

117TH CONGRESS
2D SESSION

S. 4211

To establish a regulatory sandbox program under which agencies may provide waivers of agency rules and guidance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2022

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

A BILL

To establish a regulatory sandbox program under which agencies may provide waivers of agency rules and guidance, and for other purposes.

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 “Promoting Innovation
5 and Offering the Needed Escape from Exhaustive Regula-
6 tions Act” or the “PIONEER Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Office of In-
3 formation and Regulatory Affairs.

4 (2) AGENCY; RULE.—The terms “agency” and
5 “rule” have the meanings given those terms in sec-
6 tion 551 of title 5, United States Code.

7 (3) APPLICABLE AGENCY.—The term “applica-
8 ble agency” means an agency that has jurisdiction
9 over the enforcement or implementation covered pro-
10 vision for which an applicant is seeking a waiver
11 under the Program.

12 (4) COVERED PROVISION.—The term “covered
13 provision” means—

14 (A) a rule, including a rule required to be
15 issued under law; or

16 (B) guidance or any other document issued
17 by an agency.

18 (5) DIRECTOR.—The term “Director” means
19 the Director of the Office.

20 (6) ECONOMIC DAMAGE.—The term “economic
21 damage” means a risk that is likely to cause tan-
22 gible, physical harm to the property or assets of con-
23 sumers.

24 (7) HEALTH OR SAFETY.—The term “health or
25 safety”, with respect to a risk, means the risk is

1 likely to cause bodily harm to a human life, loss of
 2 human life, or an inability to sustain the health or
 3 life of a human being.

4 (8) OFFICE.—The term “Office” means the Of-
 5 fice of Federal Regulatory Relief established under
 6 section 3(a).

7 (9) PROGRAM.—The term “Program” means
 8 the program established under section 4(a).

9 (10) UNFAIR OR DECEPTIVE TRADE PRAC-
 10 TICE.—The term “unfair or deceptive trade prac-
 11 tice” has the meaning given the term in—

12 (A) the Policy Statement of the Federal
 13 Trade Commission on Deception, issued on Oc-
 14 tober 14, 1983; and

15 (B) the Policy Statement of the Federal
 16 Trade Commission on Unfairness, issued on
 17 December 17, 1980.

18 **SEC. 3. OFFICE OF FEDERAL REGULATORY RELIEF.**

19 (a) ESTABLISHMENT.—There is established within
 20 the Office of Information and Regulatory Affairs within
 21 the Office of Management and Budget an Office of Fed-
 22 eral Regulatory Relief.

23 (b) DIRECTOR.—

1 (1) IN GENERAL.—The Office shall be headed
2 by a Director, who shall be the Administrator or a
3 designee thereof, who shall—

4 (A) be responsible for—

5 (i) establishing a regulatory sandbox
6 program described in section 4;

7 (ii) receiving Program applications
8 and ensuring those applications are com-
9 plete;

10 (iii) referring complete Program appli-
11 cations to the applicable agencies;

12 (iv) filing final Program application
13 decisions from the applicable agencies;

14 (v) hearing appeals from applicants if
15 their applications are denied by an applica-
16 ble agency in accordance with section
17 4(c)(6); and

18 (vi) designating staff to the Office as
19 needed; and

20 (B) not later than 180 days after the date
21 of enactment of this Act—

22 (i) establish a process that is used to
23 assess likely health and safety risks, risks
24 that are likely to cause economic damage,
25 and the likelihood for unfair or deceptive

1 practices to be committed against con-
2 sumers related to applications submitted
3 for the Program, which shall be—

4 (I) published in the Federal Reg-
5 ister and made publicly available with
6 a detailed list of the criteria used to
7 make such determinations; and

8 (II) subject to public comment
9 before final publication in the Federal
10 Register; and

11 (ii) establish the application process
12 described in section 4(c)(1).

13 (2) ADVISORY BOARDS.—

14 (A) ESTABLISHMENT.—The Director shall
15 require the head of each agency to establish an
16 advisory board, which shall—

17 (i) be composed of 10 private sector
18 representatives appointed by the head of
19 the agency—

20 (I) with expertise in matters
21 under the jurisdiction of the agency,
22 with not more than 5 representatives
23 from the same political party;

24 (II) who shall serve for a period
25 of not more than 3 years; and

1 (III) who shall not receive any
 2 compensation for participation on the
 3 advisory board; and

4 (ii) be responsible for providing input
 5 to the head of the agency for each Pro-
 6 gram application received by the agency.

7 (B) VACANCY.—A vacancy on an advisory
 8 board established under subparagraph (A), in-
 9 cluding a temporary vacancy due to a recusal
 10 under subparagraph (C)(ii), shall be filled in
 11 the same manner as the original appointment
 12 with an individual who meets the qualifications
 13 described in subparagraph (A)(i)(I).

14 (C) CONFLICT OF INTEREST.—

15 (i) IN GENERAL.—If a member of an
 16 advisory board established under subpara-
 17 graph (A) is also the member of the board
 18 of an applicant that submits an application
 19 under review by the advisory board, the
 20 head of the agency or a designee thereof
 21 may appoint a temporary replacement for
 22 that member.

23 (ii) FINANCIAL INTEREST.—Each
 24 member of an advisory board established
 25 under subparagraph (A) shall recuse them-

1 selves from advising on an application sub-
2 mitted under the Program for which the
3 member has a conflict of interest as de-
4 scribed in section 208 of title 18, United
5 States Code.

6 (D) SMALL BUSINESS CONCERNS.—Not
7 less than 5 of the members of each advisory
8 board established under subparagraph (A) shall
9 be representatives of a small business concern,
10 as defined in section 3 of the Small Business
11 Act (15 U.S.C. 632).

12 (E) RULE OF CONSTRUCTION.—Nothing in
13 this Act shall be construed to prevent an agency
14 from establishing additional advisory boards as
15 needed to assist in reviewing Program applica-
16 tions that involve multiple or unique industries.

17 **SEC. 4. REGULATORY SANDBOX PROGRAM.**

18 (a) IN GENERAL.—The Director shall establish a reg-
19 ulatory sandbox program under which applicable agencies
20 shall grant or deny waivers of covered provisions to tempo-
21 rarily test products or services on a limited basis, or un-
22 dertake a project to expand or grow business facilities con-
23 sistent with the purpose described in subsection (b), with-
24 out otherwise being licensed or authorized to do so under
25 that covered provision.

1 (b) PURPOSE.—The purpose of the Program is to
2 incentivize the success of current or new businesses, the
3 expansion of economic opportunities, the creation of jobs,
4 and the fostering of innovation.

5 (c) APPLICATION PROCESS FOR WAIVERS.—

6 (1) IN GENERAL.—The Office shall establish an
7 application process for the waiver of covered provi-
8 sions, which shall require that an application shall—

9 (A) confirm that the applicant—

10 (i) is subject to the jurisdiction of the
11 Federal Government; and

12 (ii) has established or plans to estab-
13 lish a business that is incorporated or has
14 a principal place of business in the United
15 States from which their goods or services
16 are offered from and their required docu-
17 ments and data are maintained;

18 (B) include relevant personal information
19 such as the legal name, address, telephone
20 number, email address, and website address of
21 the applicant;

22 (C) disclose any criminal conviction of the
23 applicant or other participating persons, if ap-
24 plicable;

1 (D) contain a description of the good, serv-
2 ice, or project to be offered by the applicant for
3 which the applicant is requesting waiver of a
4 covered provision by the Office under the Pro-
5 gram, including—

6 (i) how the applicant is subject to li-
7 censing, prohibitions, or other authoriza-
8 tion requirements outside of the Program;

9 (ii) each covered provision that the
10 applicant seeks to have waived during par-
11 ticipation in the Program;

12 (iii) how the good, service, or project
13 would benefit consumers;

14 (iv) what likely risks the participation
15 of the applicant in the Program may pose,
16 and how the applicant intends to reason-
17 ably mitigate those risks;

18 (v) how participation in the Program
19 would render the offering of the good, serv-
20 ice, or project successful;

21 (vi) a description of the plan and esti-
22 mated time periods for the beginning and
23 end of the offering of the good, service, or
24 project under the Program;

1 (vii) a recognition that the applicant
2 will be subject to all laws and rules after
3 the conclusion of the offering of the good,
4 service, or project under the Program;

5 (viii) how the applicant will end the
6 demonstration of the offering of the good,
7 service, or project under the Program;

8 (ix) how the applicant will repair
9 harm to consumers if the offering of the
10 good, service, or project under the Pro-
11 gram fails; and

12 (x) a list of each agency that regu-
13 lates the business of the applicant; and

14 (E) include any other information as re-
15 quired by the Office.

16 (2) ASSISTANCE.—The Office may, upon re-
17 quest, provide assistance to an applicant to complete
18 the application process for a waiver under the Pro-
19 gram, including by providing the likely covered pro-
20 visions that could be eligible for such a waiver.

21 (3) AGENCY REVIEW.—

22 (A) TRANSMISSION.—Not later than 14
23 days after the date on which the Office receives
24 an application under paragraph (1), the Office

1 shall submit a copy of the application to each
2 applicable agency.

3 (B) REVIEW.—The head of an applicable
4 agency, or a designee thereof, shall review a
5 Program application received under subpara-
6 graph (A) with input from the advisory board
7 established under section 3(b)(2).

8 (C) CONSIDERATIONS.—In reviewing a
9 copy of an application submitted to an applica-
10 ble agency under subparagraph (A), the head of
11 the applicable agency, or a designee thereof,
12 with input from the advisory board of the appli-
13 cable agency established under section 3(b)(2),
14 shall consider whether—

15 (i) the plan of the applicant to deploy
16 their offering will adequately protect con-
17 sumers from harm;

18 (ii) the likely health and safety risks,
19 risks that are likely to cause economic
20 damage, and the likelihood for unfair or
21 deceptive practices to be committed against
22 consumers are outweighed by the potential
23 benefits to consumers from the offering of
24 the applicant; and

1 (iii) it is possible to provide the appli-
2 cant a waiver even if the Office does not
3 waive every covered provision requested by
4 the applicant.

5 (D) FINAL DECISION.—

6 (i) IN GENERAL.—Subject to clause
7 (ii), the head of an applicable agency, or a
8 designee thereof, who receives a copy of an
9 application under subparagraph (A) shall,
10 with the consideration of the recommenda-
11 tions of the advisory board of the applica-
12 ble agency established under section
13 3(b)(2), make the final decision to grant or
14 deny the application.

15 (ii) IN PART APPROVAL.—

16 (I) IN GENERAL.—If more than 1
17 applicable agency receives a copy of
18 an application under subparagraph
19 (A)—

20 (aa) the head of each appli-
21 cable agency (or their designees),
22 with input from the advisory
23 board of the applicable agency es-
24 tablished under section 3(b)(2),
25 shall grant or deny the waiver of

1 the covered provisions over which
2 the applicable agency has juris-
3 diction for enforcement or imple-
4 mentation; and

5 (bb) if each applicable agen-
6 cy that receives an application
7 under subparagraph (A) grants
8 the waiver under item (aa), the
9 Director shall grant the entire
10 application.

11 (II) IN PART APPROVAL BY DI-
12 RECTOR.—If an applicable agency de-
13 nies part of an application under sub-
14 clause (I) but another applicable
15 agency grants part of the application,
16 the Director shall approve the applica-
17 tion in part and specify in the final
18 decision which covered provisions are
19 waived.

20 (E) RECORD OF DECISION.—

21 (i) IN GENERAL.—Not later than 180
22 days after receiving a copy of an applica-
23 tion under subparagraph (A), an applicable
24 agency shall approve or deny the applica-
25 tion and submit to the Director a record of

1 the decision, which shall include a descrip-
2 tion of each likely health and safety risk,
3 each risk that is likely to cause economic
4 damage, and the likelihood for unfair or
5 deceptive practices to be committed against
6 consumers that the covered provision the
7 applicant is seeking to have waived pro-
8 tects against, and—

9 (I) if the application is approved,
10 a description of how the identifiable,
11 significant harms will be mitigated
12 and how consumers will be protected
13 under the waiver;

14 (II) if the applicable agency de-
15 nies the waiver, a description of the
16 reasons for the decision, including
17 why a waiver would likely cause health
18 and safety risks, likely cause economic
19 damage, and increase the likelihood
20 for unfair or deceptive practices to be
21 committed against consumers, and the
22 likelihood of such risks occurring, as
23 well as reasons why the application
24 cannot be approved in part or re-
25 formed to mitigate such risks; and

1 (III) if the applicable agency de-
2 termines that a waiver would likely
3 cause health and safety risks, likely
4 cause economic damage, and there is
5 likelihood for unfair or deceptive prac-
6 tices to be committed against con-
7 sumers as a result of the covered pro-
8 vision that an applicant is requesting
9 to have waived, but the applicable
10 agency determines such risks can be
11 protected through less restrictive
12 means than denying the application,
13 the applicable agency shall provide a
14 recommendation of how that can be
15 achieved.

16 (ii) NO RECORD SUBMITTED.—If the
17 applicable agency does not submit a record
18 of the decision with respect to an applica-
19 tion for a waiver submitted to the applica-
20 ble agency, the Office shall assume that
21 the applicable agency does not object to
22 the granting of the waiver.

23 (iii) EXTENSION.—The applicable
24 agency may request one 30-day extension

1 of the deadline for a record of decision
2 under clause (i).

3 (iv) EXPEDITED REVIEW.—If the ap-
4 plicable agency provides a recommendation
5 described in clause (i)(III), the Office shall
6 provide the applicant with a 60-day period
7 to make necessary changes to the applica-
8 tion, and the applicant may resubmit the
9 application to the applicable agency for ex-
10 pedited review over a period of not more
11 than 60 days.

12 (4) NONDISCRIMINATION.—In considering an
13 application for a waiver, an applicable agency shall
14 not unreasonably discriminate among applications
15 under the Program or resort to any unfair or unjust
16 discrimination for any reason.

17 (5) FEE.—The Office may collect an applica-
18 tion fee from each applicant under the Program,
19 which—

20 (A) shall be in a fair amount and reflect
21 the cost of the service provided;

22 (B) shall be deposited in the general fund
23 of the Treasury and allocated to the Office,
24 subject to appropriations; and

1 (C) shall not be increased more frequently
2 than once every 2 years.

3 (6) WRITTEN AGREEMENT.—If each applicable
4 agency grants a waiver requested in an application
5 submitted under paragraph (1), the waiver shall not
6 be effective until the applicant enters into a written
7 agreement with the Office that describes each cov-
8 ered provision that is waived under the Program.

9 (7) LIMITATION.—An applicable agency may
10 not waive under the Program any tax, fee, or charge
11 imposed by the Federal Government.

12 (8) APPEALS.—

13 (A) IN GENERAL.—If an applicable agency
14 denies an application under paragraph (3)(E),
15 the applicant may submit to the Office one ap-
16 peal for reconsideration, which shall—

17 (i) address the comments of the appli-
18 cable agency that resulted in denial of the
19 application; and

20 (ii) include how the applicant plans to
21 mitigate the likely risks identified by the
22 applicable agency.

23 (B) OFFICE RESPONSE.—Not later than
24 60 days after receiving an appeal under sub-
25 paragraph (A), the Director shall—

1 (i) determine whether the appeal suf-
2 ficiently addresses the concerns of the ap-
3 plicable agency; and

4 (ii)(I) if the Director determines that
5 the appeal sufficiently addresses the con-
6 cerns of the applicable agency, file a record
7 of decision detailing how the concerns have
8 been remedied and approve the application;
9 or

10 (II) if the Director determines that
11 the appeal does not sufficiently address the
12 concerns of the applicable agency, file a
13 record of decision detailing how the con-
14 cerns have not been remedied and deny the
15 application.

16 (9) NONDISCRIMINATION.—The Office shall not
17 unreasonably discriminate among applications under
18 the Program or resort to any unfair or unjust dis-
19 crimination for any reason in the implementation of
20 the Program.

21 (10) JUDICIAL REVIEW.—

22 (A) RECORD OF DECISION.—A record of
23 decision described in paragraph (3)(E) or
24 (8)(B) shall be considered a final agency action

1 for purposes of review under section 704 of title
2 5, United States Code.

3 (B) LIMITATION.—A reviewing court con-
4 sidering claims made against a final agency ac-
5 tion under this Act shall be limited to whether
6 the agency acted in accordance with the re-
7 quirements set forth under this Act.

8 (C) RIGHT TO JUDICIAL REVIEW.—Noth-
9 ing in this paragraph shall be construed to es-
10 tablish a right to judicial review under this Act.

11 (d) PERIOD OF WAIVER.—

12 (1) INITIAL PERIOD.—Except as provided in
13 this subsection, a waiver granted under the Program
14 shall be for a term of 2 years.

15 (2) CONTINUANCE.—The Office may continue a
16 waiver granted under the Program for a maximum
17 of 4 additional periods of 2 years as determined by
18 the Office.

19 (3) NOTIFICATION.—Not later than 30 days be-
20 fore the end of an initial waiver period under para-
21 graph (1), an entity that is granted a waiver under
22 the Program shall notify the Office if the entity in-
23 tends to seek a continuance under paragraph (2).

24 (4) REVOCATION.—

1 (A) SIGNIFICANT HARM.—If the Office de-
2 termines that an entity that was granted a
3 waiver under the Program is causing significant
4 harm to the health or safety of the public, in-
5 flicting severe economic damage on the public,
6 or engaging in unfair or deceptive practices, the
7 Office may immediately end the participation of
8 the entity in the Program by revoking the waiv-
9 er.

10 (B) COMPLIANCE.—If the Office deter-
11 mines that an entity that was granted a waiver
12 under the Program is not in compliance with
13 the terms of the Program, the Office shall give
14 the entity 30 days to correct the action, and if
15 the entity does not correct the action by the end
16 of the 30-day period, the Office may end the
17 participation of the entity in the Program by
18 revoking the waiver.

19 (e) TERMS.—An entity for which a waiver is granted
20 under the Program shall be subject to the following terms:

21 (1) A covered provision may not be waived if
22 the waiver would prevent a consumer from seeking
23 actual damages or an equitable remedy in the event
24 that a consumer is harmed.

1 (2) While a waiver is in use, the entity shall not
2 be subject to the criminal or civil enforcement of a
3 covered provision identified in the waiver.

4 (3) An agency may not file or pursue any puni-
5 tive action against a participant during the period
6 for which the waiver is in effect, including a fine or
7 license suspension or revocation for the violation of
8 a covered provision identified in the waiver.

9 (4) The entity shall not have immunity related
10 to any criminal offense committed during the period
11 for which the waiver is in effect.

12 (5) The Federal Government shall not be re-
13 sponsible for any business losses or the recouping of
14 application fees if the waiver is denied or the waiver
15 is revoked at any time.

16 (f) CONSUMER PROTECTION.—

17 (1) IN GENERAL.—Before distributing an offer-
18 ing to consumers under a waiver granted under the
19 Program, and throughout the duration of the waiver,
20 an entity shall publicly disclose the following to con-
21 sumers:

22 (A) The name and contact information of
23 the entity.

24 (B) That the entity has been granted a
25 waiver under the Program, and if applicable,

1 that the entity does not have a license or other
2 authorization to provide an offering under cov-
3 ered provisions outside of the waiver.

4 (C) If applicable, that the offering is un-
5 dergoing testing and may not function as in-
6 tended and may expose the consumer to certain
7 risks as identified in the record of decision of
8 the applicable agency submitted under section
9 4(c)(3)(E).

10 (D) That the entity is not immune from
11 civil liability for any losses or damages caused
12 by the offering.

13 (E) That the entity is not immune from
14 criminal prosecution for violation of covered
15 provisions that are not suspended under the
16 waiver.

17 (F) That the offering is a temporary dem-
18 onstration and may be discontinued at the end
19 of the initial period under subsection (d)(1).

20 (G) The expected commencement date of
21 the initial period under subsection (d)(1).

22 (H) The contact information of the Office
23 and that the consumer may contact the Office
24 and file a complaint.

1 (2) ONLINE OFFERING.—With respect to an of-
2 fering provided over the internet under the Program,
3 the consumer shall acknowledge receipt of the disclo-
4 sures required under paragraph (1) before any
5 transaction is completed.

6 (g) RECORD KEEPING.—

7 (1) IN GENERAL.—An entity that is granted a
8 waiver under this section shall retain records, docu-
9 ments, and data produced that is directly related to
10 the participation of the entity in the Program.

11 (2) NOTIFICATION BEFORE ENDING OFFER-
12 ING.—If an applicant decides to end their offering
13 before the initial period ends under subsection
14 (d)(1), the applicant shall submit to the Office and
15 the applicable agency a report on actions taken to
16 ensure consumers have not been harmed as a result.

17 (3) REQUEST FOR DOCUMENTS.—The Office
18 may request records, documents, and data from an
19 entity that is granted a waiver under this section
20 that is directly related to the participation of the en-
21 tity in the Program, and upon the request, the appli-
22 cant shall make such records, documents, and data
23 available for inspection by the Office.

24 (4) NOTIFICATION OF INCIDENTS.—An entity
25 that is granted a waiver under this section shall no-

1 tify the Office and any applicable agency of any inci-
 2 dent that results in harm to the health or safety of
 3 consumers, severe economic damage, or an unfair or
 4 deceptive practice under the Program not later than
 5 72 hours after the incident occurs.

6 (h) REPORTS.—

7 (1) ENTITIES GRANTED A WAIVER.—

8 (A) IN GENERAL.—Any entity that is
 9 granted a waiver under this section shall submit
 10 to the Office reports that include—

11 (i) how many consumers are partici-
 12 pating in the good, service, or project of-
 13 fered by the entity under the Program;

14 (ii) an assessment of the likely risks
 15 and how mitigation is taking place;

16 (iii) any previously unrealized risks
 17 that have manifested; and

18 (iv) a description of any adverse inci-
 19 dents and the ensuing process taken to re-
 20 pair any harm done to consumers.

21 (B) TIMING.—An entity shall submit a re-
 22 port required under subparagraph (A)—

23 (i) 10 days after 30 days elapses from
 24 commencement of the period for which a
 25 waiver is granted under the Program;

1 (ii) 30 days after the halfway mark of
 2 the period described in clause (i); and

3 (iii) 30 days before the expiration of
 4 the period described in subsection (d)(1).

5 (2) ANNUAL REPORT BY DIRECTOR.—The Di-
 6 rector shall submit to Congress an annual report on
 7 the Program, which shall include, for the year cov-
 8 ered by the report—

9 (A) the number of applications approved;

10 (B) the name and description of each enti-
 11 ty that was granted a waiver under the Pro-
 12 gram;

13 (C) any benefits realized to the public from
 14 the Program; and

15 (D) any harms realized to the public from
 16 the Program.

17 (i) SPECIAL MESSAGE TO CONGRESS.—

18 (1) DEFINITION.—In this subsection, the term
 19 “covered resolution” means a joint resolution—

20 (A) the matter after the resolving clause of
 21 which contains only—

22 (i) a list of some or all of the covered
 23 provisions that were recommended for re-
 24 peal under paragraph (2)(A)(ii) in a spe-

1 cial message submitted to Congress under
2 that paragraph; and

3 (ii) a provision that immediately re-
4 peals the listed covered provisions de-
5 scribed in paragraph (2)(A)(ii) upon enact-
6 ment of the joint resolution; and

7 (B) upon which Congress completes action
8 before the end of the first period of 60 calendar
9 days after the date on which the special mes-
10 sage described in subparagraph (A)(i) of this
11 paragraph is received by Congress.

12 (2) SUBMISSION.—

13 (A) IN GENERAL.—Not later than the first
14 day on which both Houses of Congress are in
15 session after May 1 of each year, the Director
16 shall submit to Congress a special message
17 that—

18 (i) details each covered provision that
19 the Office recommends should be amended
20 or repealed as a result of entities being
21 able to operate safely without those cov-
22 ered provisions during the Program;

23 (ii) lists any covered provision that
24 should be repealed as a result of having

1 been waived for a period of not less than
2 6 years during the Program; and

3 (iii) explains why each covered provi-
4 sion described in clauses (i) and (ii) should
5 be amended or repealed.

6 (B) DELIVERY TO HOUSE AND SENATE;
7 PRINTING.—Each special message submitted
8 under subparagraph (A) shall be—

9 (i) delivered to the Clerk of the House
10 of Representatives and the Secretary of the
11 Senate; and

12 (ii) printed in the Congressional
13 Record.

14 (3) PROCEDURE IN HOUSE AND SENATE.—

15 (A) REFERRAL.—A covered resolution
16 shall be referred to the appropriate committee
17 of the House of Representatives or the Senate,
18 as the case may be.

19 (B) DISCHARGE OF COMMITTEE.—If the
20 committee to which a covered resolution has
21 been referred has not reported the resolution at
22 the end of 25 calendar days after the introduc-
23 tion of the resolution—

1 (i) the committee shall be discharged
 2 from further consideration of the resolu-
 3 tion; and

4 (ii) the resolution shall be placed on
 5 the appropriate calendar.

6 (4) FLOOR CONSIDERATION IN THE HOUSE.—

7 (A) MOTION TO PROCEED.—

8 (i) IN GENERAL.—When the com-
 9 mittee of the House of Representatives has
 10 reported, or has been discharged from fur-
 11 ther consideration of, a covered resolution,
 12 it shall at any time thereafter be in order
 13 (even though a previous motion to the
 14 same effect has been disagreed to) to move
 15 to proceed to the consideration of the reso-
 16 lution.

17 (ii) PRIVILEGE.—A motion described
 18 in clause (i) shall be highly privileged and
 19 not debatable.

20 (iii) NO AMENDMENT OR MOTION TO
 21 RECONSIDER.—An amendment to a motion
 22 described in clause (i) shall not be in
 23 order, nor shall it be in order to move to
 24 reconsider the vote by which the motion is
 25 agreed to or disagreed to.

1 (B) DEBATE.—

2 (i) IN GENERAL.—Debate in the
3 House of Representatives on a covered res-
4 olution shall be limited to not more than 2
5 hours, which shall be divided equally be-
6 tween those favoring and those opposing
7 the resolution.

8 (ii) NO MOTION TO RECONSIDER.—It
9 shall not be in order in the House of Rep-
10 resentatives to move to reconsider the vote
11 by which a covered resolution is agreed to
12 or disagreed to.

13 (C) NO MOTION TO POSTPONE CONSIDER-
14 ATION OR PROCEED TO CONSIDERATION OF
15 OTHER BUSINESS.—In the House of Represent-
16 atives, motions to postpone, made with respect
17 to the consideration of a covered resolution, and
18 motions to proceed to the consideration of other
19 business, shall not be in order.

20 (D) APPEALS FROM DECISIONS OF
21 CHAIR.—An appeal from the decision of the
22 Chair relating to the application of the Rules of
23 the House of Representatives to the procedure
24 relating to a covered resolution shall be decided
25 without debate.

1 (5) FLOOR CONSIDERATION IN THE SENATE.—

2 (A) MOTION TO PROCEED.—

3 (i) IN GENERAL.—Notwithstanding
4 Rule XXII of the Standing Rules of the
5 Senate, when the committee of the Senate
6 to which a covered resolution is referred
7 has reported, or has been discharged from
8 further consideration of, a covered resolu-
9 tion, it shall at any time thereafter be in
10 order (even though a previous motion to
11 the same effect has been disagreed to) to
12 move to proceed to the consideration of the
13 resolution and all points of order against
14 the covered resolution are waived.

15 (ii) DIVISION OF TIME.—A motion to
16 proceed described in clause (i) is subject to
17 4 hours of debate divided equally between
18 those favoring and those opposing the cov-
19 ered resolution.

20 (iii) NO AMENDMENT OR MOTION TO
21 POSTPONE OR PROCEED TO OTHER BUSI-
22 NESS.—A motion to proceed described in
23 clause (i) is not subject to—

24 (I) amendment;

25 (II) a motion to postpone; or

1 (III) a motion to proceed to the
2 consideration of other business.

3 (B) FLOOR CONSIDERATION.—

4 (i) GENERAL.—In the Senate, a cov-
5 ered resolution shall be subject to 10 hours
6 of debate divided equally between those fa-
7 voring and those opposing the covered res-
8 olution.

9 (ii) AMENDMENTS.—In the Senate, no
10 amendment to a covered resolution shall be
11 in order, except an amendment that strikes
12 from or adds to the list required under
13 paragraph (1)(A)(i) a covered provision
14 recommended for amendment or repeal by
15 the Office.

16 (iii) MOTIONS AND APPEALS.—In the
17 Senate, a motion to reconsider a vote on
18 final passage of a covered resolution shall
19 not be in order, and points of order, in-
20 cluding questions of relevancy, and appeals
21 from the decision of the Presiding Officer,
22 shall be decided without debate.

23 (6) RECEIPT OF RESOLUTION FROM OTHER
24 HOUSE.—If, before passing a covered resolution, one
25 House receives from the other a covered resolution—

1 (A) the covered resolution of the other
 2 House shall not be referred to a committee and
 3 shall be deemed to have been discharged from
 4 committee on the day on which it is received;
 5 and

6 (B) the procedures set forth in paragraph
 7 (4) or (5), as applicable, shall apply in the re-
 8 ceiving House to the covered resolution received
 9 from the other House to the same extent as
 10 those procedures apply to a covered resolution
 11 of the receiving House.

12 (7) RULES OF THE HOUSE OF REPRESENTA-
 13 TIVES AND THE SENATE.—Paragraphs (3) through
 14 (7) are enacted by Congress—

15 (A) as an exercise of the rulemaking power
 16 of the House of Representatives and the Sen-
 17 ate, respectively, and as such are deemed a part
 18 of the rules of each House, respectively, but ap-
 19 plicable only with respect to the procedures to
 20 be followed in the House in the case of covered
 21 resolutions, and supersede other rules only to
 22 the extent that they are inconsistent with such
 23 other rules; and

24 (B) with full recognition of the constitu-
 25 tional right of either House to change the rules

1 (so far as relating to the procedure of that
2 House) at any time, in the same manner, and
3 to the same extent as in the case of any other
4 rule of that House.

5 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to—

7 (1) require an entity that is granted a waiver
8 under this section to publicly disclose proprietary in-
9 formation, including trade secrets or commercial or
10 financial information that is privileged or confiden-
11 tial; or

12 (2) affect any other provision of law or regula-
13 tion applicable to an entity that is not included in
14 a waiver provided under this section.

15 (k) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Office to carry
17 out this section an amount that is not more than the
18 amount of funds deposited into the Treasury from the fees
19 collected under subsection (c)(3).

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