

107TH CONGRESS
2D SESSION

S. 2181

To review, reform, and terminate unnecessary and inequitable Federal subsidies.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2002

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Government Affairs

A BILL

To review, reform, and terminate unnecessary and inequitable Federal subsidies.

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 “Corporate Subsidy Re-
5 form Commission Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) Federal subsidies, including tax advantages,
9 which may have been enacted with a valid purpose
10 for specific industries or industry segments can—

1 (A) fall subject to abuse, causing unantici-
2 pated and unjustified windfalls to some indus-
3 tries and industry segments; or

4 (B) become obsolete, anticompetitive, or no
5 longer in the public interest, making such sub-
6 sidies unnecessary or undesired;

7 (2) it is unfair to force the United States tax-
8 payer to support unnecessary subsidies, including
9 tax advantages, that do not provide a substantial
10 public benefit or serve the public interest;

11 (3) Congress and the President have been un-
12 able to evaluate methodically those Federal subsidies
13 that are unfair and unnecessary and require reform
14 or elimination; and

15 (4) a Commission to advise the President and
16 Congress is essential to a comprehensive review of
17 such unfair corporate subsidies and to the reform or
18 elimination of such subsidies.

19 **SEC. 3. PURPOSE.**

20 The purpose of this Act is to establish a fair and de-
21 liberative process that will result in the timely identifica-
22 tion, review, and reform or elimination of unnecessary and
23 inequitable subsidies, including tax advantages, provided
24 by the Federal Government to entities or industries en-
25 gaged in profitmaking enterprises.

1 **SEC. 4. DEFINITION.**

2 In this Act, the term “inequitable Federal subsidy”
3 means a payment, benefit, service, or tax advantage
4 that—

5 (1) is provided by the Federal Government to
6 any corporation, partnership, joint venture, associa-
7 tion, or business trust, not to include—

8 (A) a nonprofit organization described
9 under section 501(c)(3) of the Internal Revenue
10 Code of 1986 that is exempt from taxation
11 under section 501(a) of the Internal Revenue
12 Code of 1986; or

13 (B) a State or local government or Indian
14 Tribe or Alaska Native village or regional or vil-
15 lage corporation as defined in or established
16 pursuant to the Alaska Native Claims Settle-
17 ment Act (43 U.S.C. 1601 et seq.);

18 (2) is provided without a reasonable expecta-
19 tion, demonstrated with the use of reliable perform-
20 ance criteria, that actions or activities undertaken or
21 performed in return for such payment, benefit, serv-
22 ice, or tax advantage would result in a return or
23 benefit, quantifiable or nonquantifiable, to the public
24 at least as great as the payment, benefit, service, or
25 tax advantage;

1 (3) provides an unfair competitive advantage or
2 financial windfall; and

3 (4) shall not include a payment, benefit, service,
4 or tax advantage that—

5 (A) is awarded for the purposes of re-
6 search and development that—

7 (i) is in the broad public interest on
8 the basis of a peer reviewed or other open,
9 competitive, merit-based procedure;

10 (ii) is for a purpose consistent with
11 the mission of the agency;

12 (iii) supports competing technologies
13 at levels appropriate to their potential, as
14 determined by an appropriate priority set-
15 ting process; and

16 (iv) the private sector cannot reason-
17 ably be expected to undertake without Fed-
18 eral support at a level or in a timeframe
19 consistent with the payment, benefit, serv-
20 ice, or tax advantage's potential to provide
21 broad economic or other public benefit;

22 (B) primarily benefits public health, safety,
23 the environment, or education;

24 (C) is necessary to comply with inter-
25 national trade or treaty obligations;

1 (D) is certified by the United States Trade
2 Representative as specifically intended and as
3 substantially needed to protect the foreign trade
4 interests of the United States; or

5 (E) is for the purpose of procurement of
6 property or services by the United States Gov-
7 ernment.

8 **SEC. 5. THE COMMISSION.**

9 (a) ESTABLISHMENT.—There is established an inde-
10 pendent commission to be known as the “Corporate Sub-
11 sidy Reform Commission” (in this Act referred to as the
12 “Commission”).

13 (b) DUTIES.—The Commission shall—

14 (1) examine the programs and tax laws of the
15 Federal Government and identify programs and tax
16 laws that provide inequitable Federal subsidies;

17 (2) review inequitable Federal subsidies; and

18 (3) submit the report required under section
19 6(b) to the President and Congress.

20 (c) LIMITATIONS.—

21 (1) CREATION OF NEW PROGRAMS OR TAXES.—

22 This Act is not intended to result in the creation of
23 new programs or taxes, and the Commission estab-
24 lished in this section shall limit its activities to re-
25 viewing existing programs or tax laws with the goal

1 of ensuring fairness and equity in the operation and
2 application of such programs and laws.

3 (2) ELIMINATION OF AGENCIES AND DEPART-
4 MENTS.—The Commission shall limit its rec-
5 ommendations to the termination or reform of pay-
6 ments, benefits, services, or tax advantages, rather
7 than the termination of Federal agencies or depart-
8 ments.

9 (d) ADVISORY COMMITTEE.—The Commission shall
10 be considered an advisory committee within the meaning
11 of the Federal Advisory Committee Act (5 U.S.C. App.).

12 (e) APPOINTMENT.—

13 (1) MEMBERS.—The Commissioners shall be
14 appointed for the life of the Commission and shall
15 be composed of nine members of whom—

16 (A) 3 shall be appointed by the President
17 of the United States;

18 (B) 2 shall be appointed by the Speaker of
19 the House of Representatives;

20 (C) 1 shall be appointed by the minority
21 Leader of the House of Representatives;

22 (D) 2 shall be appointed by the majority
23 Leader of the Senate; and

24 (E) 1 shall be appointed by the minority
25 Leader of the Senate.

1 (2) CONSULTATION REQUIRED.—The President,
2 the Speaker of the House of Representatives, the mi-
3 nority leader of the House of Representatives, the
4 majority leader of the Senate, and the minority lead-
5 er of the Senate shall consult among themselves
6 prior to the appointment of the members of the
7 Commission in order to achieve, to the maximum ex-
8 tent possible, fair and equitable representation of
9 various points of view with respect to the matters to
10 be studied by the Commission under subsection (b).

11 (3) APPOINTMENTS.—During the period of
12 January 1, 2003 through January 31, 2003, the
13 President shall submit to the Senate the names of
14 3 individuals for appointment to the Commission.

15 (4) FAILURE TO APPOINT.—If the President
16 does not submit to Congress the names of 3 individ-
17 uals for appointment to the Commission on or before
18 the date specified in paragraph (3), the process es-
19 tablished under this Act shall be terminated.

20 (5) CHAIRMAN.—At the time the President
21 nominates individuals for appointment to the Com-
22 mission the President shall designate 1 such indi-
23 vidual who shall serve as Chairman of the Commis-
24 sion.

1 (6) BACKGROUND.—The members shall rep-
2 resent a broad array of expertise covering, to the ex-
3 tent practical, all subject matter, programs, and tax
4 laws the Commission is likely to review.

5 (f) TERMS.—Each member of the Commission in-
6 cluding the Chairman shall serve until the termination of
7 the Commission.

8 (g) MEETINGS.—

9 (1) INITIAL MEETING.—Not later than April 1,
10 2003, the Commission shall conduct its first meet-
11 ing.

12 (2) OPEN MEETINGS.—Each meeting of the
13 Commission shall be open to the public. In cases
14 where classified information, trade secrets, or per-
15 sonnel matters are discussed, the Chairman may
16 close the meeting. All proceedings, information, and
17 deliberations of the Commission shall be available,
18 upon request, to the chairman and ranking member
19 of the relevant committees of Congress.

20 (h) VACANCIES.—A vacancy on the Commission shall
21 be filled in the same manner as the original appointment.

22 (i) PAY AND TRAVEL EXPENSES.—

23 (1) PAY.—Notwithstanding section 7 of the
24 Federal Advisory Committee Act (5 U.S.C. App.),
25 each Commissioner, other than the Chairman, shall

1 be paid at a rate equal to the daily equivalent of the
2 minimum annual rate of basic pay for level IV of the
3 Executive Schedule under section 5315 of title 5,
4 United States Code, for each day (including travel
5 time) during which the member is engaged in the ac-
6 tual performance of duties vested in the Commis-
7 sion.

8 (2) CHAIRMAN.—Notwithstanding section 7 of
9 the Federal Advisory Committee Act (5 U.S.C.
10 App.), the Chairman shall be paid for each day re-
11 ferred to in paragraph (1) at a rate equal to the
12 daily payment of the minimum annual rate of basic
13 pay payable for level III of the Executive Schedule
14 under section 5314 of title 5, United States Code.

15 (3) TRAVEL EXPENSES.—Members shall receive
16 travel expenses, including per diem in lieu of subsist-
17 ence, in accordance with sections 5702 and 5703 of
18 title 5, United States Code.

19 (j) DIRECTOR OF STAFF.—

20 (1) QUALIFICATIONS.—The Chairman shall ap-
21 point a Director who has not served in any of the
22 entities or industries that the Commission intends to
23 review during the 12 months preceding the date of
24 such appointment.

1 (2) PAY.—Notwithstanding section 7 of the
2 Federal Advisory Committee Act (5 U.S.C. App.),
3 the Director shall be paid at the rate of basic pay
4 payable for level IV of the Executive Schedule under
5 section 5315 of title 5, United States Code.

6 (3) REPORTS.—On administrative and per-
7 sonnel matters, the Director shall submit periodic
8 reports to the Chairman of the Commission and the
9 chairman and ranking member of the Committee on
10 Governmental Affairs of the Senate and the Com-
11 mittee on Government Reform and Oversight of the
12 House of the Representatives.

13 (k) STAFF.—

14 (1) ADDITIONAL PERSONNEL.—Subject to para-
15 graphs (2) and (4), the Director, with the approval
16 of the Commission, may appoint and fix the pay of
17 additional personnel.

18 (2) APPOINTMENTS.—The Director may make
19 such appointments without regard to the provisions
20 of title 5, United States Code, governing appoint-
21 ments in the competitive service, and any personnel
22 so appointed may be paid without regard to the pro-
23 visions of chapter 51 and subchapter III of chapter
24 53 of that title relating to classification and General
25 Schedule pay rates.

1 (3) DETAILEES.—Upon the request of the Di-
2 rector, the head of any Federal department or agen-
3 cy may detail any of the personnel of that depart-
4 ment or agency to the Commission to assist the
5 Commission in accordance with an agreement en-
6 tered into with the Commission.

7 (4) RESTRICTIONS ON PERSONNEL AND
8 DETAILEES.—The following restrictions shall apply
9 to personnel and detailees of the Commission:

10 (A) PERSONNEL.—Not more than one-
11 third of the personnel detailed to the Commis-
12 sion may be on detail from Federal agencies
13 that deal directly or indirectly with the Federal
14 subsidies the Commission intends to review.

15 (B) ANALYSTS.—Not more than one-fifth
16 of the professional analysts of the Commission
17 may be persons detailed from a Federal agency
18 that deals directly or indirectly with the Federal
19 subsidies the Commission intends to review.

20 (C) LEAD ANALYST.—No person detailed
21 from a Federal agency to the Commission may
22 be assigned as the lead professional analyst
23 with respect to an entity or industry the Com-
24 mission intends to review if the person has been
25 involved in regulatory or policymaking decisions

1 affecting any such entity or industry in the 12
2 months preceding such assignment.

3 (D) DETAILEE.—A person may not be de-
4 tailed from a Federal agency to the Commission
5 if, within 12 months before the detail is to
6 begin, that person participated personally and
7 substantially in any matter within that par-
8 ticular agency concerning the preparation of
9 recommendations under this Act.

10 (E) FEDERAL OFFICER OR EMPLOYEE.—
11 No member of a Federal agency, and no officer
12 or employee of a Federal agency, may—

13 (i) prepare any report concerning the
14 effectiveness, fitness, or efficiency of the
15 performance on the staff of the Commis-
16 sion of any person detailed from a Federal
17 agency to that staff;

18 (ii) review the preparation of such re-
19 port; or

20 (iii) approve or disapprove such a re-
21 port.

22 (F) LIMITATION ON STAFF SIZE.—(i) Sub-
23 ject to clause (ii), there may not be more than
24 25 persons (including any detailees) on the
25 staff at any time.

1 (ii) The Commission may increase per-
2 sonnel in excess of the limitation under clause
3 (i), 15 days after submitting notification of
4 such increase to the Committee on Govern-
5 mental Affairs of the Senate and the Committee
6 on Government Reform and Oversight of the
7 House of Representatives.

8 (G) LIMITATION ON FEDERAL OFFICER.—
9 No member of a Federal agency and no em-
10 ployee of a Federal agency may serve as a Com-
11 missioner or as a paid member of the staff.

12 (5) ASSISTANCE.—

13 (A) IN GENERAL.—The Comptroller Gen-
14 eral of the United States may provide assist-
15 ance, including the detailing of employees, to
16 the Commission in accordance with an agree-
17 ment entered into with the Commission.

18 (B) CONSULTATION.—The Commission
19 and the Comptroller General of the United
20 States shall consult with the Committee on
21 Governmental Affairs of the Senate and the
22 Committee on Government Reform and Over-
23 sight of the House of Representatives on the
24 agreement referred to under subparagraph (A)
25 before entering into such agreement.

1 (l) OTHER AUTHORITY.—

2 (1) EXPERTS AND CONSULTANTS.—The Com-
3 mission may procure by contract, to the extent funds
4 are available, the temporary or intermittent services
5 of experts or consultants pursuant to section 3109
6 of title 5, United States Code.

7 (2) LEASING.—The Commission may lease
8 space and acquire personal property to the extent
9 that funds are available.

10 (m) FUNDING.—

11 (1) COMMISSION.—There are authorized to be
12 appropriated to the Commission such funds as are
13 necessary to carry out its duties under this Act.

14 (2) COMPTROLLER GENERAL.—There are au-
15 thorized to be appropriated to the Comptroller Gen-
16 eral of the United States such funds as are nec-
17 essary to carry out its duties under subsection (k)(5)
18 and section 6(b)(5).

19 (n) TERMINATION.—The Commission shall terminate
20 on September 1, 2004.

21 **SEC. 6. PROCEDURE FOR MAKING RECOMMENDATIONS TO**
22 **TERMINATE CORPORATE SUBSIDIES.**

23 (a) AGENCY PLAN.—

24 (1) IN GENERAL.—Not later than April 1,
25 2003, or the date budget documents are submitted

1 to Congress in 2003, whichever is earlier, in support
2 of the budget of each Federal department or agency,
3 the head of each department or agency shall include
4 in such documents a list identifying all programs or
5 tax laws within that department or agency that the
6 head of the department or agency determines pro-
7 vide inequitable Federal subsidies.

8 (2) CONTENTS.—Such a list shall include—

9 (A) a detailed description of each program
10 or tax law in question;

11 (B) a statement detailing the extent to
12 which a payment, benefit, service, or tax advan-
13 tage meets the provisions of section 4;

14 (C) a statement summarizing the legisla-
15 tive history and purpose of such payment, ben-
16 efit, service, or tax advantage, and the laws or
17 policies directly or indirectly giving rise to the
18 need for such programs or tax laws; and

19 (D) a recommendation to the Commission
20 regarding actions to be taken under section
21 5(b)(3).

22 (3) INTERNATIONAL TRADE PROGRAMS.—As
23 part of its agency plan submitted pursuant to this
24 subsection, the United States Trade Representative
25 shall survey all federally supported international

1 trade programs in all Federal agencies and shall cer-
2 tify to the Commission which of those programs
3 meet the requirements of section 4(4)(D). The
4 Trade Representative shall provide the Commission
5 a detailed statement of the reasons each program
6 was or was not so certified as part of its agency
7 plan.

8 (b) REVIEW AND RECOMMENDATIONS BY THE COM-
9 MISSION.—

10 (1) REVIEW AND HEARINGS.—At any time after
11 the submission of the budget documents to Con-
12 gress, the Commission shall conduct public hearings
13 on the recommendations included in the lists re-
14 quired under subsection (a). All testimony before the
15 Commission at a public hearing conducted under
16 this paragraph shall be presented under oath.

17 (2) REPORT OF COMMISSION.—

18 (A) REPORT TO PRESIDENT.—Not later
19 than November 30, 2003, the Commission shall
20 submit a report to the President containing the
21 Commission's findings and recommendations
22 for termination, modification, or retention of
23 each of the inequitable Federal subsidies re-
24 viewed by the Commission. Such findings and
25 recommendations shall specify—

1 (i) all actions, circumstances, and con-
2 siderations relating to or bearing upon the
3 recommendations; and

4 (ii) to the maximum extent prac-
5 ticable, the estimated effect of the rec-
6 ommendations upon the policies, laws and
7 programs directly or indirectly affected by
8 the recommendations.

9 (B) CHANGES IN RECOMMENDATIONS.—

10 Subject to the deadline in subparagraph (A), in
11 making its recommendations, the Commission
12 may make changes in any of the recommenda-
13 tions made by a department or agency if the
14 Commission determines that such department
15 or agency deviated substantially from the provi-
16 sions of section 4.

17 (C) CHANGES.—In the case of a change in
18 the recommendations made by a department or
19 agency, the Commission may make the change
20 only if the Commission—

21 (i) makes the determination required
22 under subparagraph (B); and

23 (ii) conducts a public hearing on the
24 Commission's proposed changes.

1 (D) APPLICATION.—Subparagraph (C)
2 shall apply to a change by the Commission in
3 a department or agency recommendation that
4 would—

5 (i) add or delete a payment, benefit,
6 service, or tax advantage to the list rec-
7 ommended for termination;

8 (ii) add or delete a payment, benefit,
9 service, or tax advantage to the list rec-
10 ommended for modification; or

11 (iii) increase or decrease the extent of
12 a recommendation to modify a payment,
13 benefit, service, or tax advantage included
14 in a department's or agency's rec-
15 ommendation.

16 (3) JUSTIFICATION.—The Commission shall ex-
17 plain and justify in the report submitted to the
18 President under paragraph (2) any recommendation
19 made by the Commission that is different from a
20 recommendation made by an agency under sub-
21 section (a).

22 (4) REPORT TO CONGRESS.—After November
23 30, 2003, or after the date the Commission submits
24 recommendations to the President, the Commission
25 shall, upon request, promptly provide to any Member

1 of Congress the information used by the Commission
2 in making its recommendations.

3 (5) COMPTROLLER GENERAL.—The Comp-
4 troller General of the United States shall—

5 (A) assist the Commission, to the extent
6 requested, in the Commission’s review and anal-
7 ysis of the list, statements, and recommenda-
8 tions made by departments and agencies under
9 subsection (a); and

10 (B) not later than 60 days after April 1,
11 2003, or the public release of the President’s
12 budget documents in 2003, whichever is earlier,
13 submit to Congress and to the Commission a
14 report containing a detailed analysis of the list,
15 statements, and recommendations of each de-
16 partment or agency.

17 (c) REVIEW BY THE PRESIDENT.—

18 (1) IN GENERAL.—Not later than December 31,
19 2003, the President shall submit a report to the
20 Commission and to Congress containing the Presi-
21 dent’s approval or disapproval of the Commission’s
22 recommendations submitted under subsection (b).

23 (2) APPROVAL.—If the President approves all
24 the recommendations of the Commission, the Presi-
25 dent shall submit a copy of such recommendations

1 to Congress, together with a certification of such ap-
2 proval.

3 (3) DISAPPROVAL.—If the President dis-
4 approves the recommendations of the Commission in
5 whole or in part, the President shall submit to the
6 Commission and Congress the reasons for that dis-
7 approval. Not later than February 1, 2004, the
8 Commission shall submit to the President a revised
9 list of recommendations.

10 (4) REVISION.—If the President approves all of
11 the revised recommendations of the Commission sub-
12 mitted to the President under paragraph (3), the
13 President shall submit a copy of such revised rec-
14 ommendations to Congress, together with a certifi-
15 cation of such approval.

16 (5) APPROVAL OF ENTIRE PACKAGE.—The
17 President may only submit an approval certificate
18 that pertains to the entire package of recommenda-
19 tions submitted by the Commission under subsection
20 (b)(2) or paragraph (3) of this subsection.

21 (6) FAILURE TO SUBMIT.—If the President
22 does not submit to Congress an approval and certifi-
23 cation described in paragraph (2) or (4) by Feb-
24 ruary 15, 2004, the process established under this
25 Act shall be terminated.

1 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

2 (a) SUBMISSION OF RECOMMENDATIONS OF THE
3 PRESIDENT.—If the President submits the Commission
4 recommendations to Congress under section 6(c) (2) or
5 (4), such recommendations shall be accompanied by infor-
6 mation specifying—

7 (1) the reasons and justifications for the rec-
8 ommendations;

9 (2) to the maximum extent practicable, the esti-
10 mated fiscal, economic, and budgetary impact of ac-
11 cepting the recommendations;

12 (3) the amount of the projected savings result-
13 ing from each recommendation;

14 (4) all actions, circumstances, and consider-
15 ations relating to or bearing upon the recommenda-
16 tions and to the maximum extent practicable, the es-
17 timated effect of the recommendations upon the poli-
18 cies, laws and programs directly or indirectly af-
19 fected by the recommendations; and

20 (5) the specific changes in Federal statute nec-
21 essary to implement the recommendations.

22 (b) SUBMISSION OF RECOMMENDATIONS TO THE
23 SENATE AND HOUSE OF REPRESENTATIVES.—

24 (1) SUBMISSION TO CONGRESS.—The rec-
25 ommendations submitted by the President to Con-
26 gress under subsection (a) shall be submitted to the

1 Senate and the House of Representatives on the
2 same day, and shall be delivered to the Secretary of
3 the Senate if the Senate is not in session, and to the
4 Clerk of the House of the Representatives if the
5 House is not in session.

6 (2) FEDERAL REGISTER.—Any recommenda-
7 tions and accompanying information submitted
8 under subsection (a) shall be printed in the first
9 issue of the Federal Register after such submission.

10 (c) INTRODUCTION.—

11 (1) DATE OF INTRODUCTION.—The Majority
12 Leader of the Senate or his designee, and the Speak-
13 er of the House of Representatives, or his designee,
14 shall introduce a bill (or bills as provided under
15 paragraph (2)) that implements the recommenda-
16 tions submitted by the President under subsection
17 (a), not later than the later of 14 calendar days in
18 session after the date on which—

19 (A) the Senate or the House of Represent-
20 atives received the recommendations submitted
21 by the President under subsection (a), if the
22 Senate or the House of Representatives (as ap-
23 plicable) is in session on the date of such sub-
24 mission; or

1 (B) the Senate or the House of Represent-
 2 atives is first in session after such recommenda-
 3 tions are submitted, if the Senate or the House
 4 of Representatives (as applicable) is not in ses-
 5 sion on the date of such submission.

6 (2) MULTIPLE BILLS.—The majority leader of
 7 the Senate, or his designee, or the Speaker of the
 8 House of Representatives, or his designee, shall in-
 9 troduce a bill or separate bills ensuring that all such
 10 recommendations will be implemented.

11 (d) COMMITTEE REFERRAL AND ACTION.—

12 (1) IN GENERAL.—

13 (A) CONSIDERATION AND REPORT.—Any
 14 committee to which a bill or bills introduced
 15 under subsection (c) is referred shall report
 16 such bill not later than 120 calendar days after
 17 the date of referral. No amendment during
 18 committee consideration of a bill or bills intro-
 19 duced under subsection (c) shall be in order un-
 20 less that amendment is confined to terminating
 21 or reforming an inequitable Federal subsidy as
 22 defined in section 4 of this Act. Any such re-
 23 ported bill shall be referred to the Committee
 24 on Governmental Affairs of the Senate or the
 25 Committee on Government Reform and Over-

sight of the House of Representatives, as applicable.

(B) COMMITTEES ON FINANCE AND WAYS AND MEANS.—

(i) IN GENERAL.—Any bill referred to the Committee on Finance or the Committee on Ways and Means that contains revenue increases may be amended to include reductions in revenues in the form of tax cuts in an amount up to the amount of the revenue increases.

(ii) SCORECARD.—If the bill referred to in clause (i) is enacted into law, any amount of revenue reductions not made by the bill as provided in clause (i) shall be credited to the pay-as-you-go scorecard under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and may only be offset by legislation reducing revenues.

(2) DISCHARGE.—If a committee does not report a bill within the 120-day period as provided under paragraph (1), such bill shall be discharged from the committee and referred to the Committee on Governmental Affairs of the Senate or the Com-

mittee on Government Reform and Oversight of the
House of Representatives, as applicable.

(3) REPORT TO FLOOR; CONSOLIDATION.—

(A) IN GENERAL.—Not later than the first
day the Senate or the House of Representatives
(as applicable) is in session following 10 cal-
endar days in session after the end of the 120-
day period described under paragraphs (1) and
(2), the Committee on Governmental Affairs of
the Senate and the Committee on Government
Reform and Oversight of the House of Rep-
resentatives, as applicable, shall—

(i) consolidate all bills referred under
paragraphs (1) and (2) into a single bill
(without substantive amendment) and re-
port such bill to the Senate or the House
of Representatives; or

(ii) if only 1 bill is referred under
paragraph (1) or (2), report such bill
(without amendment) to the Senate or
House of Representatives.

(B) LEGISLATIVE CALENDAR.—The bill re-
ported under subparagraph (A) shall be placed
on the legislative calendar of the appropriate
House.

1 (e) PROCEDURE IN SENATE AFTER REPORT OF COM-
2 MITTEE; DEBATE; AMENDMENTS.—

3 (1) DEBATE ON BILL.—Debate in the Senate
4 on a bill reported by the Committee on Govern-
5 mental Affairs under subsection (d)(3), and all
6 amendments thereto and debatable motions and ap-
7 peals in connection therewith, shall be limited to not
8 more than 30 hours. The time shall be equally di-
9 vided between, and controlled by, the Majority Lead-
10 er and Minority Leader or their designees.

11 (2) DEBATE ON AMENDMENTS.—Debate in the
12 Senate on any amendment to the bill shall be limited
13 to 1 hour, to be equally divided between, and con-
14 trolled by, the mover and the manager of the bill,
15 and debate on any amendment to an amendment,
16 debatable motion, or appeal shall be limited to 30
17 minutes, to be equally divided between, and con-
18 trolled by, the mover and the manager of the bill, ex-
19 cept that in the event the manager of the bill is in
20 favor of any such amendment, motion or appeal, the
21 time in opposition thereto shall be controlled by the
22 minority leader or his designee.

23 (3) LIMIT OF DEBATE.—(A) A motion to fur-
24 ther limit debate is not debatable. A motion by the

1 majority leader or his designee to extend debate is
 2 not debatable. A motion to recommit is not in order.

3 (B)(i) No amendment to the bill reported by
 4 the Committee on Governmental Affairs under sub-
 5 section (d)(3) shall be in order unless—

6 (I) that amendment is confined to termi-
 7 nating or reforming an inequitable Federal sub-
 8 sidy as defined by section 4 of this Act; and

9 (II) that amendment is germane to the bill
 10 reported by the Committee on Governmental
 11 Affairs.

12 (ii) For the purposes of a bill described under
 13 clause (i), the term “germane” means only amend-
 14 ments which strike language from such bill, or re-
 15 store language in the bill or bills introduced under
 16 subsection (c).

17 (4) CONFERENCE REPORTS.—

18 (A) MOTION TO PROCEED.—A motion to
 19 proceed to the consideration of the conference
 20 report on a bill subject to the procedures of this
 21 section and reported to the Senate may be
 22 made even though a previous motion to the
 23 same effect has been disagreed to.

24 (B) TIME LIMITATION.—The consideration
 25 in the Senate of the conference report on the

1 bill and any amendments in disagreement there-
 2 to, including all debatable motions and appeals
 3 in connection therewith, shall be limited to 5
 4 hours, to be equally divided between, and con-
 5 trolled by, the majority leader and minority
 6 leader or their designees. Debate on any debat-
 7 able motion, appeal related to the conference re-
 8 port, or any amendment to an amendment in
 9 disagreement, shall be limited to 30 minutes, to
 10 be equally divided between, and controlled by,
 11 the mover and the manager of the conference
 12 report (or a message between Houses).

13 (f) PROCEDURE IN HOUSE OF REPRESENTATIVES
 14 AFTER REPORT OF THE COMMITTEE; DEBATE.—

15 (1) MOTION TO CONSIDER.—When the Com-
 16 mittee on Government Reform and Oversight of the
 17 House of Representatives reports a bill under sub-
 18 section (d)(3) it is in order (at any time after the
 19 fifth day (excluding Saturdays, Sundays, and legal
 20 holidays) following the day on which any committee
 21 report filed on a bill referred under subsection (d)(1)
 22 to the Committee on Government Reform and Over-
 23 sight has been available to Members of the House)
 24 to move to proceed to the consideration of the bill
 25 reported to the House of Representatives. The mo-

1 tion is highly privileged and is not debatable. An
2 amendment to the motion is not in order, and it is
3 not in order to move to reconsider the vote by which
4 the motion is agreed to or disagreed to.

5 (2) DEBATE.—General debate on the bill in the
6 House of Representatives shall be limited to not
7 more than 10 hours, which shall be divided equally
8 between the majority and minority parties. A motion
9 further to limit debate is not debatable. A motion to
10 postpone debate is not in order, and it is not in
11 order to move to reconsider the vote by which the
12 bill is agreed to or disagreed to.

13 (3) TERMS OF CONSIDERATION.—Consideration
14 of the bill by the House of Representatives shall be
15 in the Committee of the Whole, and the bill shall be
16 considered for amendment under the 5-minute rule
17 in accordance with the applicable provisions of rule
18 XXIII of the Rules of the House of Representatives.
19 After the committee rises and reports the bill back
20 to the House, the previous question shall be consid-
21 ered as ordered on the bill and any amendments
22 thereto to final passage without intervening motion.

23 (4) LIMIT ON DEBATE.—Debate in the House
24 of Representatives on the conference report on a bill
25 subject to the procedures under this section and re-

1 ported to the House of Representatives shall be lim-
 2 ited to not more than 5 hours, which shall be divided
 3 equally between the majority and minority parties. A
 4 motion further to limit debate is not debatable. A
 5 motion to recommit the conference report is not in
 6 order, and it is not in order to move to reconsider
 7 the vote by which the conference report is agreed to
 8 or disagreed to. A motion to postpone is not in
 9 order.

10 (5) APPEALS.—Appeals from decisions of the
 11 Chair relating to the application of the Rules of the
 12 House of Representatives to the procedure relating
 13 to the bill shall be decided without debate.

14 (g) RULES OF THE SENATE AND HOUSE OF REP-
 15 RESENTATIVES.—This section is enacted by Congress—

16 (1) as an exercise of the rulemaking power of
 17 the Senate and the House of Representatives, re-
 18 spectively, but applicable only with respect to the
 19 procedure to be followed in that House in the case
 20 of a bill under this section, and it supersedes other
 21 rules only to the extent that it is inconsistent with
 22 such rules; and

23 (2) with full recognition of the constitutional
 24 right of either House to change the rules as far as
 25 relating to the procedure of that House at any time,

- 1 in the same manner, and to the same extent as in
- 2 the case of any other rule of that House.

