

116TH CONGRESS
2D SESSION

H. R. 8554

To establish the Federal Sunset Commission.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2020

Mr. CLOUD (for himself, Mr. GOODEN, Mr. CRAWFORD, Mr. STEUBE, Mr. OLSON, Mr. WEBER of Texas, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Federal 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 Sunset Com-
5 mission Act of 2020”.

6 **SEC. 2. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-**
7 **CIES.**

8 (a) SCHEDULE FOR REVIEW.—Not later than one
9 year after the date of the enactment of this Act, the Fed-
10 eral Agency Sunset Commission established under section

1 3 shall submit to Congress a schedule for review by the
2 Commission of each agency that lists the date of abolish-
3 ment for each agency. Such date of abolishment shall
4 occur at least once every 12 years (or less, if determined
5 appropriate by Congress).

6 (b) REVIEW OF AGENCIES PERFORMING RELATED
7 FUNCTIONS.—In determining the schedule for review of
8 agencies under subsection (a), the Commission shall pro-
9 vide that agencies that perform similar or related func-
10 tions be reviewed concurrently to promote efficiency and
11 consolidation.

12 (c) ABOLISHMENT OF AGENCIES.—

13 (1) IN GENERAL.—Each agency shall be re-
14 viewed and abolished according to the schedule cre-
15 ated pursuant to this section and approved under
16 section 9, unless the agency is reauthorized by the
17 Congress.

18 (2) EXTENSION.—The date of abolishment for
19 an agency may be extended for an additional 2 years
20 if the Congress enacts legislation extending such
21 date by a vote of a supermajority of the House of
22 Representatives and the Senate.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the “Federal Agency Sunset Com-
4 mission”.

5 (b) COMPOSITION.—The Commission shall be com-
6 posed of 12 members (in this Act referred to as the “mem-
7 bers”) who shall be appointed as follows:

8 (1) Six members shall be appointed by the
9 Speaker of the House of Representatives, one of
10 whom may include the Speaker of the House of Rep-
11 resentatives, with minority members appointed with
12 the consent of the minority leader of the House of
13 Representatives.

14 (2) Six members shall be appointed by the ma-
15 jority leader of the Senate, one of whom may include
16 the majority leader of the Senate, with minority
17 members appointed with the consent of the minority
18 leader of the Senate.

19 (c) QUALIFICATIONS OF MEMBERS.—

20 (1) IN GENERAL.—

21 (A) APPOINTED BY THE SPEAKER OF THE
22 HOUSE OF REPRESENTATIVES.—Of the mem-
23 bers appointed under subsection (b)(1), 4 shall
24 be members of the House of Representatives
25 (not more than 2 of whom may be of the same

political party), and two shall be an individual described in subparagraph (C).

(B) APPOINTED BY THE MAJORITY LEADER OF THE SENATE.—Of the members appointed under subsection (b)(2), 4 shall be members of the Senate (not more than 2 of whom may be of the same political party) and two shall be an individual described in subparagraph (C).

(C) INDIVIDUAL DESCRIBED.—An individual under this subparagraph is an individual—

(i) who is not a member of Congress;

and

(ii) with expertise in the operation and administration of Government programs.

(2) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission. The validity of any action of the Commission shall not be affected as a result of a member becoming ineligible to serve as

1 a member for the reasons described in this para-
2 graph.

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 the enactment of this Act.

6 (e) CHAIRMAN; VICE CHAIRMAN.—

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

12 (2) INITIAL VICE-CHAIRMAN.—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)(2) to serve as vice-
16 chairman of the Commission for a period of 2 years.

17 (3) ALTERNATE APPOINTMENTS OF CHAIRMEN
18 AND VICE-CHAIRMEN.—Following the termination of
19 the 2-year period described in paragraphs (1) and
20 (2), the Speaker and the majority leader shall alter-
21 nate every two years in appointing the chairman and
22 vice-chairman of the Commission.

23 (f) TERMS OF MEMBERS.—

24 (1) IN GENERAL.—Each member appointed to
25 the Commission shall serve for a term of 6 years, ex-

cept that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of 3 years under each such paragraph.

(2) TERM LIMIT.—

(A) MEMBER OF CONGRESS.—A member of the Commission who is a member of Congress and who serves more than 3 years of a term may not be appointed to another term as a member.

(B) NOT A MEMBER OF CONGRESS.—A member of the Commission who is not a member of Congress and who serves as a member of the Commission for more than 4 years may not be appointed to another term as a member.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(g) POWERS OF COMMISSION.—

1 (1) HEARINGS AND SESSIONS.—The Commis-
2 sion may, for the purpose of carrying out this Act,
3 hold such hearings, sit and act at such times and
4 places, take such testimony, and receive such evi-
5 dence as the Commission considers appropriate. The
6 Commission may administer oaths to witnesses ap-
7 pearing before it.

8 (2) OBTAINING INFORMATION.—The Commis-
9 sion may secure directly from any agency informa-
10 tion necessary to enable it to carry out its duties
11 under this Act. Upon request of the Chairman, the
12 head of that agency shall furnish that information to
13 the Commission in a full and timely manner.

14 (3) SUBPOENA POWER.—

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

20 (B) COMPLIANCE WITH SUBPOENA.—If a
21 person refuses to obey an order or subpoena of
22 the Commission that is issued in connection
23 with a Commission proceeding, the Commission
24 may apply to the United States district court in
25 the judicial district in which the proceeding is

1 held for an order requiring the person to com-
2 ply with the subpoena or order.

3 (4) IMMUNITY.—The Commission is an agency
4 of the United States for purposes of part V of title
5 18, United States Code (relating to immunity of wit-
6 nesses).

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

13 (h) COMMISSION PROCEDURES.—

14 (1) MEETINGS.—The Commission shall meet at
15 the call of the Chairman.

16 (2) QUORUM.—Seven members of the Commis-
17 sion shall constitute a quorum but a lesser number
18 may hold hearings.

19 (3) VOTING.—The schedule for review sub-
20 mitted pursuant to section 2(a) and the report and
21 draft of legislation submitted pursuant to section 4
22 shall have the approval of not less than 7 of the 12
23 members of the Commission.

24 (i) PERSONNEL MATTERS.—

1 (1) COMPENSATION.—Members shall not be
2 paid by reason of their service as members.

3 (2) TRAVEL EXPENSES.—Each member shall
4 receive travel expenses, including per diem in lieu of
5 subsistence, in accordance with applicable provisions
6 under subchapter I of chapter 57 of title 5, United
7 States Code.

8 (3) DIRECTOR.—The Commission shall have a
9 Director who shall be appointed by a vote of at least
10 seven members of the Commission. The Director
11 shall be paid at a rate not to exceed the maximum
12 rate of basic pay for GS–15 of the General Schedule.

13 (4) STAFF.—The Director may appoint and fix
14 the pay of additional personnel as the Director con-
15 siders appropriate.

16 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
17 LAWS.—The Director and staff of the Commission
18 shall be appointed subject to the provisions of title
19 5, United States Code, governing appointments in
20 the competitive service, and shall be paid in accord-
21 ance with the provisions of chapter 51 and sub-
22 chapter III of chapter 53 of that title relating to
23 classification and General Schedule pay rates.

24 (j) OTHER ADMINISTRATIVE MATTERS.—

1 (1) POSTAL AND PRINTING SERVICES.—The
2 Commission may use the United States mails and
3 obtain printing and binding services in the same
4 manner and under the same conditions as other
5 agencies.

6 (2) ADMINISTRATIVE SUPPORT SERVICES.—
7 Upon the request of the Commission, the Adminis-
8 trator of General Services shall provide to the Com-
9 mission, on a reimbursable basis, the administrative
10 support services necessary for the Commission to
11 carry out its duties under this Act.

12 (3) EXPERTS AND CONSULTANTS.—The Com-
13 mission may procure temporary and intermittent
14 services under section 3109(b) of title 5, United
15 States Code.

16 **SEC. 4. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**
17 **AGENCIES.**

18 (a) IN GENERAL.—The Commission shall review the
19 efficiency and public need for each agency in accordance
20 with the criteria described in section 5.

21 (b) RECOMMENDATIONS; REPORT TO CONGRESS.—
22 The Commission shall submit to Congress and the Presi-
23 dent not later than September 1 of each year a report
24 containing—

1 (1) an analysis of the efficiency of operation
2 and public need for each agency to be reviewed in
3 the year in which the report is submitted pursuant
4 to the schedule submitted to Congress under section
5 2;

6 (2) an analysis of authority claimed by the ex-
7 ecutive branch but not specifically authorized by
8 statute;

9 (3) recommendations on whether each such
10 agency should be abolished, reorganized, or contin-
11 ued;

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

18 (5) recommendations for administrative and
19 legislative action with respect to each such agency,
20 but not including recommendations for appropriation
21 levels.

22 (c) DRAFT LEGISLATION.—The Commission shall
23 submit to Congress and the President not later than Sep-
24 tember 1 of each year a draft of legislation to carry out

1 the recommendations of the Commission under subsection
2 (b).

3 (d) INFORMATION GATHERING.—The Commission
4 shall—

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

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

9 (3) require the agency to provide information to
10 the Commission as appropriate; and

11 (4) consult with the General Accountability Of-
12 fice, the Office of Management and Budget, the
13 Comptroller General, and the chairman and ranking
14 minority members of the committees of Congress
15 with oversight responsibility for the agency being re-
16 viewed regarding the operation of the agency.

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

21 **SEC. 5. CRITERIA FOR REVIEW.**

22 The Commission shall evaluate the efficiency and
23 public need for each agency pursuant to section 4 using
24 the following criteria:

1 (1) The effectiveness, and the efficiency of the
2 operation of, the programs carried out by each such
3 agency.

4 (2) Whether the programs carried out by the
5 agency are cost-effective.

6 (3) Whether the agency has acted outside the
7 scope of its original authority, and whether the origi-
8 nal objectives of the agency have been achieved.

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

11 (5) The extent to which the jurisdiction of, and
12 the programs administered by, the agency duplicate
13 or conflict with the jurisdiction and programs of
14 other agencies.

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

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

22 (8) The extent to which any trends, develop-
23 ments, and emerging conditions that are likely to af-
24 fect the future nature and extent of the problems or

1 needs that the programs carried out by the agency
2 are intended to address.

3 (9) The extent to which the agency has com-
4 plied with the applicable provisions contained in the
5 sections 1115, 1116, 1117, 1120, 1121, 1122, 1123,
6 1124, 1125, and the first 9703 of title 31, United
7 States Code, section 306 of title 5, United States
8 Code, and chapter 28 of title 39, United States
9 Code.

10 (10) The promptness and effectiveness with
11 which the agency seeks public input and input from
12 State and local governments on the efficiency and ef-
13 fectiveness of the performance of the functions of
14 the agency.

15 (11) Whether the agency has worked to enact
16 changes in the law that are intended to benefit the
17 public as a whole rather than the specific business,
18 institution, or individuals that the agency regulates.

19 (12) The extent to which the agency has en-
20 couraged participation by the public as a whole in
21 making its rules and decisions rather than encour-
22 aging participation solely by those it regulates.

23 (13) The extent to which the public participa-
24 tion in rulemaking and decision making of the agen-

1 cy has resulted in rules and decisions compatible
2 with the objectives of the agency.

3 (14) The extent to which the agency complies
4 with equal employment opportunity requirements re-
5 garding equal employment opportunity.

6 (15) The extent of the regulatory, privacy, and
7 paperwork impacts of the programs carried out by
8 the agency.

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

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

14 (18) The extent to which changes are necessary
15 in the authorizing statutes of the agency in order
16 that the functions of the agency can be performed
17 in the most efficient and effective manner.

18 **SEC. 6. OVERSIGHT BY COMMISSION.**

19 (a) MONITORING OF IMPLEMENTATION OF REC-
20 OMMENDATIONS.—The Commission shall monitor imple-
21 mentation of laws enacting provisions that incorporate rec-
22 ommendations of the Commission with respect to abolish-
23 ment or reorganization of agencies.

24 (b) MONITORING OF OTHER RELEVANT LEGISLA-
25 TION.—

1 (1) IN GENERAL.—The Commission shall review
2 and report to Congress on all legislation introduced
3 in either house of Congress that would establish—

4 (A) a new agency; or

5 (B) a new program to be carried out by an
6 existing agency.

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

10 (A) the functions of the proposed agency
11 or program could be carried out by one or more
12 existing agencies;

13 (B) the functions of the proposed agency
14 or program could be carried out in a less re-
15 strictive manner than the manner proposed in
16 the legislation; and

17 (C) the legislation provides for public input
18 regarding the performance of functions by the
19 proposed agency or program.

20 **SEC. 7. DISPOSITION OF AGENCY AFFAIRS.**

21 The President, in consultation with the head of an
22 agency determined to be abolished pursuant to section
23 2(c), shall take such action as may be necessary to wind
24 down the operation of such agency during the one year
25 period following the date of abolishment for each such

1 agency including the designation of an agency to carry out
2 any ongoing authority, maintain custodial records, act as
3 a party to unresolved legal actions or other obligations
4 that cannot be resolved within one year.

5 **SEC. 8. PROGRAM INVENTORY.**

6 (a) PREPARATION.—The Comptroller General and
7 the Director of the Congressional Budget Office, in co-
8 operation with the Director of the Congressional Research
9 Service, shall prepare an inventory of Federal programs
10 (in this Act referred to as the “program inventory”) with-
11 in each agency.

12 (b) PURPOSE.—The purpose of the program inven-
13 tory is to advise and assist the Congress and the Commis-
14 sion in carrying out the requirements of this Act. Such
15 inventory shall not in any way bind the committees of the
16 Senate or the House of Representatives with respect to
17 their responsibilities under this Act and shall not infringe
18 on the legislative and oversight responsibilities of such
19 committees. The Comptroller General shall compile and
20 maintain the inventory and the Director of the Congres-
21 sional Budget Office shall provide budgetary information
22 for inclusion in the inventory.

23 (c) INVENTORY CONTENT.—The program inventory
24 shall set forth for each program each of the following mat-
25 ters:

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

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

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

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

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

16 (6) The grants-in-aid, if any, provided by such
17 program to State and local governments.

18 (7) The next reauthorization date for the pro-
19 gram.

20 (8) A unique identification number which links
21 the program and functional category structure.

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

1 (10) Where applicable, the year in which new
2 budget authority for the program was last author-
3 ized and the year in which current authorizations of
4 new budget authority expire.

5 (11) Any other information the Commission de-
6 termines to be necessary.

7 (d) BUDGET AUTHORITY.—The report also shall set
8 forth for each program whether the new budget authority
9 provided for such program is—

10 (1) authorized for a definite period of time;

11 (2) authorized in a specific dollar amount but
12 without limit of time;

13 (3) authorized without limit of time or dollar
14 amounts;

15 (4) not specifically authorized; or

16 (5) permanently provided, as determined by the
17 Director of the Congressional Budget Office.

18 (e) CBO INFORMATION.—For each program or group
19 of programs, the program inventory also shall include in-
20 formation prepared by the Director of the Congressional
21 Budget Office indicating each of the following matters:

22 (1) The amounts of new budget authority au-
23 thorized and provided for the program for each of
24 the preceding four fiscal years and, where applicable,
25 the four 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 (f) 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 which would aid in the compilation of the program
12 inventory.

13 (g) ASSISTANCE BY EXECUTIVE BRANCH.—The Of-
14 fice of Management and Budget and the agencies (and the
15 subdivisions thereof) shall, to the extent necessary and
16 possible, provide the General Accountability Office with
17 assistance requested by the Comptroller General in the
18 compilation of the program inventory. Such communica-
19 tions shall be treated as confidential until a report is
20 issued under section 4(b).

21 **SEC. 9. EXPEDITED CONSIDERATION OF SCHEDULE FOR**
22 **REVIEW.**

23 (a) INTRODUCTION AND COMMITTEE CONSIDER-
24 ATION.—

1 (1) INTRODUCTION.—The Commission schedule
2 for review bill shall be introduced in the Senate by
3 the majority leader, or the majority leader’s des-
4 ignee, and in the House of Representatives, by the
5 Speaker, or the Speaker’s designee. Upon such in-
6 troduction, the Commission schedule for review bill
7 shall be referred to the appropriate committees of
8 Congress under paragraph (2). If the Commission
9 schedule for review bill is not introduced in accord-
10 ance with the preceding sentence, then any member
11 of Congress may introduce such bill in their respec-
12 tive House of Congress beginning on the date that
13 is the 5th calendar day that such House is in session
14 following the date of the submission of such aggre-
15 gate legislative language provisions.

16 (2) COMMITTEE CONSIDERATION.—

17 (A) REFERRAL.—A Commission schedule
18 for review bill introduced under paragraph (1)
19 shall be referred to any appropriate committee
20 of jurisdiction in the Senate and the House of
21 Representatives. A committee to which a Com-
22 mission schedule for review bill is referred
23 under this paragraph may review and comment
24 on such bill, may report such bill to the respec-
25 tive House, and may not amend such bill.

1 (B) REPORTING.—Not later than 30 cal-
2 endar days after the introduction of the Com-
3 mission schedule for review bill, each Com-
4 mittee of Congress to which the Commission
5 schedule for review bill was referred shall report
6 the bill.

7 (C) DISCHARGE OF COMMITTEE.—If a
8 committee to which is referred a Commission
9 schedule for review bill has not reported such
10 bill at the end of 30 calendar days after its in-
11 troduction or at the end of the first day after
12 there has been reported to the House involved
13 a Commission schedule for review bill, which-
14 ever is earlier, such committee shall be deemed
15 to be discharged from further consideration of
16 such bill, and such bill shall be placed on the
17 appropriate calendar of the House involved.

18 (b) EXPEDITED PROCEDURE.—

19 (1) CONSIDERATION.—

20 (A) IN GENERAL.—Not later than 5 cal-
21 endar days after the date on which a committee
22 has reported a Commission schedule for review
23 bill or been discharged from consideration of a
24 Commission schedule for review bill, the major-
25 ity leader of the Senate, or the majority leader's

1 designee, or the Speaker of the House of Rep-
2 resentatives, or the Speaker's designee, shall
3 move to proceed to the consideration of the
4 Commission schedule for review bill. It shall
5 also be in order for any member of the Senate
6 or the House of Representatives, respectively, to
7 move to proceed to the consideration of the
8 Commission schedule for review bill at any time
9 after the conclusion of such 5-day period.

10 (B) MOTION TO PROCEED.—A motion to
11 proceed to the consideration of a Commission
12 schedule for review bill is highly privileged in
13 the House of Representatives and is privileged
14 in the Senate and is not debatable. The motion
15 is not subject to amendment or to a motion to
16 postpone consideration of the Commission
17 schedule for review bill. If the motion to pro-
18 ceed is agreed to, the Senate or the House of
19 Representatives, as the case may be, shall im-
20 mediately proceed to consideration of the Com-
21 mission schedule for review bill without inter-
22 vening motion, order, or other business, and the
23 Commission schedule for review bill shall re-
24 main the unfinished business of the Senate or

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

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

17 (D) AMENDMENTS.—No amendment to the
18 Commission schedule for review bill shall be in
19 order in the Senate and the House of Rep-
20 resentatives.

21 (E) VOTE ON FINAL PASSAGE.—Imme-
22 diately following the conclusion of the debate on
23 the Commission schedule for review bill, the
24 vote on final passage of the Commission sched-
25 ule for review bill shall occur.

1 (F) OTHER MOTIONS NOT IN ORDER.—A
2 motion to postpone consideration of the Com-
3 mission schedule for review bill, a motion to
4 proceed to the consideration of other business,
5 or a motion to recommit the Commission sched-
6 ule for review bill is not in order. A motion to
7 reconsider the vote by which the Commission
8 schedule for review bill is agreed to or not
9 agreed to is not in order.

10 (2) CONSIDERATION BY OTHER HOUSE.—If, be-
11 fore the passage by one House of the Commission
12 schedule for review bill that was introduced in such
13 House, such House receives from the other House a
14 Commission schedule for review bill as passed by
15 such other House—

16 (A) the Commission schedule for review
17 bill of the other House shall not be referred to
18 a committee and may only be considered for
19 final passage in the House that receives it
20 under subparagraph (C);

21 (B) the procedure in the House in receipt
22 of the Commission schedule for review bill of
23 the other House, shall be the same as if no
24 Commission schedule for review bill had been
25 received from the other House; and

1 (C) notwithstanding subparagraph (B), the
2 vote on final passage shall be on the Commis-
3 sion schedule for review bill of the other House.

4 (3) DISPOSITION.—Upon disposition of a Com-
5 mission schedule for review bill that is received by
6 one House from the other House, it shall no longer
7 be in order to consider the Commission schedule for
8 review bill that was introduced in the receiving
9 House.

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

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

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

1 (d) FALLBACK PROVISION.—If the Senate and the
2 House of Representatives fail to act within one year from
3 the date of introduction, the Commission schedule for re-
4 view takes effect.

5 **SEC. 10. DEFINITIONS.**

6 In this Act:

7 (1) AGENCY.—The term “agency” has the
8 meaning given the term Executive agency in section
9 105 of title 5, United States Code, except that such
10 term includes an advisory committee as that term is
11 defined in section 3 of the Federal Advisory Com-
12 mittee Act (5 U.S.C. App.).

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

17 (3) COMMISSION.—The term “Commission”
18 means the Federal Agency Sunset Commission es-
19 tablished under section 3.

20 (4) COMMISSION SCHEDULE FOR REVIEW
21 BILL.—The term “Commission schedule for review
22 bill” means only a bill that is introduced as provided
23 under section 9, and contains the schedule for review
24 submitted pursuant to section 2(a), without modi-
25 fication.

1 (5) SUPERMAJORITY.—The term “super-
2 majority” means an affirmative vote of two-thirds of
3 the Members, duly chosen and sworn.

○