

105TH CONGRESS  
1ST SESSION

# S. 207

A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, Mr. COATS, Mr. GLENN, Mr. LIEBERMAN, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Corporate Subsidy Re-  
5 form Commission Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

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

4                   (A) fall subject to abuse, causing unantici-  
5                   pated and unjustified windfalls to some indus-  
6                   tries and industry segments; or

7                   (B) become obsolete, anticompetitive, or no  
8                   longer in the public interest, making such sub-  
9                   sidies unnecessary or undesired;

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

14           (3) the Congress and the President have been  
15           unable to evaluate methodically those Federal sub-  
16           sidies that are unfair and unnecessary and require  
17           reform or elimination; and

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

22 **SEC. 3. PURPOSE.**

23           The purpose of this Act is to establish a fair and de-  
24           liberative process that will result in the timely identifica-  
25           tion, review, and reform or elimination of unnecessary and

1 inequitable subsidies, including tax advantages, provided  
2 by the Federal Government to entities or industries en-  
3 gaged in profitmaking enterprises.

4 **SEC. 4. DEFINITION.**

5 For purposes of this Act, the term “inequitable Fed-  
6 eral subsidy” means a payment, benefit, service, or tax  
7 advantage that—

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

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

16 (B) a State or local government or Indian  
17 Tribe;

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

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

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

5           (A)(i) is awarded for the purposes of re-  
6 search and development in the broad public in-  
7 terest on the basis of a peer reviewed or other  
8 open, competitive, merit-based procedure;

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

11           (iii) supports competing technologies at  
12 levels appropriate to their potential, as deter-  
13 mined by an appropriate priority setting proc-  
14 ess; and

15           (iv) is for research and development that  
16 the private sector cannot reasonably be ex-  
17 pected to undertake without Federal support at  
18 a level or in a time frame consistent with the  
19 payment, benefit, service, or tax advantage's po-  
20 tential to provide broad economic or other pub-  
21 lic benefit;

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

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

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

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

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

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

13 (b) DUTIES.—The Commission shall—

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

17 (2) review inequitable Federal subsidies; and

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

20 (c) LIMITATIONS.—

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

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

1 of ensuring fairness and equity in the operation and  
2 application thereof.

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

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

12 (e) APPOINTMENT.—

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

16 (A) three shall be appointed by the Presi-  
17 dent of the United States;

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

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

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

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

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

11          (3) APPOINTMENTS.—During the period of  
12          January 1, 1998 through January 31, 1998, the  
13          President shall submit to the Senate the names of  
14          three individuals for appointment to the Commis-  
15          sion.

16          (4) FAILURE TO APPOINT.—If the President  
17          does not submit to Congress the names of three indi-  
18          viduals for appointment to the Commission on or be-  
19          fore the date specified in paragraph (3), the process  
20          established under this Act shall be terminated.

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

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

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

8           (g) MEETINGS.—

9           (1) INITIAL MEETING.—No later than April 1,  
10          1998, the Commission shall conduct its first meet-  
11          ing.

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

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

22          (i) PAY AND TRAVEL EXPENSES.—

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



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

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

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

19 (j) DIRECTOR OF STAFF.—

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

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

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

13          (k) STAFF.—

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

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

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

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

10           (A) PERSONNEL.—No more than one-third  
11           of the personnel detailed to the Commission  
12           may be on detail from Federal agencies that  
13           deal directly or indirectly with the Federal sub-  
14           sidies the Commission intends to review.

15           (B) ANALYSTS.—No more than one-fifth of  
16           the professional analysts of the Commission  
17           may be persons detailed from a Federal agency  
18           that deals directly or indirectly with the Federal  
19           subsidies the Commission intends to review.

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

1 involved in regulatory or policy-making deci-  
2 sions affecting any such entity or industry in  
3 the 12 months preceding such assignment.

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

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

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

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

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

23 (F) LIMITATION ON STAFF SIZE.—(i) Sub-  
24 ject to clause (ii), there may not be more than

1           25 persons (including any detailees) on the  
2           staff at any time.

3           (ii) The Commission may increase person-  
4           nel in excess of the limitation under clause (i),  
5           15 days after submitting notification of such in-  
6           crease to the Committee on Governmental Af-  
7           fairs of the Senate and the Committee on Gov-  
8           ernment Reform and Oversight of the House of  
9           Representatives.

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

14           (5) ASSISTANCE.—

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

20           (B) CONSULTATION.—The Commission  
21           and the Comptroller General of the United  
22           States shall consult with the Committee on  
23           Governmental Affairs of the Senate and the  
24           Committee on Government Reform and Over-  
25           sight of the House of Representatives on the

1 agreement referred to under subparagraph (A)  
 2 before entering into such agreement.

3 (l) OTHER AUTHORITY.—

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

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

12 (m) FUNDING.—

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

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

21 (n) TERMINATION.—The Commission shall terminate  
 22 on September 1, 1999.

23 **SEC. 6. PROCEDURE FOR MAKING RECOMMENDATIONS TO**  
 24 **TERMINATE CORPORATE SUBSIDIES.**

25 (a) AGENCY PLAN.—

1           (1) IN GENERAL.—No later than April 1, 1998,  
2           or the date budget documents are submitted to Con-  
3           gress in 1998, whichever is earlier, in support of the  
4           budget of each Federal department or agency, the  
5           head of each department or agency shall include in  
6           such documents a list identifying all programs or tax  
7           laws within that department or agency that the head  
8           of the department or agency determines provide in-  
9           equitable Federal subsidies.

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

11                   (A) a detailed description of each program  
12                   or tax law in question;

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

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

21                   (D) a recommendation to the Commission  
22                   regarding actions to be taken under section  
23                   5(b)(3).

24           (3) INTERNATIONAL TRADE PROGRAMS.—As  
25           part of its agency plan submitted pursuant to this

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

10 (b) REVIEW AND RECOMMENDATIONS BY THE COM-  
11 MISSION.—

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

19 (2) REPORT OF COMMISSION.—

20 (A) REPORT TO PRESIDENT.—No later  
21 than November 30, 1998, the Commission shall  
22 submit a report to the President containing the  
23 Commission's findings and recommendations  
24 for termination, modification, or retention of



1 each of the inequitable Federal subsidies re-  
2 viewed by the Commission. Such findings and  
3 recommendations shall specify—

4 (i) all actions, circumstances, and con-  
5 siderations relating to or bearing upon the  
6 recommendations; and

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

12 (B) CHANGES IN RECOMMENDATIONS.—

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

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

24 (i) makes the determination required  
25 under subparagraph (B); and

1 (ii) conducts a public hearing on the  
2 Commission's proposed changes.

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

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

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

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

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

24 (4) REPORT TO CONGRESS.—After November  
25 30, 1998, or after the date the Commission submits

1 recommendations to the President, the Commission  
2 shall, upon request, promptly provide to any Member  
3 of Congress the information used by the Commission  
4 in making its recommendations.

5 (5) COMPTROLLER GENERAL.—The Comptrol-  
6 ler General of the United States shall—

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

12 (B) no later than 60 days after April 1,  
13 1998, or the public release of the President’s  
14 budget documents in 1998, whichever is earlier,  
15 submit to the Congress and to the Commission  
16 a report containing a detailed analysis of the  
17 list, statements, and recommendations of each  
18 department or agency.

19 (c) REVIEW BY THE PRESIDENT.—

20 (1) IN GENERAL.—No later than December 31,  
21 1998, the President shall submit a report to the  
22 Commission and to the Congress containing the  
23 President’s approval or disapproval of the Commis-  
24 sion’s recommendations submitted under subsection

25 (b).

1           (2) APPROVAL.—If the President approves all  
2 the recommendations of the Commission, the Presi-  
3 dent shall submit a copy of such recommendations  
4 to the Congress, together with a certification of such  
5 approval.

6           (3) DISAPPROVAL.—If the President dis-  
7 approves the recommendations of the Commission in  
8 whole or in part, the President shall submit to the  
9 Commission and the Congress the reasons for that  
10 disapproval. No later than February 1, 1999, the  
11 Commission shall submit to the President a revised  
12 list of recommendations.

13           (4) REVISION.—If the President approves all of  
14 the revised recommendations of the Commission sub-  
15 mitted to the President under paragraph (3), the  
16 President shall submit a copy of such revised rec-  
17 ommendations to the Congress, together with a cer-  
18 tification of such approval.

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

24           (6) FAILURE TO SUBMIT.—If the President  
25 does not submit to the Congress an approval and

1 certification described in paragraph (2) or (4) by  
2 February 15, 1999, the process established under  
3 this Act shall be terminated.

4 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

5 (a) SUBMISSION OF RECOMMENDATIONS OF THE  
6 PRESIDENT.—If the President submits the Commission  
7 recommendations to the Congress under section 6(e) (2)  
8 or (4), such recommendations shall be accompanied by in-  
9 formation specifying—

10 (1) the reasons and justifications for the rec-  
11 ommendations;

12 (2) to the maximum extent practicable, the esti-  
13 mated fiscal, economic, and budgetary impact of ac-  
14 cepting the recommendations;

15 (3) the amount of the projected savings result-  
16 ing from each recommendation;

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

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

1 (b) SUBMISSION OF RECOMMENDATIONS TO THE  
2 SENATE AND HOUSE OF REPRESENTATIVES.—

3 (1) SUBMISSION TO CONGRESS.—The rec-  
4 ommendations submitted by the President to the  
5 Congress under subsection (a) shall be submitted to  
6 the Senate and the House of Representatives on the  
7 same day, and shall be delivered to the Secretary of  
8 the Senate if the Senate is not in session, and to the  
9 Clerk of the House of the Representatives if the  
10 House is not in session.

11 (2) FEDERAL REGISTER.—Any recommenda-  
12 tions and accompanying information submitted  
13 under subsection (a) shall be printed in the first  
14 issue of the Federal Register after such submission.

15 (c) INTRODUCTION.—

16 (1) DATE OF INTRODUCTION.—The Majority  
17 Leader of the Senate or his designee, and the Speak-  
18 er of the House of Representatives, or his designee,  
19 shall introduce a bill (or bills as provided under  
20 paragraph (2)) that implements the recommenda-  
21 tions submitted by the President under subsection  
22 (a), no later than the later of 14 calendar days in  
23 session after the date on which—

24 (A) the Senate or the House of Represent-  
25 atives received the recommendations submitted

1 by the President under subsection (a), if the  
2 Senate or the House of Representatives (as ap-  
3 plicable) is in session on the date of such sub-  
4 mission; or

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

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

15 (d) COMMITTEE REFERRAL AND ACTION.—

16 (1) IN GENERAL.—Any committee to which a  
17 bill or bills introduced under subsection (c) is re-  
18 ferred shall report such bill no later than 120 cal-  
19 endar days after the date of referral. Any such re-  
20 ported bill shall be referred to the Committee on  
21 Governmental Affairs of the Senate or the Commit-  
22 tee on Government Reform and Oversight of the  
23 House of Representatives, as applicable.

24 (2) DISCHARGE.—If a committee does not re-  
25 port a bill within the 120-day period as provided

1 under paragraph (1), such bill shall be discharged  
2 from the committee and referred to the Committee  
3 on Governmental Affairs of the Senate or the Com-  
4 mittee on Government Reform and Oversight of the  
5 House of Representatives, as applicable.

6 (3) REPORT TO FLOOR; CONSOLIDATION.—

7 (A) IN GENERAL.—No later than the first  
8 day the Senate or the House of Representatives  
9 (as applicable) is in session following 10 cal-  
10 endar days in session after the end of the 120-  
11 day period described under paragraphs (1) and  
12 (2), the Committee on Governmental Affairs of  
13 the Senate and the Committee on Government  
14 Reform and Oversight of the House of Rep-  
15 resentatives, as applicable, shall—

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

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



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

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

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

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

1 time in opposition thereto shall be controlled by the  
2 minority leader or his designee.

3 (3) LIMIT OF DEBATE.—(A) A motion to fur-  
4 ther limit debate is not debatable. A motion by the  
5 majority leader or his designee to extend debate is  
6 not debatable. A motion to recommit is not in order.

7 (B) No amendment not germane to the bill re-  
8 ported by the Committee on Governmental Affairs  
9 under subsection (d)(3) shall be in order.

10 (4) CONFERENCE REPORTS.—

11 (A) MOTION TO PROCEED.—A motion to  
12 proceed to the consideration of the conference  
13 report on a bill subject to the procedures of this  
14 section and reported to the Senate may be  
15 made even though a previous motion to the  
16 same effect has been disagreed to.

17 (B) TIME LIMITATION.—The consideration  
18 in the Senate of the conference report on the  
19 bill and any amendments in disagreement there-  
20 to, including all debatable motions and appeals  
21 in connection therewith, shall be limited to 5  
22 hours, to be equally divided between, and con-  
23 trolled by, the majority leader and minority

1 leader or their designees. Debate on any debat-  
2 able motion, appeal related to the conference re-  
3 port, or any amendment to an amendment in  
4 disagreement, shall be limited to 30 minutes, to  
5 be equally divided between, and controlled by,  
6 the mover and the manager of the conference  
7 report (or a message between Houses).

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

10 (1) MOTION TO CONSIDER.—When the Commit-  
11 tee on Government Reform and Oversight of the  
12 House of Representatives reports a bill under sub-  
13 section (d)(3) it is in order (at any time after the  
14 fifth day (excluding Saturdays, Sundays, and legal  
15 holidays) following the day on which any committee  
16 report filed on a bill referred under subsection (d)(1)  
17 to the Committee on Government Reform and Over-  
18 sight has been available to Members of the House)  
19 to move to proceed to the consideration of the bill  
20 reported to the House of Representatives. The mo-  
21 tion is highly privileged and is not debatable. An  
22 amendment to the motion is not in order, and it is  
23 not in order to move to reconsider the vote by which  
24 the motion is agreed to or disagreed to.

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

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

19           (4) LIMIT ON DEBATE.—Debate in the House  
20 of Representatives on the conference report on a bill  
21 subject to the procedures under this section and re-  
22 ported to the House of Representatives shall be lim-  
23 ited to not more than 5 hours, which shall be divided  
24 equally between the majority and minority parties. A  
25 motion further to limit debate is not debatable. A

1 motion to recommit the conference report is not in  
2 order, and it is not in order to move to reconsider  
3 the vote by which the conference report is agreed to  
4 or disagreed to. A motion to postpone is not in  
5 order.

6 (5) APPEALS.—Appeals from decisions of the  
7 Chair relating to the application of the Rules of the  
8 House of Representatives to the procedure relating  
9 to the bill shall be decided without debate.

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

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

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

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