

117TH CONGRESS
1ST SESSION

S. 925

To establish the Federal Agency Sunset Commission.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. CRAPO, Mr. TILLIS, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Federal Agency Sunset Commission.

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 “Federal Agency Sunset
5 Commission Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVISORY COMMITTEE.**—The term “advi-
9 sory committee” has the meaning given the term in
10 section 3 of the Federal Advisory Committee Act (5
11 U.S.C. App.).

1 (2) AGENCY.—The term “agency”—

2 (A) has the meaning given the term “Exec-
3 utive agency” in section 105 of title 5, United
4 States Code; and

5 (B) includes an advisory committee.

6 (3) CALENDAR DAY.—The term “calendar day”
7 means a calendar day other than one on which ei-
8 ther House is not in session because of an adjourn-
9 ment of more than 3 days to a date certain.

10 (4) COMMISSION.—The term “Commission”
11 means the Federal Agency Sunset Commission es-
12 tablished under section 3.

13 (5) JOINT RESOLUTION.—The term “joint reso-
14 lution” means a joint resolution consisting of the
15 proposed legislative language submitted by the Com-
16 mission under section 5(c) and introduced or re-
17 introduced under section 10(a).

18 (6) PROGRAM INVENTORY.—The term “pro-
19 gram inventory” means an inventory of Federal pro-
20 grams prepared under section 9.

21 (7) SUPERMAJORITY.—The term “super-
22 majority” means an affirmative vote of two-thirds of
23 the Members, duly chosen and sworn.

1 **SEC. 3. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-**
2 **CIES.**

3 (a) SCHEDULE FOR REVIEW.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Commission
6 shall submit to Congress a schedule for review by
7 the Commission of each agency that lists the date of
8 abolishment for each agency.

9 (2) FREQUENCY.—A date of abolishment de-
10 scribed in paragraph (1) shall occur not less fre-
11 quently than once every 12 years (or less, if deter-
12 mined appropriate by Congress).

13 (3) FORMAT.—A schedule for review described
14 in paragraph (1) shall be in the form of a joint reso-
15 lution.

16 (b) REVIEW OF AGENCIES PERFORMING RELATED
17 FUNCTIONS.—In determining the schedule for review of
18 agencies under subsection (a), the Commission shall pro-
19 vide that agencies that perform similar or related func-
20 tions be reviewed concurrently to promote efficiency and
21 consolidation.

22 (c) ABOLISHMENT OF AGENCIES.—

23 (1) IN GENERAL.—Each agency shall be re-
24 viewed and abolished according to the schedule cre-
25 ated pursuant to this section and approved under

1 section 10, unless the agency is reauthorized by Con-
2 gress.

3 (2) EXTENSION.—The date of abolishment for
4 an agency may be extended for an additional 2 years
5 if Congress enacts legislation extending the date by
6 a vote of a supermajority of the Senate and the
7 House of Representatives.

8 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

9 (a) ESTABLISHMENT.—There is established a com-
10 mission to be known as the “Federal Agency Sunset Com-
11 mission”.

12 (b) MEMBERSHIP.—The Commission shall be com-
13 posed of 13 members, who shall be appointed as follows:

14 (1) 1 shall be appointed by the President.

15 (2) 3 shall be appointed by the majority leader
16 of the Senate, of whom—

17 (A) 2 shall be from among members of the
18 Senate; and

19 (B) 1 shall not be Member of Congress
20 and shall have expertise in the operation and
21 administration of Federal Government pro-
22 grams.

23 (3) 3 shall be appointed by the minority leader
24 of the Senate, of whom—

1 (A) 2 shall be from among members of the
2 Senate; and

3 (B) 1 shall not be Member of Congress
4 and shall have expertise in the operation and
5 administration of Federal Government pro-
6 grams.

7 (4) 3 shall be appointed by the Speaker of the
8 House of Representatives, of whom—

9 (A) 2 shall be from among members of the
10 House of Representatives; and

11 (B) 1 shall not be Member of Congress
12 and shall have expertise in the operation and
13 administration of Federal Government pro-
14 grams.

15 (5) 3 shall be appointed by the minority leader
16 of the House of Representatives, of whom—

17 (A) 2 shall be from among members of the
18 House of Representatives; and

19 (B) 1 shall not be Member of Congress
20 and shall have expertise in the operation and
21 administration of Federal Government pro-
22 grams.

23 (c) CONTINUATION OF MEMBERSHIP.—If a member
24 was appointed to the Commission as a Member of Con-
25 gress and the member ceases to be a Member of Congress,

1 that member shall cease to be a member of the Commis-
2 sion.

3 (d) INITIAL APPOINTMENTS.—All initial appoint-
4 ments to the Commission shall be made not later than 90
5 days after the date of enactment of this Act.

6 (e) TERMS OF MEMBERS.—

7 (1) IN GENERAL.—Each member appointed to
8 the Commission shall serve for a term of 6 years.

9 (2) VACANCIES.—A vacancy in the Commis-
10 sion—

11 (A) shall not affect the powers of the Com-
12 mission; and

13 (B) shall be filled in the same manner as
14 the original appointment not later than 30 days
15 after the date on which the vacancy occurs.

16 (f) CHAIRMAN; VICE CHAIRMAN.—The Commission
17 shall select a Chairperson and Vice Chairperson from
18 among the members of the Commission for a term of 4
19 years.

20 (g) POWERS OF COMMISSION.—

21 (1) HEARINGS AND SESSIONS.—The Commis-
22 sion may, for the purpose of carrying out this Act—

23 (A) hold such hearings, sit and act at such
24 times and places, take such testimony, and re-

1 ceive such evidence as the Commission con-
 2 siders appropriate; and

3 (B) administer oaths to witnesses appear-
 4 ing before the Commission.

5 (2) OBTAINING INFORMATION.—

6 (A) IN GENERAL.—The Commission may
 7 secure directly from any agency or advisory
 8 committee information necessary to enable the
 9 Commission to carry out the duties of the Com-
 10 mission under this Act.

11 (B) FURNISHING INFORMATION.—On re-
 12 quest of the Chairperson of the Commission,
 13 the head of the agency or the Chair of the advi-
 14 sory committee, as applicable, shall furnish in-
 15 formation to the Commission in a full and time-
 16 ly manner.

17 (3) SUBPOENA POWER.—

18 (A) AUTHORITY TO ISSUE SUBPOENA.—
 19 The Commission may issue a subpoena to re-
 20 quire the attendance and testimony of witnesses
 21 and the production of evidence relating to any
 22 matter under investigation by the Commission.

23 (B) COMPLIANCE WITH SUBPOENA.—If a
 24 person refuses to obey an order or subpoena of
 25 the Commission that is issued in connection

1 with a Commission proceeding, the Commission
2 may apply to the United States district court in
3 the judicial district in which the proceeding is
4 held for an order requiring the person to com-
5 ply with the subpoena or order.

6 (4) IMMUNITY.—The Commission is an agency
7 of the United States for purposes of part V of title
8 18, United States Code (relating to immunity of wit-
9 nesses).

10 (5) CONTRACT AUTHORITY.—The Commission
11 may contract with and compensate government and
12 private agencies or persons for services without re-
13 gard to section 6101 of title 41, United States Code
14 (relating to advertising requirement for Federal Gov-
15 ernment purchases and sales).

16 (h) COMMISSION PROCEDURES.—

17 (1) INITIAL MEETING.—Not later than 45 days
18 after the date on which all members of the Commis-
19 sion have been appointed, the Commission shall hold
20 the first meeting of the Commission.

21 (2) MEETINGS.—The Commission shall meet at
22 the call of the Chairman and not fewer than 2 times
23 per year.

24 (3) QUORUM.—A majority of the members of
25 the Commission shall constitute a quorum.

1 (4) VOTING.—The schedule for review sub-
2 mitted pursuant to section 3(a) and the report and
3 joint resolution submitted pursuant to section 5
4 shall have the approval of not less than a majority
5 of the members of the Commission.

6 (i) PERSONNEL MATTERS.—

7 (1) COMPENSATION.—Members of the Commis-
8 sion shall not be paid by reason of their service as
9 members.

10 (2) TRAVEL EXPENSES.—Each member of the
11 Commission shall receive travel expenses, including
12 per diem in lieu of subsistence in accordance with
13 applicable provisions under subchapter I of chapter
14 57 of title 5, United States Code.

15 (3) EXECUTIVE DIRECTOR.—The Commission
16 shall have an executive director who—

17 (A) shall be appointed and terminated by
18 the Chairperson of the Commission;

19 (B) shall be confirmed by a vote of not
20 fewer than 7 members of the Commission; and

21 (C) may appoint and fix the pay of addi-
22 tional personnel as the executive director con-
23 siders appropriate.

1 (4) APPLICABILITY OF CERTAIN CIVIL SERVICE
2 LAWS.—The executive director and staff of the Com-
3 mission shall be—

4 (A) appointed subject to the provisions of
5 title 5, United States Code, governing appoint-
6 ments in the competitive service; and

7 (B) paid in accordance with the provisions
8 of chapter 51 and subchapter III of chapter 53
9 of that title relating to classification and Gen-
10 eral Schedule pay rates.

11 (j) OTHER ADMINISTRATIVE MATTERS.—

12 (1) POSTAL AND PRINTING SERVICES.—The
13 Commission may use the United States mails and
14 obtain printing and binding services in the same
15 manner and under the same conditions as other de-
16 partments and agencies of the Federal Government.

17 (2) ADMINISTRATIVE SUPPORT SERVICES.—
18 Upon the request of the Commission, the Adminis-
19 trator of General Services shall provide to the Com-
20 mission, on a reimbursable basis, the administrative
21 support services necessary for the Commission to
22 carry out the duties of the Commission under this
23 Act.

24 (3) EXPERTS AND CONSULTANTS.—The Com-
25 mission may procure temporary and intermittent

1 services under section 3109(b) of title 5, United
2 States Code.

3 (4) GIFTS.—The Commission may accept, use,
4 and dispose of gifts or donations of services or prop-
5 erty.

6 **SEC. 5. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**
7 **AGENCIES.**

8 (a) IN GENERAL.—The Commission shall review the
9 efficiency and public need for each agency using the cri-
10 teria described in section 6.

11 (b) RECOMMENDATIONS; REPORT TO CONGRESS.—
12 Not later than September 1 of each year, the Commission
13 shall submit to Congress and the President a report con-
14 taining—

15 (1) an analysis of the efficiency of operation
16 and public need for each agency to be reviewed in
17 the year in which the report is submitted pursuant
18 to the schedule submitted to Congress under section
19 3;

20 (2) an analysis of authority claimed by the ex-
21 ecutive branch but not specifically authorized by
22 statute;

23 (3) recommendations on whether each such
24 agency should be abolished, reorganized, or contin-
25 ued;

1 (4) recommendations on whether the functions
2 of any other agencies should be consolidated, trans-
3 ferred, or reorganized in an agency to be reviewed
4 in the year in which the report is submitted pursu-
5 ant to the schedule submitted to Congress under
6 section 3; and

7 (5) recommendations for administrative and
8 legislative action with respect to each such agency,
9 but not including recommendations for appropriation
10 levels.

11 (c) JOINT RESOLUTION.—Not later than September
12 1 of each year, the Commission shall submit to Congress
13 and the President a joint resolution to carry out the rec-
14 ommendations of the Commission under subsection (b).

15 (d) INFORMATION GATHERING.—The Commission
16 shall—

17 (1) conduct public hearings on the abolishment
18 of each agency reviewed under subsection (b);

19 (2) provide an opportunity for public comment
20 on the abolishment of each such agency;

21 (3) require the agency to provide information to
22 the Commission as appropriate; and

23 (4) consult with the General Accountability Of-
24 fice, the Office of Management and Budget, the
25 Comptroller General of the United States, and the

1 chair and ranking members of the committees of
2 Congress with oversight responsibility for the agency
3 being reviewed regarding the operation of the agen-
4 cy.

5 (e) USE OF PROGRAM INVENTORY.—The Commis-
6 sion shall use the program inventory prepared under sec-
7 tion 9 in reviewing the efficiency and public need for each
8 agency under subsection (a).

9 **SEC. 6. CRITERIA FOR REVIEW.**

10 The Commission shall evaluate the efficiency and
11 public need for each agency pursuant to section 5 using
12 the following criteria:

13 (1) The effectiveness, and the efficiency of the
14 operation of, the programs carried out by the agen-
15 cy.

16 (2) Whether the programs carried out by the
17 agency are cost-effective.

18 (3) Whether the agency has acted outside the
19 scope of the original authority of the agency, and
20 whether the original objectives of the agency have
21 been achieved.

22 (4) Whether less restrictive or alternative meth-
23 ods exist to carry out the functions of the agency.

24 (5) The extent to which the jurisdiction of, and
25 the programs administered by, the agency duplicate

1 or conflict with the jurisdiction and programs of
2 other agencies.

3 (6) The potential benefits of consolidating pro-
4 grams administered by the agency with similar or
5 duplicative programs of other agencies, and the po-
6 tential for consolidating such programs.

7 (7) The number and types of beneficiaries or
8 persons served by programs carried out by the agen-
9 cy.

10 (8) The extent to which any trends, develop-
11 ments, and emerging conditions that are likely to af-
12 fect the future nature and extent of the problems or
13 needs that the programs carried out by the agency
14 are intended to address.

15 (9) The extent to which the agency has com-
16 plied with the applicable provisions contained in sec-
17 tions 1115, 1116, 1117, 1120, 1121, 1122, 1123,
18 1124, 1125, and the first section 9703 of title 31,
19 United States Code, section 306 of title 5, United
20 States Code, and chapter 28 of title 39, United
21 States Code.

22 (10) The promptness and effectiveness with
23 which the agency seeks public input and input from
24 State and local governments on the efficiency and ef-

1 fectiveness of the performance of the functions of
2 the agency.

3 (11) Whether the agency has worked to enact
4 changes in the law that are intended to benefit the
5 public as a whole rather than the specific business,
6 institution, or individuals that the agency regulates.

7 (12) The extent to which the agency has en-
8 couraged participation by the public as a whole in
9 making the rules and decisions of the agency rather
10 than encouraging participation solely by those that
11 the agency regulates.

12 (13) The extent to which the public participa-
13 tion in rule making and decision making of the
14 agency has resulted in rules and decisions compat-
15 ible with the objectives of the agency.

16 (14) The extent to which the agency complies
17 with equal employment opportunity requirements re-
18 garding equal employment opportunity.

19 (15) The extent of the regulatory, privacy, and
20 paperwork impacts of the programs carried out by
21 the agency.

22 (16) The extent to which the agency has coordi-
23 nated with State and local governments in per-
24 forming the functions of the agency.

1 (17) The potential effects of abolishing the
2 agency on State and local governments.

3 (18) The extent to which changes are necessary
4 in the authorizing statutes of the agency in order
5 that the functions of the agency can be performed
6 in the most efficient and effective manner.

7 **SEC. 7. OVERSIGHT BY COMMISSION.**

8 (a) MONITORING OF IMPLEMENTATION OF REC-
9 COMMENDATIONS.—The Commission shall monitor imple-
10 mentation of laws enacting provisions that incorporate rec-
11 ommendations of the Commission with respect to abolish-
12 ment or reorganization of agencies.

13 (b) MONITORING OF OTHER RELEVANT LEGISLA-
14 TION.—

15 (1) IN GENERAL.—The Commission shall review
16 and report to Congress on all legislation introduced
17 in either House of Congress that would establish—

18 (A) a new agency; or

19 (B) a new program to be carried out by an
20 existing agency.

21 (2) REPORT TO CONGRESS.—The Commission
22 shall include in each report submitted to Congress
23 under paragraph (1) an analysis of whether—

1 (A) the functions of the proposed agency
2 or program could be carried out by 1 or more
3 existing agencies;

4 (B) the functions of the proposed agency
5 or program could be carried out in a less re-
6 strictive manner than the manner proposed in
7 the legislation; and

8 (C) the legislation provides for public input
9 regarding the performance of functions by the
10 proposed agency or program.

11 **SEC. 8. DISPOSITION OF AGENCY AFFAIRS.**

12 The President, in consultation with the head of an
13 agency determined to be abolished pursuant to section
14 3(c), shall take such action as may be necessary to wind
15 down the operation of the agency during the 1-year period
16 following the date of abolishment for the agency, including
17 the designation of an agency to carry out any ongoing au-
18 thority, maintain custodial records, act as a party to unre-
19 solved legal actions, or other obligations that cannot be
20 resolved within 1 year.

21 **SEC. 9. PROGRAM INVENTORY.**

22 (a) PREPARATION.—The Comptroller General of the
23 United States and the Director of the Congressional
24 Budget Office, in cooperation with the Director of the

1 Congressional Research Service, shall prepare an inven-
2 tory of Federal programs within each agency.

3 (b) PURPOSE.—

4 (1) IN GENERAL.—The purpose of a program
5 inventory is to advise and assist Congress and the
6 Commission in carrying out the requirements of this
7 Act.

8 (2) NONBINDING.—A program inventory shall
9 not in any way bind the committees of the Senate
10 or the House of Representatives with respect to their
11 responsibilities under this Act and shall not infringe
12 on the legislative and oversight responsibilities of
13 those committees.

14 (3) COMPILATION AND MAINTENANCE.—The
15 Comptroller General of the United States shall com-
16 pile and maintain each program inventory and the
17 Director of the Congressional Budget Office shall
18 provide budgetary information for inclusion in each
19 program inventory.

20 (c) INVENTORY CONTENT.—The program inventory
21 shall set forth for each program each of the following mat-
22 ters:

23 (1) The specific provision or provisions of law
24 authorizing the program.

1 (2) The committees of the Senate and the
2 House of Representatives that have legislative or
3 oversight jurisdiction over the program.

4 (3) A brief statement of the purpose or pur-
5 poses to be achieved by the program.

6 (4) The committees which have jurisdiction over
7 legislation providing new budget authority for the
8 program, including the appropriate subcommittees of
9 the Committees on Appropriations of the Senate and
10 the House of Representatives.

11 (5) The agency and, if applicable, the subdivi-
12 sion thereof responsible for administering the pro-
13 gram.

14 (6) The grants-in-aid, if any, provided by the
15 program to State and local governments.

16 (7) The next reauthorization date for the pro-
17 gram.

18 (8) A unique identification number that links
19 the program and functional category structure.

20 (9) The year in which the program was origi-
21 nally established and, where applicable, the year in
22 which the program expires.

23 (10) Where applicable, the year in which new
24 budget authority for the program was last author-

1 ized and the year in which current authorizations of
2 new budget authority expire.

3 (11) Whether the new budget authority pro-
4 vided for the program is—

5 (A) authorized for a definite period of
6 time;

7 (B) authorized in a specific dollar amount
8 but without limit of time;

9 (C) authorized without limit of time or dol-
10 lar amounts;

11 (D) not specifically authorized; or

12 (E) permanently provided, as determined
13 by the Director of the Congressional Budget
14 Office.

15 (12) Any other information the Commission de-
16 termines to be necessary.

17 (d) CBO INFORMATION.—For each program or
18 group of programs, the program inventory shall include
19 information prepared by the Director of the Congressional
20 Budget Office indicating each of the following:

21 (1) The amounts of new budget authority au-
22 thorized and provided for the program for each of
23 the preceding 4 fiscal years and, where applicable,
24 the 4 succeeding fiscal years.

1 (2) The functional and subfunctional category
2 in which the program is presently classified and was
3 classified under the fiscal year 2020 budget.

4 (3) The identification code and title of the ap-
5 propriation account in which budget authority is
6 provided for the program.

7 (e) MUTUAL EXCHANGE OF INFORMATION.—The
8 General Accountability Office, the Congressional Research
9 Service, and the Congressional Budget Office shall permit
10 the mutual exchange of available information in their pos-
11 session that would aid in the compilation of the program
12 inventory.

13 (f) ASSISTANCE BY EXECUTIVE BRANCH.—

14 (1) IN GENERAL.—The Office of Management
15 and Budget and the agencies (and the subdivisions
16 thereof) shall, to the extent necessary and possible,
17 provide the General Accountability Office with as-
18 sistance requested by the Comptroller General of the
19 United States in the compilation of the program in-
20 ventory.

21 (2) CONFIDENTIALITY.—Communications de-
22 scribed in paragraph (1) shall be treated as con-
23 fidential until a report is issued under section 5(b).

1 **SEC. 10. EXPEDITED CONSIDERATION FOR SCHEDULE FOR**
2 **REVIEW.**

3 (a) INTRODUCTION AND COMMITTEE CONSIDER-
4 ATION.—

5 (1) INTRODUCTION.—A joint resolution shall be
6 introduced in the Senate by the majority leader, or
7 the majority leader's designee, and in the House of
8 Representatives, by the Speaker, or the Speaker's
9 designee not later than 60 days after the date on
10 which the proposed legislation is submitted to Con-
11 gress. Upon such introduction, the Commission
12 schedule for review bill shall be referred to the ap-
13 propriate committees of Congress under paragraph
14 (2). If the joint resolution is not introduced in ac-
15 cordance with the preceding sentence, then any
16 member of Congress may introduce such legislation
17 in their respective House of Congress beginning on
18 the date that is the 5th calendar day that such
19 House is in session following the date of the submis-
20 sion of such aggregate legislative language provi-
21 sions.

22 (2) COMMITTEE CONSIDERATION.—

23 (A) REFERRAL.—The joint resolution in-
24 troduced under paragraph (1) shall be referred
25 to any appropriate committee of jurisdiction in
26 the Senate and the House of Representatives. A

1 committee to which the joint resolution is re-
 2 ferred under this paragraph may review and
 3 comment on such legislation, may report such
 4 legislation to the respective House, and may not
 5 amend such legislation.

6 (B) REPORTING.—Not later than 30 cal-
 7 endar days after the introduction of the joint
 8 resolution, each Committee of Congress to
 9 which the joint resolution was referred shall re-
 10 port the legislation.

11 (C) DISCHARGE OF COMMITTEE.—If a
 12 committee to which a joint resolution is referred
 13 has not reported such legislation at the end of
 14 30 calendar days after its introduction or at the
 15 end of the first day after there has been re-
 16 ported to the House a joint resolution involved
 17 a joint resolution, whichever is earlier, such
 18 committee shall be deemed to be discharged
 19 from further consideration of such legislation
 20 and such legislation shall be placed on the ap-
 21 propriate calendar of the House involved.

22 (b) EXPEDITED PROCEDURE.—

23 (1) CONSIDERATION.—

24 (A) IN GENERAL.—Not later than 30 cal-
 25 endar days after the date on which a committee

1 has reported a joint resolution or has been dis-
2 charged from consideration of a joint resolution,
3 the majority leader of the Senate, or the major-
4 ity leader's designee, or the Speaker of the
5 House of Representatives, or the Speaker's des-
6 ignee, shall move to proceed to the consider-
7 ation of the joint resolution. It shall also be in
8 order for any Member of the Senate or the
9 House of Representatives, respectively, to move
10 to proceed to the consideration of the joint reso-
11 lution at any time after the conclusion of such
12 5-day period.

13 (B) MOTION TO PROCEED.—A motion to
14 proceed to the consideration of a joint resolu-
15 tion is highly privileged in the House of Rep-
16 resentatives and is privileged in the Senate and
17 is not debatable. The motion is not subject to
18 amendment or to a motion to postpone consid-
19 eration of the joint resolution. If the motion to
20 proceed is agreed to, the Senate or the House
21 of Representatives, as the case may be, shall
22 immediately proceed to consideration of the
23 joint resolution without intervening motion,
24 order, or other business, and the joint resolu-
25 tion shall remain the unfinished business of the

1 Senate or the House of Representatives, as the
2 case may be, until disposed of.

3 (C) LIMITED DEBATE.—Debate on the
4 joint resolution and on all debatable motions
5 and appeals in connection therewith shall be
6 limited to not more than 10 hours, which shall
7 be divided equally between those favoring and
8 those opposing the joint resolution. A motion
9 further to limit debate on the joint resolution is
10 in order and is not debatable. All time used for
11 consideration of the joint resolution, including
12 time used for quorum calls (except quorum calls
13 immediately preceding a vote) and voting, shall
14 come from the 10 hours of debate.

15 (D) AMENDMENTS.—No amendment to the
16 joint resolution shall be in order in the Senate
17 and the House of Representatives.

18 (E) VOTE ON FINAL PASSAGE.—Imme-
19 diately following the conclusion of the debate on
20 the joint resolution, the vote on final passage of
21 the joint resolution shall occur.

22 (F) OTHER MOTIONS NOT IN ORDER.—A
23 motion to postpone consideration of the joint
24 resolution, a motion to proceed to the consider-
25 ation of other business, or a motion to recom-

1 mit the review joint resolution is not in order.

2 A motion to reconsider the vote by which the
3 joint resolution is agreed to or not agreed to is
4 not in order.

5 (2) CONSIDERATION BY OTHER HOUSE.—If, be-
6 fore the passage by one House of the joint resolution
7 that was introduced in such House, such House re-
8 ceives from the other House a joint resolution as
9 passed by such other House—

10 (A) the joint resolution of the other House
11 shall not be referred to a committee and may
12 only be considered for final passage in the
13 House that receives it under subparagraph (C);

14 (B) the procedure in the House in receipt
15 of the joint resolution of the other House, shall
16 be the same as if no joint resolution had been
17 received from the other House; and

18 (C) notwithstanding subparagraph (B), the
19 vote on final passage shall be on the joint reso-
20 lution of the other House.

21 (3) DISPOSITION.—Upon disposition of a joint
22 resolution that is received by one House from the
23 other House, it shall no longer be in order to con-
24 sider the joint resolution that was introduced in the
25 receiving House.

1 (c) RULES OF THE SENATE AND THE HOUSE OF
2 REPRESENTATIVES.—This section is enacted—

3 (1) as an exercise of the rulemaking power of
4 the Senate and the House of Representatives, re-
5 spectively, and is deemed to be part of the rules of
6 each House, respectively, but applicable only with re-
7 spect to the procedure to be followed in that House
8 in the case of the joint resolution, and it supersedes
9 other rules only to the extent that it is inconsistent
10 with such rules; and

11 (2) with full recognition of the constitutional
12 right of either House to change the rules (so far as
13 they relate to the procedure of that House) at any-
14 time, in the same manner, and to the same extent
15 as in the case of any other rule of that House.

16 (d) FALLBACK PROVISION.—If the Senate and the
17 House of Representatives fail to act within 1 year from
18 the date of introduction, the joint resolution takes effect.

○