

111TH CONGRESS
1ST SESSION

S. 926

To provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful Government spending.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2009

Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful Government spending.

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 “United States Author-
5 ization and Sunset Commission Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “agency” means an Executive
2 agency as defined under section 105 of title 5,
3 United States Code;

4 (2) the term “Commission” means the United
5 States Authorization and Sunset Commission estab-
6 lished under section 3; and

7 (3) the term “Commission Schedule and Review
8 bill” means the proposed legislation submitted to
9 Congress under section 4(b).

10 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

11 (a) ESTABLISHMENT.—There is established the
12 United States Authorization and Sunset Commission.

13 (b) COMPOSITION.—The Commission shall be com-
14 posed of eight members (in this Act referred to as the
15 “members”), as follows:

16 (1) Four members appointed by the majority
17 leader of the Senate, one of whom may include the
18 majority leader of the Senate, with minority mem-
19 bers appointed with the consent of the minority lead-
20 er of the Senate.

21 (2) Four members appointed by the Speaker of
22 the House of Representatives, one of whom may in-
23 clude the Speaker of the House of Representatives,
24 with minority members appointed with the consent

1 of the minority leader of the House of Representa-
 2 tives.

3 (3) The Director of the Congressional Budget
 4 Office and the Comptroller of the Government Ac-
 5 countability Office shall be non-voting ex officio
 6 members of the Commission.

7 (c) QUALIFICATIONS OF MEMBERS.—

8 (1) IN GENERAL.—

9 (A) SENATE MEMBERS.—Of the members
 10 appointed under subsection (b)(1), four shall be
 11 members of the Senate (not more than two of
 12 whom may be of the same political party).

13 (B) HOUSE OF REPRESENTATIVE MEM-
 14 BERS.—Of the members appointed under sub-
 15 section (b)(2), four shall be members of the
 16 House of Representatives, not more than two of
 17 whom may be of the same political party.

18 (2) CONTINUATION OF MEMBERSHIP.—

19 (A) IN GENERAL.—If a member was ap-
 20 pointed to the Commission as a Member of
 21 Congress and the member ceases to be a Mem-
 22 ber of Congress, that member shall cease to be
 23 a member of the Commission.

24 (B) ACTIONS OF COMMISSION UNAF-
 25 FECTED.—Any action of the Commission shall

1 not be affected as a result of a member becom-
2 ing ineligible under subparagraph (A).

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

6 (e) CHAIRPERSON; VICE CHAIRPERSON.—

7 (1) INITIAL CHAIRPERSON.—An individual shall
8 be designated by the Speaker of the House of Rep-
9 resentatives from among the members initially ap-
10 pointed under subsection (b)(2) to serve as chair-
11 person of the Commission for a period of 2 years.

12 (2) INITIAL VICE CHAIRPERSON.—An individual
13 shall be designated by the majority leader of the
14 Senate from among the individuals initially ap-
15 pointed under subsection (b)(1) to serve as vice-
16 chairperson of the Commission for a period of 2
17 years.

18 (3) ALTERNATE APPOINTMENTS OF CHAIRMEN
19 AND VICE CHAIRMEN.—Following the termination of
20 the 2-year period described under paragraphs (1)
21 and (2), the Speaker and the majority leader of the
22 Senate shall alternate every 2 years in appointing
23 the chairperson and vice-chairperson of the Commis-
24 sion.

25 (f) TERMS OF MEMBERS.—

1 (1) MEMBERS OF CONGRESS.—Each member
2 appointed to the Commission shall serve for a term
3 of 6 years, except that, of the members first ap-
4 pointed under paragraphs (1) and (2) of subsection
5 (b), two members shall be appointed to serve a term
6 of 3 years.

7 (2) TERM LIMIT.—A member of the Commis-
8 sion who serves more than 3 years of a term may
9 not be appointed to another term as a member.

10 (g) INITIAL MEETING.—If, after 90 days after the
11 date of enactment of this Act, five or more members of
12 the Commission have been appointed—

13 (1) members who have been appointed may—

14 (A) meet; and

15 (B) select a chairperson from among the
16 members (if a chairperson has not been ap-
17 pointed) who may serve as chairperson until the
18 appointment of a chairperson; and

19 (2) the chairperson shall have the authority to
20 begin the operations of the Commission, including
21 the hiring of staff.

22 (h) MEETING; VACANCIES.—After its initial meeting,
23 the Commission shall meet upon the call of the chair-
24 person or a majority of its members. Any vacancy in the
25 Commission shall not affect its powers, but shall be filled

1 in the same manner in which the original appointment was
2 made.

3 (i) POWERS OF THE COMMISSION.—

4 (1) IN GENERAL.—

5 (A) HEARINGS, TESTIMONY, AND EVI-
6 DENCE.—The Commission may, for the purpose
7 of carrying out the provisions of this Act—

8 (i) hold such hearings and sit and act
9 at such times and places, take such testi-
10 mony, receive such evidence, administer
11 such oaths; and

12 (ii) require, by subpoena or otherwise,
13 the attendance and testimony of such wit-
14 nesses and the production of such books,
15 records, correspondence, memoranda, pa-
16 pers, and documents, that the Commission
17 or such designated subcommittee or des-
18 ignated member may determine advisable.

19 (B) SUBPOENAS.—Subpoenas issued under
20 subparagraph (A)(ii) may be issued to require
21 attendance and testimony of witnesses and the
22 production of evidence relating to any matter
23 under investigation by the Commission.

24 (C) ENFORCEMENT.—The provisions of
25 sections 102 through 104 of the Revised Stat-

1 utes of the United States (2 U.S.C. 192
2 through 194) shall apply in the case of any fail-
3 ure of any witness to comply with any subpoena
4 or to testify when summoned under authority of
5 this paragraph.

6 (2) CONTRACTING.—The Commission may con-
7 tract with and compensate government and private
8 agencies or persons for services without regard to
9 section 3709 of the Revised Statutes (41 U.S.C. 5)
10 to enable the Commission to discharge its duties
11 under this Act.

12 (3) INFORMATION FROM FEDERAL AGENCIES.—
13 The Commission is authorized to secure directly
14 from any executive department, bureau, agency,
15 board, commission, office, independent establish-
16 ment, or instrumentality of the Government, infor-
17 mation, suggestions, estimates, and statistics for the
18 purposes of this section. Each such department, bu-
19 reau, agency, board, commission, office, establish-
20 ment, or instrumentality shall, to the extent author-
21 ized by law, furnish such information, suggestions,
22 estimates, and statistics directly to the Commission,
23 upon request made by the chairperson.

24 (4) SUPPORT SERVICES.—

1 (A) GOVERNMENT ACCOUNTABILITY OF-
2 FICE.—The Government Accountability Office
3 is authorized on a reimbursable basis to provide
4 the Commission with administrative services,
5 funds, facilities, staff, and other support serv-
6 ices for the performance of the functions of the
7 Commission.

8 (B) GENERAL SERVICES ADMINISTRA-
9 TION.—The Administrator of General Services
10 shall provide to the Commission on a reimburs-
11 able basis such administrative support services
12 as the Commission may request.

13 (C) AGENCIES.—In addition to the assist-
14 ance under subparagraphs (A) and (B), depart-
15 ments and agencies of the United States are
16 authorized to provide to the Commission such
17 services, funds, facilities, staff, and other sup-
18 port services as the Commission may determine
19 advisable as may be authorized by law.

20 (5) POSTAL SERVICES.—The Commission may
21 use the United States mails in the same manner and
22 under the same conditions as departments and agen-
23 cies of the United States.

24 (6) IMMUNITY.—The Commission is an agency
25 of the United States for purposes of part V of title

1 18, United States Code (relating to immunity of wit-
2 nesses).

3 (7) DIRECTOR AND STAFF OF THE COMMIS-
4 SION.—

5 (A) DIRECTOR.—The chairperson of the
6 Commission may appoint a staff director and
7 such other personnel as may be necessary to en-
8 able the Commission to carry out its functions,
9 without regard to the provisions of title 5,
10 United States Code, governing appointments in
11 the competitive service and without regard to
12 the provisions of chapter 51 and subchapter III
13 of chapter 53 of that title relating to classifica-
14 tion and General Schedule pay rates, except
15 that no rate of pay fixed under this subsection
16 may exceed the equivalent of that payable to a
17 person occupying a position at level II of the
18 Executive Schedule. Any Federal Government
19 employee may be detailed to the Commission
20 without reimbursement from the Commission,
21 and such detailee shall retain the rights, status,
22 and privileges of his or her regular employment
23 without interruption.

24 (B) PERSONNEL AS FEDERAL EMPLOY-
25 EES.—

1 (i) IN GENERAL.—The executive di-
2 rector and any personnel of the Commis-
3 sion who are employees shall be employees
4 under section 2105 of title 5, United
5 States Code, for purposes of chapters 63,
6 81, 83, 84, 85, 87, 89, 89A, 89B, and 90
7 of that title.

8 (ii) MEMBERS OF COMMISSION.—
9 Clause (i) shall not be construed to apply
10 to members of the Commission.

11 (C) PROCUREMENT OF TEMPORARY AND
12 INTERMITTENT SERVICES.—With the approval
13 of the majority of the Commission, the chair-
14 person of the Commission may procure tem-
15 porary and intermittent services under section
16 3109(b) of title 5, United States Code, at rates
17 for individuals which do not exceed the daily
18 equivalent of the annual rate of basic pay pre-
19 scribed for level V of the Executive Schedule
20 under section 5316 of such title.

21 (8) COMPENSATION AND TRAVEL EXPENSES.—

22 (A) COMPENSATION.—Members shall not
23 be paid by reason of their service as members.

24 (B) TRAVEL EXPENSES.—Each member of
25 the Commission shall be allowed travel ex-

1 penses, including per diem in lieu of subsist-
 2 ence, in accordance with sections 5702 and
 3 5703(b) of title 5, United States Code.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated such sums as necessary
 6 for the purposes of carrying out the duties of the Commis-
 7 sion.

8 (k) TERMINATION.—The Commission shall terminate
 9 on December 31, 2039.

10 **SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED**
 11 **STATES AUTHORIZATION AND SUNSET COM-**
 12 **MISSION.**

13 (a) SCHEDULE AND REVIEW.—

14 (1) IN GENERAL.—Not later than 18 months
 15 after the date of the enactment of this Act and at
 16 least once every 10 years thereafter, the Commission
 17 shall submit to Congress a legislative proposal that
 18 includes the schedule of review and abolishment of
 19 agencies and programs (in this section referred to as
 20 the “Commission Schedule and Review bill”).

21 (2) SCHEDULE.—The schedule of the Commis-
 22 sion shall provide a timeline for the Commission’s
 23 review and proposed abolishment of—

24 (A) at least 25 percent of unauthorized
 25 agencies or programs as measured in dollars,

1 including those identified by the Congressional
2 Budget Office under section 602(e)(3) of title
3 2, United States Code; and

4 (B) if applicable, at least 25 percent of the
5 programs as measured in dollars identified by
6 the Office of Management and Budget through
7 its Program Assessment Rating Tool program
8 or other similar review program established by
9 the Office of Management and Budget as ineffect-
10 ive or results not demonstrated.

11 (3) REVIEW OF AGENCIES.—In determining the
12 schedule for review and abolishment of agencies
13 under paragraph (1), the Commission shall provide
14 that any agency that performs similar or related
15 functions be reviewed concurrently.

16 (4) CRITERIA AND REVIEW.—The Commission
17 shall review each agency and program identified
18 under paragraph (1) in accordance with the fol-
19 lowing criteria as applicable:

20 (A) The effectiveness and the efficiency of
21 the program or agency.

22 (B) The achievement of performance goals
23 (as defined under section 1115(g)(4) of title 31,
24 United States Code).

1 (C) The management of the financial and
2 personnel issues of the program or agency.

3 (D) Whether the program or agency has
4 fulfilled the legislative intent surrounding its
5 creation, taking into account any change in leg-
6 islative intent during the existence of the pro-
7 gram or agency.

8 (E) Ways the agency or program could be
9 less burdensome but still efficient in protecting
10 the public.

11 (F) Whether reorganization, consolidation,
12 abolishment, expansion, or transfer of agencies
13 or programs would better enable the Federal
14 Government to accomplish its missions and
15 goals.

16 (G) The promptness and effectiveness of
17 an agency in handling complaints and requests
18 made under section 552 of title 5, United
19 States Code (commonly referred to as the Free-
20 dom of Information Act).

21 (H) The extent that the agency encourages
22 and uses public participation when making
23 rules and decisions.

24 (I) The record of the agency in complying
25 with requirements for equal employment oppor-

1 tunity, the rights and privacy of individuals,
 2 and purchasing products from historically un-
 3 derutilized businesses.

4 (J) The extent to which the program or
 5 agency duplicates or conflicts with other Fed-
 6 eral agencies, State or local government, or the
 7 private sector and if consolidation or stream-
 8 lining into a single agency or program is fea-
 9 sible.

10 (b) SCHEDULE AND ABOLISHMENT OF AGENCIES
 11 AND PROGRAMS.—

12 (1) IN GENERAL.—Not later than 18 months
 13 after the date of the enactment of this Act and at
 14 least once every 10 years thereafter, the Commission
 15 shall submit to the Congress a Commission Schedule
 16 and Review bill that—

17 (A) includes a schedule for review of agen-
 18 cies and programs; and

19 (B) abolishes any agency or program 2
 20 years after the date the Commission completes
 21 its review of the agency or program, unless the
 22 agency or program is reauthorized by Congress.

23 (2) EXPEDITED CONGRESSIONAL CONSIDER-
 24 ATION PROCEDURES.—In reviewing the Commission

1 Schedule and Review bill, Congress shall follow the
2 expedited procedures under section 6.

3 (c) RECOMMENDATIONS AND LEGISLATIVE PRO-
4 POSALS.—

5 (1) REPORT.—Not later than 2 years after the
6 date of enactment of this Act, the Commission shall
7 submit to Congress and the President—

8 (A) a report that reviews and analyzes ac-
9 cording to the criteria established under sub-
10 section (a)(4) for each agency and program to
11 be reviewed in the year in which the report is
12 submitted under the schedule submitted to Con-
13 gress under subsection (a)(1);

14 (B) a proposal, if appropriate, to reauthor-
15 ize, reorganize, consolidate, expand, or transfer
16 the Federal programs and agencies to be re-
17 viewed in the year in which the report is sub-
18 mitted under the schedule submitted to Con-
19 gress under subsection (a)(1); and

20 (C) legislative provisions necessary to im-
21 plement the Commission's proposal and rec-
22 ommendations.

23 (2) ADDITIONAL REPORTS.—The Commission
24 shall submit to Congress and the President addi-

1 tional reports as prescribed under paragraph (1) on
 2 or before June 30 of every other year.

3 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
 4 tion shall be construed to limit the power of the Commis-
 5 sion to review any Federal program or agency.

6 (e) APPROVAL OF REPORTS.—The Commission
 7 Schedule and Review bill and all other legislative proposals
 8 and reports submitted under this section shall require the
 9 approval of not less than five members of the Commission.

10 **SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION REC-**
 11 **COMMENDATIONS.**

12 (a) INTRODUCTION AND COMMITTEE CONSIDER-
 13 ATION.—

14 (1) INTRODUCTION.—If any legislative proposal
 15 with provisions is submitted to Congress under sec-
 16 tion 4(c), a bill with that proposal and provisions
 17 shall be introduced in the Senate by the majority
 18 leader, and in the House of Representatives, by the
 19 Speaker. Upon introduction, the bill shall be referred
 20 to the appropriate committees of Congress under
 21 paragraph (2). If the bill is not introduced in ac-
 22 cordance with the preceding sentence, then any
 23 Member of Congress may introduce that bill in their
 24 respective House of Congress beginning on the date
 25 that is the 5th calendar day that such House is in

1 session following the date of the submission of such
2 proposal with provisions.

3 (2) COMMITTEE CONSIDERATION.—

4 (A) REFERRAL.—A bill introduced under
5 paragraph (1) shall be referred to any appro-
6 priate committee of jurisdiction in the Senate,
7 any appropriate committee of jurisdiction in the
8 House of Representatives, the Committee on
9 the Budget and the Committee on Homeland
10 Security and Governmental Affairs of the Sen-
11 ate, and the Committee on the Budget and the
12 Committee on Homeland Security and Govern-
13 mental Affairs of the House of Representatives.

14 (B) REPORTING.—Not later than 30 cal-
15 endar days after the introduction of the bill,
16 each committee of Congress to which the bill
17 was referred shall report the bill or a committee
18 amendment thereto.

19 (C) DISCHARGE OF COMMITTEE.—If a
20 committee to which is referred a bill has not re-
21 ported such bill at the end of 30 calendar days
22 after its introduction or at the end of the first
23 day after there has been reported to the House
24 involved a bill, whichever is earlier, such com-
25 mittee shall be deemed to be discharged from

1 further consideration of such bill, and such bill
2 shall be placed on the appropriate calendar of
3 the House involved.

4 (b) EXPEDITED PROCEDURE.—

5 (1) CONSIDERATION.—

6 (A) IN GENERAL.—Not later than 5 cal-
7 endar days after the date on which a committee
8 has been discharged from consideration of a
9 bill, the majority leader of the Senate, or the
10 majority leader's designee, or the Speaker of
11 the House of Representatives, or the Speaker's
12 designee, shall move to proceed to the consider-
13 ation of the committee amendment to the bill,
14 and if there is no such amendment, to the bill.
15 It shall also be in order for any member of the
16 Senate or the House of Representatives, respec-
17 tively, to move to proceed to the consideration
18 of the bill at any time after the conclusion of
19 such 5-day period.

20 (B) MOTION TO PROCEED.—A motion to
21 proceed to the consideration of a bill is highly
22 privileged in the House of Representatives and
23 is privileged in the Senate and is not debatable.
24 The motion is not subject to amendment, to a
25 motion to postpone consideration of the bill, or

1 to a motion to proceed to the consideration of
2 other business. A motion to reconsider the vote
3 by which the motion to proceed is agreed to or
4 not agreed to shall not be in order. If the mo-
5 tion to proceed is agreed to, the Senate or the
6 House of Representatives, as the case may be,
7 shall immediately proceed to consideration of
8 the bill without intervening motion, order, or
9 other business, and the bill shall remain the un-
10 finished business of the Senate or the House of
11 Representatives, as the case may be, until dis-
12 posed of.

13 (C) LIMITED DEBATE.—Debate on the bill
14 and all amendments thereto and on all debat-
15 able motions and appeals in connection there-
16 with shall be limited to not more than 50 hours,
17 which shall be divided equally between those fa-
18 voring and those opposing the bill. A motion
19 further to limit debate on the bill is in order
20 and is not debatable. All time used for consider-
21 ation of the bill, including time used for
22 quorum calls (except quorum calls immediately
23 preceding a vote) and voting, shall come from
24 the 50 hours of debate.

1 (D) AMENDMENTS.—No amendment that
 2 is not germane to the provisions of the bill shall
 3 be in order in the Senate. In the Senate, an
 4 amendment, any amendment to an amendment,
 5 or any debatable motion or appeal is debatable
 6 for not to exceed 1 hour to be divided equally
 7 between those favoring and those opposing the
 8 amendment, motion, or appeal.

9 (E) VOTE ON FINAL PASSAGE.—Imme-
 10 diately following the conclusion of the debate on
 11 the bill, and the disposition of any pending
 12 amendments under subparagraph (D), the vote
 13 on final passage of the bill shall occur.

14 (F) OTHER MOTIONS NOT IN ORDER.—A
 15 motion to postpone consideration of the bill, a
 16 motion to proceed to the consideration of other
 17 business, or a motion to recommit the bill is not
 18 in order. A motion to reconsider the vote by
 19 which the bill is agreed to or not agreed to is
 20 not in order.

21 (2) CONSIDERATION BY OTHER HOUSE.—If, be-
 22 fore the passage by one House of the bill that was
 23 introduced in such House, such House receives from
 24 the other House a bill as passed by such other
 25 House—

1 (A) the bill of the other House shall not be
 2 referred to a committee and may only be con-
 3 sidered for final passage in the House that re-
 4 ceives it under subparagraph (C);

5 (B) the procedure in the House in receipt
 6 of the bill of the other House, with respect to
 7 the bill that was introduced in the House in re-
 8 ceipt of the bill of the other House, shall be the
 9 same as if no bill had been received from the
 10 other House; and

11 (C) notwithstanding subparagraph (B), the
 12 vote on final passage shall be on the bill of the
 13 other House.

14 Upon disposition of a bill that is received by one
 15 House from the other House, it shall no longer be
 16 in order to consider the bill that was introduced in
 17 the receiving House.

18 (3) CONSIDERATION IN CONFERENCE.—

19 (A) CONVENING OF CONFERENCE.—Imme-
 20 diately upon final passage of a bill that results
 21 in a disagreement between the two Houses of
 22 Congress with respect to a bill, conferees shall
 23 be appointed and a conference convened.

24 (B) ACTION ON CONFERENCE REPORTS IN
 25 THE SENATE.—

1 (i) MOTION TO PROCEED.—The mo-
 2 tion to proceed to consideration in the Sen-
 3 ate of the conference report on a bill may
 4 be made even though a previous motion to
 5 the same effect has been disagreed to.

6 (ii) DEBATE.—Consideration in the
 7 Senate of the conference report (including
 8 a message between Houses) on a bill, and
 9 all amendments in disagreement, including
 10 all amendments thereto, and debatable mo-
 11 tions and appeals in connection therewith,
 12 shall be limited to 20 hours, equally di-
 13 vided and controlled by the majority leader
 14 and the minority leader or their designees.
 15 Debate on any debatable motion or appeal
 16 related to the conference report (or a mes-
 17 sage between Houses) shall be limited to 1
 18 hour, to be equally divided between, and
 19 controlled by, the mover and the manager
 20 of the conference report (or a message be-
 21 tween Houses).

22 (iii) CONFERENCE REPORT DE-
 23 FEATED.—Should the conference report be
 24 defeated, debate on any request for a new
 25 conference and the appointment of

1 conferrees shall be limited to 1 hour, to be
2 equally divided between, and controlled by,
3 the manager of the conference report and
4 the minority leader or the minority leader's
5 designee, and should any motion be made
6 to instruct the conferees before the con-
7 ferees are named, debate on such motion
8 shall be limited to ½ hour, to be equally
9 divided between, and controlled by, the
10 mover and the manager of the conference
11 report. Debate on any amendment to any
12 such instructions shall be limited to 20
13 minutes, to be equally divided between and
14 controlled by the mover and the manager
15 of the conference report. In all cases when
16 the manager of the conference report is in
17 favor of any motion, appeal, or amend-
18 ment, the time in opposition shall be under
19 the control of the minority leader or the
20 minority leader's designee.

21 (iv) AMENDMENTS IN DISAGREE-
22 MENT.—In any case in which there are
23 amendments in disagreement, time on each
24 amendment shall be limited to 30 minutes,
25 to be equally divided between, and con-

trolled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RE-COMMIT.—A motion to recommit the conference report is not in order.

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

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

1 **SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION**
2 **SCHEDULE AND REVIEW BILL.**

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

5 (1) INTRODUCTION.—The Commission Schedule
6 and Review bill submitted under section 4(b) shall
7 be introduced in the Senate by the majority leader,
8 or the majority leader's designee, and in the House
9 of Representatives, by the Speaker, or the Speaker's
10 designee. Upon such introduction, the Commission
11 Schedule and Review bill shall be referred to the ap-
12 propriate committees of Congress under paragraph
13 (2). If the Commission Schedule and Review bill is
14 not introduced in accordance with the preceding sen-
15 tence, then any member of Congress may introduce
16 the Commission Schedule and Review bill in their re-
17 spective House of Congress beginning on the date
18 that is the 5th calendar day that such House is in
19 session following the date of the submission of such
20 aggregate legislative language provisions.

21 (2) COMMITTEE CONSIDERATION.—

22 (A) REFERRAL.—A Commission Schedule
23 and Review bill introduced under paragraph (1)
24 shall be referred to any appropriate committee
25 of jurisdiction in the Senate, any appropriate
26 committee of jurisdiction in the House of Rep-

1 representatives, the Committee on the Budget and
2 the Committee on Homeland Security and Gov-
3 ernmental Affairs of the Senate and the Com-
4 mittee on the Budget and the Committee on
5 Oversight and Government Reform of the
6 House of Representatives. A committee to
7 which a Commission Schedule and Review bill is
8 referred under this paragraph may review and
9 comment on such bill, may report such bill to
10 the respective House, and may not amend such
11 bill.

12 (B) REPORTING.—Not later than 30 cal-
13 endar days after the introduction of the Com-
14 mission Schedule and Review bill, each Com-
15 mittee of Congress to which the Commission
16 Schedule and Review bill was referred shall re-
17 port the bill.

18 (C) DISCHARGE OF COMMITTEE.—If a
19 committee to which is referred a Commission
20 Schedule and Review bill has not reported such
21 Commission Schedule and Review bill at the
22 end of 30 calendar days after its introduction
23 or at the end of the first day after there has
24 been reported to the House involved a Commis-
25 sion Schedule and Review bill, whichever is ear-

1 lier, such committee shall be deemed to be dis-
 2 charged from further consideration of such
 3 Commission Schedule and Review bill, and such
 4 Commission Schedule and Review bill shall be
 5 placed on the appropriate calendar of the
 6 House involved.

7 (b) EXPEDITED PROCEDURE.—

8 (1) CONSIDERATION.—

9 (A) IN GENERAL.—Not later than 5 cal-
 10 endar days after the date on which a committee
 11 has been discharged from consideration of a
 12 Commission Schedule and Review bill, the ma-
 13 jority leader of the Senate, or the majority lead-
 14 er's designee, or the Speaker of the House of
 15 Representatives, or the Speaker's designee,
 16 shall move to proceed to the consideration of
 17 the Commission Schedule and Review bill. It
 18 shall also be in order for any member of the
 19 Senate or the House of Representatives, respec-
 20 tively, to move to proceed to the consideration
 21 of the Commission Schedule and Review bill at
 22 any time after the conclusion of such 5-day pe-
 23 riod.

24 (B) MOTION TO PROCEED.—A motion to
 25 proceed to the consideration of a Commission

1 Schedule and Review bill is highly privileged in
2 the House of Representatives and is privileged
3 in the Senate and is not debatable. The motion
4 is not subject to amendment, to a motion to
5 postpone consideration of the Commission
6 Schedule and Review bill, or to a motion to pro-
7 ceed to the consideration of other business. A
8 motion to reconsider the vote by which the mo-
9 tion to proceed is agreed to or not agreed to
10 shall not be in order. If the motion to proceed
11 is agreed to, the Senate or the House of Rep-
12 resentatives, as the case may be, shall imme-
13 diately proceed to consideration of the Commis-
14 sion Schedule and Review bill without inter-
15 vening motion, order, or other business, and the
16 Commission Schedule and Review bill shall re-
17 main the unfinished business of the Senate or
18 the House of Representatives, as the case may
19 be, until disposed of.

20 (C) LIMITED DEBATE.—Debate on the
21 Commission Schedule and Review bill and on all
22 debatable motions and appeals in connection
23 therewith shall be limited to not more than 10
24 hours, which shall be divided equally between
25 those favoring and those opposing the Commis-

1 sion Schedule and Review bill. A motion further
2 to limit debate on the Commission Schedule
3 and Review bill is in order and is not debatable.
4 All time used for consideration of the Commis-
5 sion Schedule and Review bill, including time
6 used for quorum calls (except quorum calls im-
7 mediately preceding a vote) and voting, shall
8 come from the 10 hours of debate.

9 (D) AMENDMENTS.—No amendment to the
10 Commission Schedule and Review bill shall be
11 in order in the Senate and the House of Rep-
12 resentatives.

13 (E) VOTE ON FINAL PASSAGE.—Imme-
14 diately following the conclusion of the debate on
15 the Commission Schedule and Review bill, the
16 vote on final passage of the Commission Sched-
17 ule and Review bill shall occur.

18 (F) OTHER MOTIONS NOT IN ORDER.—A
19 motion to postpone consideration of the Com-
20 mission Schedule and Review bill, a motion to
21 proceed to the consideration of other business,
22 or a motion to recommit the Commission
23 Schedule and Review bill is not in order. A mo-
24 tion to reconsider the vote by which the Com-

1 mission Schedule and Review bill is agreed to or
 2 not agreed to is not in order.

3 (2) CONSIDERATION BY OTHER HOUSE.—If, be-
 4 fore the passage by one House of the Commission
 5 Schedule and Review bill that was introduced in
 6 such House, such House receives from the other
 7 House a Commission Schedule and Review bill as
 8 passed by such other House—

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

14 (B) the procedure in the House in receipt
 15 of the Commission Schedule and Review bill of
 16 the other House, with respect to the Commis-
 17 sion Schedule and Review bill that was intro-
 18 duced in the House in receipt of the Commis-
 19 sion Schedule and Review bill of the other
 20 House, shall be the same as if no Commission
 21 Schedule and Review bill had been received
 22 from the other House; and

23 (C) notwithstanding subparagraph (B), the
 24 vote on final passage shall be on the Commis-
 25 sion Schedule and Review bill of the other

1 House. Upon disposition of a Commission
 2 Schedule and Review bill that is received by one
 3 House from the other House, it shall no longer
 4 be in order to consider the Commission Sched-
 5 ule and Review bill that was introduced in the
 6 receiving House.

7 (c) RULES OF THE SENATE AND THE HOUSE OF
 8 REPRESENTATIVES.—This section is enacted by Con-
 9 gress—

10 (1) as an exercise of the rulemaking power of
 11 the Senate and the House of Representatives, re-
 12 spectively, and is deemed to be part of the rules of
 13 each House, respectively, but applicable only with re-
 14 spect to the procedure to be followed in that House
 15 in the case of a Commission Schedule and Review
 16 bill, and it supersedes other rules only to the extent
 17 that it is inconsistent with such rules; and

18 (2) with full recognition of the constitutional
 19 right of either House to change the rules (so far as
 20 they relate to the procedure of that House) at any
 21 time, in the same manner, and to the same extent
 22 as in the case of any other rule of that House.

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