAKING CONTINUING APPROPRIATIONS FOR FISCAL
YEAR 2024, AND FOR OTHER PURPOSES

SEPTEMBER 29, 2023.—Referred to the House Calendar and ordered to be printed

Mr. RESCENTIALER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 741]

The Committee on Rules, having had under consideration House Resolution 741, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5525, the Continuing Appropriations and Border Security Enhancement Act, 2024, under a closed rule. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendments printed in this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees. The resolution provides for one motion to recommit. The resolution provides that upon passage of H.R. 5525 the title of such bill is amended to read as follows: “Reducing spending, securing the border, and for other purposes.”.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 5525 includes:

—Section 303(a) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority, change in revenues, change in public debt, new entitlement author-

ity or new credit authority for a fiscal year until the budget resolution for that year has been agreed to.

Although the resolution waives all points of order against provisions in H.R. 5525, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 141

Motion by Mr. McGovern to amend the self-executing manager's amendment to prohibit the new Fiscal commission from issuing any recommendations that would cut Social Security, Medicare, and Medicaid. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 142

Motion by Ms. Scanlon to amend the rule to add a provision to provide for same-day authority starting on October 1 for the Senate Amendment to H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act, the legislative vehicle for the Continuing Appropriations Act, 2024, and Other Extensions Act. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 143

Motion by Mr. Resenthaler to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Resenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse	Nay
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		

Majority Members	Vote	Minority Members	Vote
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 5525 CONSIDERED AS
ADOPTED

1. Donalds (FL): Changes the short title to “Spending Reduction and Border Security Act”. Reduces the appropriations topline to \$1,470,979,000,000. Adds the Department of Homeland Security to the list of exempted programs.

2. Huizenga (MI): Establishes a Fiscal Commission.

TEXT OF AMENDMENTS TO H.R. 5525 CONSIDERED AS ADOPTED

Page 1, beginning on line 4, strike “Continuing Appropriations and Border Security Enhancement Act, 2024” and insert “Spending Reduction and Border Security Act”.

Page 6, line 11, strike “8.1285 percent” and insert “29.88565 percent”.

Page 6, line 13, strike “\$1,590,000,000,000” and insert “\$1,470,979,000,000”.

Page 6, line 14, strike “will” and insert “shall”.

Page 6, line 16, after “the Department of Veterans Affairs,” insert “the Department of Homeland Security,”.

Add at the end the following:

DIVISION E—FISCAL COMMISSION ACT OF 2023

SEC. 801. SHORT TITLE.

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

SEC. 802. DEFINITIONS.

In this division:

(1) CO-CHAIR.—The term “co-chair” means an individual appointed to serve as a co-chair of the Fiscal Commission under section 803(a)(3)(C)(i).

(2) FISCAL COMMISSION.—The term “Fiscal Commission” means the commission established under section 803(a).

(3) FISCAL COMMISSION BILL.—The term “Fiscal Commission bill” means a bill consisting solely of legislative language that the Fiscal Commission approves and submits under clauses (i) and (v), respectively, of section 803(a)(2)(B).

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

SEC. 803. ESTABLISHMENT OF FISCAL COMMISSION.

(a) ESTABLISHMENT OF FISCAL COMMISSION.—

(1) ESTABLISHMENT.—No later than 60 days after the date of enactment of this Act, there is established in Congress a Fiscal Commission.

(2) DUTIES.—

(A) IMPROVE FISCAL SITUATION.—

(i) IN GENERAL.—The Fiscal Commission shall identify policies to improve the fiscal situation in the medium term and to achieve a sustainable debt-to-GDP ratio of the long term, and for any recommendations related to Federal programs for which a Federal trust fund exists, to improve solvency for a period of at least 75 years.

(ii) REQUIREMENTS.—In carrying out clause (i), the Fiscal Commission shall—

(I) propose recommendations designed to balance the budget at the earliest reasonable date, including at minimum stabilizing the debt-to-GDP ratio at or below one hundred percent by the end of the 10-year period beginning on the date the Fiscal Commission is established; and

(II) propose recommendations that meaningfully improve the long-term fiscal outlook, including changes to address the growth of direct spending and the gap between the projected revenues and expenditures of the Federal Government.

(iii) RECOMMENDATIONS OF COMMITTEES.—Not later than 60 days after the date described in paragraph (1), each committee of the Senate and the House of Representatives may transmit to the Fiscal Commission any recommendations of the committee relating to changes in law to further the duties described in clause (ii).

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Notwithstanding paragraph (4)(D)(ii)(II), not earlier than November 6, 2024, but not later than November 15, 2024, the Fiscal Commission shall meet to consider, and vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the Fiscal Commission described in subparagraph (A)(i) and the estimate of the Congressional Budget Office required under paragraph (4)(D)(ii); and

(II) legislative language to carry out the recommendations of the Fiscal Commission in the report described in subclause (I), which shall include a statement of the economic and budgetary effects of the recommendations.

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—A report and legislative language of the Fiscal Commission under clause (i) shall require the approval of a majority of the members of the Fiscal Commission, provided that such majority shall be required to include not less than 3 members of the Fiscal Commission appointed by members of the Republican Party and 3 members appointed by members of the Democratic party.

(iii) 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 legislative language of the Fiscal Commission under clause (i) 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 subclause (I) shall be included in the report of the Fiscal Commission under clause (i) 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.

(iv) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval or disapproval of a report and legislative language under clause (i) 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 clause (iii), not more than 24 hours after additional views are filed under such clause, make the report, the legislative language, and a record of the vote on the report and legislative language available to the public.

(v) SUBMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If a report and legislative language are approved by the Fiscal Commission under clause (i), not later than 3 days after the date on which the report and legislative language are made available to the public under clause (iv), the Fiscal Commission shall submit the report and legislative language to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress.

(3) 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 described in paragraph (1)—

(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.—

(i) IN GENERAL.—Not later than 14 days after the date described in paragraph (1), with respect to the Fiscal Commission—

(I) the leadership of the Senate and House of Representatives of 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 of 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.

(ii) STAFF DIRECTOR.—With respect to the Fiscal Commission, the co-chairs of the Fiscal Commission, acting jointly, shall hire the staff director 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.

(4) ADMINISTRATION.—

(A) IN GENERAL.—With respect to the Fiscal Commission, 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 co-chairs of the Fiscal Commission, subject to the rules and regulations of the Senate.

(B) EXPENSES.—With respect to the Fiscal Commission, in carrying out the functions of the Fiscal Commission, the

Fiscal Commission is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee is authorized under section 11(d) of the Employment Act of 1946 (15 U.S.C. 1024(d)).

(C) QUORUM.—With respect to the Fiscal Commission, 9 members of the Fiscal Commission shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(D) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of any member of the Fiscal Commission.

(ii) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—

(I) IN GENERAL.—The Director of the Congressional Budget Office shall, with respect to the legislative language of the Fiscal Commission under paragraph (2)(B)(i)(II), provide to the Fiscal Commission—

(aa) estimates of the legislative language in accordance with sections 308(a) and 201(f) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a) and 601(f)); and

(bb) information on the budgetary effect of the legislative language on the long-term fiscal outlook.

(II) LIMITATION.—The Fiscal Commission may not vote on any version of the report, recommendations, or legislative language of the Fiscal Commission under paragraph (2)(B)(i) 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.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date described in paragraph (1), the Fiscal Commission shall hold the first meeting of the Fiscal Commission.

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

(F) 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.

(G) 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.

(H) OUTSIDE EXPERT.—Any outside expert appointed to the Fiscal Commission—

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

(ii) 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 Commission.

(b) STAFF OF FISCAL COMMISSION.—

(1) IN GENERAL.—The co-chairs of the Fiscal Commission may jointly appoint and fix the compensation of staff of the Fiscal Commission as the co-chairs determine necessary, in accordance with the guidelines, rules, and requirements relating to employees of the Senate.

(2) ETHICAL STANDARDS.—

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

(B) HOUSE OF REPRESENTATIVES.—Members appointed by Members of the House of Representatives who serve on the Fiscal Commission shall be governed by the ethics rules and requirements of the House of Representatives.

(c) TERMINATION.—The Fiscal Commission shall terminate on the date that is 30 days after the date the Fiscal Commission submits the report under subsection (a)(2)(B)(v).

SEC. 804. EXPEDITED CONSIDERATION OF FISCAL COMMISSION BILLS.

(a) QUALIFYING LEGISLATION.—Only a Fiscal Commission bill shall be entitled to expedited consideration under this section.

(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) INTRODUCTION.—If the Fiscal Commission approves and submits legislative language under clauses (i) and (v), respectively, of section 803(a)(2)(B), the Fiscal Commission bill consisting solely of that legislative language shall 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 legislative language; or

(B) if the Fiscal Commission bill is not introduced under subparagraph (A), by any Member of the House of Representatives on any legislative day beginning on the legislative day after the legislative day described in subparagraph (A).

(2) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a Fiscal Commission bill is referred shall report the Fiscal Commission bill to the House of Representatives without amendment not later than 5 legislative days after the date on which the Fiscal Commission bill was so referred. If any committee of the House of Representatives to which a Fiscal Commission bill is referred fails to report the Fiscal Commission bill within that period, that committee shall be automatically discharged from consideration of the Fiscal Commission bill, and the Fiscal Commission bill shall be placed on the appropriate calendar.

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

(4) CONSIDERATION.—The Fiscal Commission bill shall be considered as read. All points of order against the Fiscal Commission bill and against its consideration are waived. The previous question shall be considered as ordered on the Fiscal Commission 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 Fiscal Commission 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.—If the Fiscal Commission approves and submits legislative language under clauses (i) and (v), respectively, of section 803(a)(2)(B), a Fiscal Commission bill consisting solely of that legislative language may be introduced in the Senate (by request)—

(A) by the majority leader of the Senate, or by a Member of the Senate designated by the majority leader of the Senate, on the next day on which the Senate is in session; or
 (B) if the Fiscal Commission bill is not introduced under subparagraph (A), by any Member of the Senate on any day on which the Senate is in session beginning on the day after the day described in subparagraph (A).

(2) COMMITTEE CONSIDERATION.—A Fiscal Commission bill introduced in the Senate under paragraph (1) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the Fiscal Commission bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 5 session days after the date on which the Fiscal Commission bill was so referred. If any committee to which a Fiscal Commission bill is referred fails to report the Fiscal Commission bill within that period, that committee shall be automatically discharged from consideration of the Fiscal Commission bill, and the Fiscal Commission bill shall be placed on the appropriate calendar.

(3) 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 a Fiscal Commission bill is reported or discharged from all committees to which the Fiscal Commission bill was referred, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the Fiscal Commission bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Fiscal Commission 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 Fiscal Commission bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion 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 Fiscal Commission bill is agreed to, the Fiscal Commission bill shall remain the unfinished business until disposed of. All points of order against a Fiscal Commission bill and against consideration of the Fiscal Commission bill are waived.

(4) NO AMENDMENTS.—An amendment to a Fiscal Commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Fiscal Commission bill, is not in order.

(5) 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 a Fiscal Commission bill shall be decided without debate.

(d) AMENDMENT.—A Fiscal Commission bill shall not be subject to amendment in either the Senate or the House of Representatives.

(e) CONSIDERATION BY THE OTHER HOUSE.—

(1) IN GENERAL.—If, before passing a Fiscal Commission bill, a House receives from the other House a Fiscal Commission

bill consisting of legislative language approved by the same Fiscal Commission as the Fiscal Commission bill in the receiving House—

(A) the Fiscal Commission 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 Fiscal Commission bill had been received from the other House until the vote on passage, when the Fiscal Commission bill received from the other House shall supplant the Fiscal Commission bill of the receiving House.

(2) REVENUE MEASURES.—This subsection shall not apply to the House of Representatives if a Fiscal Commission bill received from the Senate is a revenue measure.

(f) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(1) TREATMENT OF FISCAL COMMISSION BILL OF OTHER HOUSE.—If a Fiscal Commission bill is not introduced in the Senate or the Senate fails to consider a Fiscal Commission bill under this section, the Fiscal Commission bill of the House of Representatives consisting of legislative language approved by the same Fiscal Commission as the Fiscal Commission bill in the Senate shall be entitled to expedited floor procedures under this section.

(2) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If, following passage of a Fiscal Commission bill in the Senate, the Senate then receives from the House of Representatives a Fiscal Commission bill approved by the same Fiscal Commission and consisting of the same legislative language as the Senate-passed Fiscal Commission bill, the House-passed Fiscal Commission bill shall not be debatable. The vote on passage of the Fiscal Commission bill in the Senate shall be considered to be the vote on passage of the Fiscal Commission bill received from the House of Representatives.

(3) VETOES.—If the President vetoes a Fiscal Commission bill, consideration of a veto message in the Senate under this paragraph 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.

SEC. 805. FUNDING.

Funding for the Fiscal Commission shall be derived in equal portions from—

(1) the contingent fund of the Senate from the appropriations account “Miscellaneous Items”, subject to the rules and regulations of the Senate; and

(2) the applicable accounts of the House of Representatives.

SEC. 806. RULEMAKING.

The provisions of this division 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.

