

111TH CONGRESS
2^D SESSION

H. R. 5568

To create a means to review and abolish Federal programs that are inefficient, duplicative, or in other ways wasteful of taxpayer funds.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2010

Mr. NYE (for himself, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. KRATOVIL, Mr. ALTMIRE, Mr. CHILDERS, Mr. DAVIS of Tennessee, Mr. MITCHELL, Ms. HERSETH SANDLIN, Mr. BARROW, Mr. SHULER, Mr. ROSS, Mr. TANNER, Mr. MICHAUD, Ms. MARKEY of Colorado, Mr. HILL, Mr. MATHESON, Mr. SCHIFF, Mr. GORDON of Tennessee, Mr. MINNICK, Mr. BOYD, Mr. CUELLAR, Mr. ELLSWORTH, Mr. BOREN, Mr. BRIGHT, Mr. MOORE of Kansas, Mr. DONNELLY of Indiana, Ms. HARMAN, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Oversight and Government 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 create a means to review and abolish Federal programs that are inefficient, duplicative, or in other ways wasteful of taxpayer funds.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Stop Waste by Eliminating Excessive Programs Act of
 4 2010” or the “SWEEP Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Point of order.

Sec. 104. Availability of information to Congress upon request.

Sec. 105. Sense of Congress.

TITLE II—FEDERAL PROGRAM SUNSET COMMISSION

Sec. 201. Establishment.

Sec. 202. Duties of Commission.

Sec. 203. Membership.

Sec. 204. Commission meetings.

Sec. 205. Director and staff of Commission.

Sec. 206. Commission Advisors.

Sec. 207. Powers of Commission.

Sec. 208. Report.

Sec. 209. Sunset of Commission.

TITLE III—PROGRAM INVENTORY

Sec. 301. Development of program inventory.

Sec. 302. Organization of program inventory.

Sec. 303. Required information.

Sec. 304. Program identification number.

Sec. 305. Agency cooperation.

TITLE IV—PROGRAM REVIEW

Sec. 401. Program review schedule.

Sec. 402. Program review.

Sec. 403. Annual report.

Sec. 404. Congressional consideration of proposed legislation for abolishments.

7 **TITLE I—GENERAL PROVISIONS**

8 **SEC. 101. FINDINGS.**

9 Congress finds that—

1 (1) according to the Congressional Budget Of-
2 fice, in fiscal year 2010 Congress appropriated ap-
3 proximately \$290 billion for unauthorized programs
4 and activities, and an additional \$730 billion for
5 programs and activities are scheduled to expire on or
6 before September 30, 2010;

7 (2) a process should be established to help abol-
8 ish obsolete and duplicative Federal programs and to
9 provide for improved Government accountability and
10 greater openness in Government decisionmaking;

11 (3) a bipartisan congressional commission es-
12 tablished to review Federal programs and propose
13 modifications to or abolishment of those programs
14 that are unauthorized or nonperforming would be an
15 effective part of this process, if such modifications or
16 abolishments do not increase the national deficit;
17 and

18 (4) this process should ensure that Congress
19 considers the reports and recommendations of the
20 commission in a timely fashion.

21 **SEC. 102. DEFINITIONS.**

22 In this Act, the following definitions apply:

23 (1) PROGRAM.—The term “program” means a
24 program activity, as that term is defined in section
25 1115(g)(6) of title 31, United States Code.

1 (2) IMPLEMENTATION BILL.—The term “imple-
2 mentation bill” means only a bill which is introduced
3 as provided under section 404(a), and contains the
4 proposed legislation described in section 403(b)(3),
5 without modification.

6 **SEC. 103. POINT OF ORDER.**

7 It shall not be in order in either the House of Rep-
8 resentatives or the Senate to consider any bill or joint res-
9 olution, or amendment thereto or concurrent resolution
10 thereon, which authorizes a program, unless it includes a
11 provision providing budget authority for the program for
12 a period of 10 or fewer fiscal years.

13 **SEC. 104. AVAILABILITY OF INFORMATION TO CONGRESS**
14 **UPON REQUEST.**

15 Upon request and for each program under its control,
16 a Federal agency shall make the program performance re-
17 port prepared under section 1116 of title 31, United
18 States Code, available to Congress. If such report is re-
19 quested with respect to a program, the following informa-
20 tion shall be provided with the report:

21 (1) Information and analysis regarding the or-
22 ganization, operation, costs, results, accomplish-
23 ments, and effectiveness of the program.

24 (2) An identification of the objectives intended
25 for the program, and the problems or needs which

1 the program is intended to address, including an
2 analysis of the performance expected to be achieved
3 by the program.

4 (3) An identification of any other programs
5 having similar objectives, and a justification of the
6 need for the program in comparison with those other
7 programs that may be conflicting or duplicative.

8 (4) Information regarding the categorization of
9 the program under section 302(b).

10 **SEC. 105. SENSE OF CONGRESS.**

11 It is the sense of Congress that no funds should be
12 appropriated for programs abolished by Congressional ac-
13 tion taken as a result of this Act.

14 **TITLE II—FEDERAL PROGRAM**
15 **SUNSET COMMISSION**

16 **SEC. 201. ESTABLISHMENT.**

17 There is established in the legislature a commission
18 to be known as the “Federal Program Sunset Commis-
19 sion” (in this Act referred to as the “Commission”).

20 **SEC. 202. DUTIES OF COMMISSION.**

21 The Commission shall—

22 (1) submit to Congress a report under section
23 208;

24 (2) establish a program review schedule under
25 section 401;

1 (3) conduct a program review under section
2 402; and

3 (4) annually submit to Congress a report under
4 section 403.

5 **SEC. 203. MEMBERSHIP.**

6 (a) NUMBER AND APPOINTMENT.—The Commission
7 shall be composed of 12 members appointed as follows:

8 (1) Three members appointed by the Speaker of
9 the House of Representatives, of whom two shall be
10 Members of the House of Representatives.

11 (2) Three members appointed by the minority
12 leader of the House of Representatives, of whom two
13 shall be Members of the House of Representatives.

14 (3) Three members appointed by the majority
15 leader of the Senate, of whom two shall be Members
16 of the Senate.

17 (4) Three members appointed by the minority
18 leader of the Senate, of whom two shall be Members
19 of the Senate.

20 (b) POLITICAL AFFILIATION.—Not more than four
21 members of the Commission who are Members of Congress
22 may be of the same party.

23 (c) PROHIBITION.—No member of the Commission
24 may be an officer or employee of the executive branch.

25 (d) TERMS.—

1 (1) IN GENERAL.—Each member shall be ap-
2 pointed for one term of five years, except as pro-
3 vided in paragraph (2)(A)(i) and subsection (g).

4 (2) INITIAL APPOINTEES.—

5 (A) TERMS.—As designated by the Speak-
6 er of the House of Representatives and the ma-
7 jority leader of the Senate at the time of ap-
8 pointment, of the members first appointed—

9 (i) six shall be appointed for a term of
10 three years; and

11 (ii) six shall be appointed for a term
12 of five years.

13 (B) LIMITATIONS.—

14 (i) Of the members appointed under
15 subparagraph (A)(i), four shall be Mem-
16 bers of Congress, of whom not more than
17 three may be of the same party.

18 (ii) Of the members appointed under
19 subparagraph (A)(ii), four shall be Mem-
20 bers of Congress, of whom not more than
21 three may be of the same party.

22 (3) VACANCIES.—A vacancy in the Commission
23 shall be filled in the manner in which the original
24 appointment was made.

25 (e) CHAIRMAN; VICE CHAIRMAN.—

1 (1) IN GENERAL.—The Chairman and Vice
2 Chairman of the Commission shall be selected under
3 paragraphs (2), (3), and (4). The term of office of
4 the Chairman and Vice Chairman shall be two years.

5 (2) INITIAL CHAIRMAN.—The Speaker of the
6 House of Representatives shall designate one of the
7 members who is a Member of the House of Rep-
8 resentatives to serve as the initial Chairman.

9 (3) INITIAL VICE CHAIRMAN.—The majority
10 leader of the Senate shall designate one of the mem-
11 bers who is a Member of the Senate to serve as the
12 initial Vice Chairman.

13 (4) SUBSEQUENT TERMS.—After the terms of
14 the initial Chairman and Vice Chairman expire,
15 members of the Commission shall vote to select the
16 Chairman and Vice Chairman, of whom one shall be
17 a member who is a Member of the House of Rep-
18 resentatives and one shall be a member who is a
19 Member of the Senate.

20 (5) LIMITATION ON TERMS.—No member of the
21 Commission may serve more than two terms as ei-
22 ther the Chairman, the Vice Chairman, or a com-
23 bination of the two positions.

24 (f) CONTINUATION OF MEMBERSHIP.—If a person
25 was appointed to the Commission as a Member of Con-

1 gress and the person ceases to be a Member of Congress,
2 or was appointed to the Commission when not a Member
3 of Congress or an officer or employee of the executive
4 branch and later becomes a Member of Congress or an
5 officer or employee of the executive branch, that person
6 may not continue as a member of the Commission begin-
7 ning on the date that person ceases to be a Member of
8 Congress, or becomes a Member of Congress or an officer
9 or employee of the executive branch, as the case may be.

10 (g) REAPPOINTMENT.—One year after a person
11 ceases to be a member of the Commission under sub-
12 sections (d)(2)(A)(i) or (f), that person is eligible for re-
13 appointment under the appropriate provisions of sub-
14 section (a). The term of reappointment shall be for the
15 number of years that is five years minus the number of
16 years the person previously served as a member of the
17 Commission.

18 (h) COMPENSATION.—Members of the Commission
19 shall not be paid for their service on the Commission.

20 (i) TRAVEL EXPENSES.—Each member shall receive
21 travel expenses, including per diem in lieu of subsistence,
22 in accordance with applicable provisions under subchapter
23 I of chapter 57 of title 5, United States Code.

1 **SEC. 204. COMMISSION MEETINGS.**

2 The Commission shall meet at the call of the Chair-
3 man.

4 **SEC. 205. DIRECTOR AND STAFF OF COMMISSION.**

5 (a) DIRECTOR.—The Commission shall have a Direc-
6 tor who shall be appointed by the Chairman. The Director
7 shall be paid at a rate not to exceed the maximum rate
8 of basic pay for GS–15 of the General Schedule.

9 (b) STAFF.—The Director may appoint and fix the
10 pay of additional personnel as the Director considers ap-
11 propriate.

12 **SEC. 206. COMMISSION ADVISORS.**

13 The Chairman of the Commission may invite a rep-
14 resentative from the Office of Management and Budget,
15 the Congressional Budget Office, and the Government Ac-
16 countability Office to attend Commission meetings and ad-
17 vise the Commission on appropriate matters.

18 **SEC. 207. POWERS OF COMMISSION.**

19 (a) HEARINGS AND SESSIONS.—The Commission
20 may, for the purpose of carrying out this Act, hold hear-
21 ings, sit and act at times and places, take testimony, and
22 receive evidence as the Commission considers appropriate.

23 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
24 ber or agent of the Commission may, if authorized by the
25 Commission, take any action which the Commission is au-
26 thorized to take by this section.

1 (c) OBTAINING OFFICIAL DATA.—The Commission
2 may secure directly from any department or agency of the
3 United States information necessary to enable it to carry
4 out this Act. Upon request of the Chairman or Vice Chair-
5 man of the Commission, the head of that department or
6 agency shall furnish that information to the Commission.

7 (d) SUBPOENA POWER.—

8 (1) IN GENERAL.—The Commission may issue
9 subpoenas requiring the attendance and testimony of
10 witnesses and the production of any evidence relat-
11 ing to any matter under investigation by the Com-
12 mission.

13 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
14 son refuses to obey a subpoena issued under para-
15 graph (1), the Commission may apply to a United
16 States district court for an order requiring that per-
17 son to appear before the Commission to give testi-
18 mony, produce evidence, or both, relating to the
19 matter under investigation. The application may be
20 made within the judicial district where the hearing
21 is conducted or where that person is found, resides,
22 or transacts business. Any failure to obey the order
23 of the court may be punished by the court as civil
24 contempt.

1 (3) SERVICE OF SUBPOENAS.—The subpoenas
2 of the Commission shall be served in the manner
3 provided for subpoenas issued by a United States
4 district court under the Federal Rules of Civil Pro-
5 cedure for the United States district courts.

6 (4) SERVICE OF PROCESS.—All process of any
7 court to which application is made under paragraph
8 (2) may be served in the judicial district in which
9 the person required to be served resides or may be
10 found.

11 **SEC. 208. REPORT.**

12 Not later than the date that is one year after the
13 date of the enactment of this Act, the Commission shall
14 submit to Congress a report analyzing the interaction be-
15 tween authorizing legislation and appropriations legisla-
16 tion and the effects of such interaction, and providing sug-
17 gestions for improving the budgeting process with regard
18 to such interaction.

19 **SEC. 209. SUNSET OF COMMISSION.**

20 The Commission shall terminate 11 years after the
21 date of the enactment of this Act, unless reauthorized by
22 Congress.

1 **TITLE III—PROGRAM**
2 **INVENTORY**

3 **SEC. 301. DEVELOPMENT OF PROGRAM INVENTORY.**

4 (a) **PRELIMINARY INVENTORY.**—Not later than 90
5 days after the date of the enactment of this Act, the
6 Comptroller General of the United States, in cooperation
7 with the Director of the Congressional Research Service,
8 shall submit to Congress a preliminary inventory of all
9 Federal programs.

10 (b) **FINAL INVENTORY.**—

11 (1) **DEADLINE.**—Not later than 90 days after
12 submitting the preliminary inventory to Congress
13 under subsection (a), and after incorporating any
14 comments received from committees of the House of
15 Representatives and Senate, the Comptroller General
16 shall submit to the Commission a final inventory.

17 (2) **SENSE OF CONGRESS.**—It is the sense of
18 Congress that any committee of the House of Rep-
19 resentatives or Senate that intends to submit com-
20 ments to the Comptroller General regarding the pre-
21 liminary inventory should do so not later than 60
22 days after receiving the preliminary inventory in
23 order to allow adequate time for the Comptroller
24 General to incorporate the comments into the final
25 inventory.

1 (c) BUDGETARY INFORMATION.—The Director of the
2 Congressional Budget Office shall provide the Comptroller
3 General with budgetary information to be included in the
4 preliminary and final inventories.

5 (d) UPDATES.—Not later than October 1 of the year
6 after the year in which the final inventory is submitted
7 to the Commission under subsection (b), and each October
8 1 thereafter, the Comptroller General shall submit to the
9 Commission an updated inventory that reflects any new
10 Federal programs or changes to existing programs enacted
11 during the 12-month period preceding the due date for
12 the update.

13 **SEC. 302. ORGANIZATION OF PROGRAM INVENTORY.**

14 (a) IN GENERAL.—The Comptroller General shall or-
15 ganize the program inventory required under section 301
16 by program areas that are reflective of national needs and
17 agency missions and are appropriate for the exercise of
18 the review requirements of this Act.

19 (b) FUNCTIONAL CATEGORIES.—In organizing the
20 program inventory, the Comptroller General shall assign
21 each program one functional and one subfunctional cat-
22 egory.

23 (c) CATEGORIZATION FACTORS.—In determining the
24 functional and subfunctional category for each program,

1 the Comptroller General shall consider the following fac-
2 tors:

3 (1) The specific provisions of law authorizing
4 the program.

5 (2) The committees of the House of Represent-
6 atives and Senate that have legislative oversight ju-
7 risdiction over the program.

8 (3) The committees of the House of Represent-
9 atives and Senate that have jurisdiction over legisla-
10 tion providing new budget authority for the pro-
11 gram, including the appropriate subcommittees of
12 the Committees on Appropriations.

13 (4) A statement of the purpose or purposes to
14 be achieved by the program.

15 (5) The agency and the office or other entity
16 within the agency responsible for administering the
17 program.

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

20 **SEC. 303. REQUIRED INFORMATION.**

21 For each program in the program inventory required
22 under section 301, the Comptroller General shall include
23 the following information:

24 (1) PROGRAM AUTHORIZATION INFORMATION.—

1 (A) The year in which the program was
2 originally established and, if applicable, the year
3 in which the program expires.

4 (B) The next reauthorization date required
5 by law for the program, if applicable.

6 (2) BUDGET AUTHORITY INFORMATION.—

7 (A) The year in which budget authority for
8 the program was last authorized.

9 (B) Whether the budget authority provided
10 for such program is—

11 (i) authorized for a definite period of
12 time, including the year in which current
13 authorizations of new budget authority ex-
14 pire;

15 (ii) authorized in a specific dollar
16 amount but without limit of time;

17 (iii) authorized without limit of time
18 or dollar amounts;

19 (iv) not specifically authorized; or

20 (v) permanently provided.

21 (3) CONGRESSIONAL BUDGET OFFICE INFORMA-
22 TION.—Information prepared by the Director of the
23 Congressional Budget Office regarding each of the
24 following matters:

1 (A) The amounts of new budget authority
2 authorized and provided for the program for
3 each of the four fiscal years preceding the fiscal
4 year covered by the inventory and, where appli-
5 cable, the four fiscal years succeeding the fiscal
6 year covered by the inventory.

7 (B) The identification code and title of the
8 appropriation account in which budget author-
9 ity is provided for the program.

10 **SEC. 304. PROGRAM IDENTIFICATION NUMBER.**

11 The Comptroller General shall assign each program
12 in the program inventory required under section 301 an
13 identification number that is related to the functional cat-
14 egory structure.

15 **SEC. 305. AGENCY COOPERATION.**

16 (a) **MUTUAL EXCHANGE OF INFORMATION.**—The
17 Comptroller General, the Director of the Congressional
18 Research Service, and the Director of the Congressional
19 Budget Office shall permit the mutual exchange of avail-
20 able information in their possession that would aid in the
21 compilation of the program inventory.

22 (b) **ASSISTANCE BY EXECUTIVE BRANCH.**—The Di-
23 rector of the Office of Management and Budget and the
24 heads of Executive agencies shall, to the extent necessary
25 and possible, provide the Government Accountability Of-

1 fice with assistance requested by the Comptroller General
2 in the compilation of the program inventory.

3 **TITLE IV—PROGRAM REVIEW**

4 **SEC. 401. PROGRAM REVIEW SCHEDULE.**

5 (a) INITIAL SCHEDULE.—Not later than 90 days
6 after receiving the final program inventory under section
7 301(b), the Commission shall establish a schedule for re-
8 view by the Commission of each program, arranged by
9 functional category under section 302(b), at least once
10 every 10 fiscal years.

11 (b) UPDATES.—Not later than 90 days after receiv-
12 ing an updated program inventory under section 301(d),
13 the Commission shall update the schedule established
14 under subsection (a) to reflect the updated inventory.

15 **SEC. 402. PROGRAM REVIEW.**

16 Based on the schedule established under section 401,
17 the Commission shall conduct a review of the efficiency
18 of operation and public need for each program under re-
19 view, including analyses of the following:

- 20 (1) The effectiveness of the program.
- 21 (2) Whether the program is cost-effective.
- 22 (3) Whether the program is outside of an agen-
23 cy's scope of authority, and whether the program
24 helps to achieve the purposes of the agency.

1 (4) Whether more efficient or alternative meth-
2 ods exist to carry out the functions of the program.

3 (5) The extent to which the mission, actions,
4 and policies of the program are duplicative or con-
5 flict with programs in other agencies.

6 (6) The potential benefits of consolidating pro-
7 grams with similar or duplicative missions, actions,
8 and policies, and the potential for consolidating such
9 programs.

10 (7) The number and types of beneficiaries or
11 persons served by the program.

12 (8) The extent to which any trends, develop-
13 ments, and emerging conditions exist that are likely
14 to affect the future nature and extent of the prob-
15 lems or needs that the program is intended to ad-
16 dress.

17 (9) The promptness and effectiveness with
18 which the program administrator seeks public input
19 and input from State and local governments on the
20 efficiency and effectiveness of the performance of the
21 program, to the extent such input is required or per-
22 mitted.

23 (10) The extent to which the program coordi-
24 nates with State and local governments.

1 (11) The potential effects on State and local
2 governments of abolishing the program.

3 (12) The extent of the regulatory, privacy, and
4 paperwork impacts of the program and any ineffi-
5 ciencies such impacts may cause.

6 (13) The extent to which changes are necessary
7 in the authorizing statutes of the agency in order for
8 the functions of the program to be performed in the
9 most efficient and effective manner.

10 **SEC. 403. ANNUAL REPORT.**

11 (a) **REPORT REQUIRED.**—Not later than October 1
12 of the year after the year in which the Commission estab-
13 lishes the initial review schedule under section 401(a), and
14 each October 1 thereafter, the Commission shall submit
15 to Congress a report pertaining to the programs des-
16 igned, by the review schedule established under section
17 401, to be reviewed during the 12-month period preceding
18 the due date for the report.

19 (b) **MATTERS COVERED.**—

20 (1) **ANALYSIS.**—The Commission shall include
21 in the report an analysis of the efficiency of oper-
22 ation and public need for each program under re-
23 view, based on the review conducted under section
24 402.

1 (2) RECOMMENDATIONS.—Subject to subsection
2 (c), the Commission shall include in the report rec-
3 ommendations regarding—

4 (A) whether each program should be abol-
5 ished or reorganized;

6 (B) whether the functions of any programs
7 should be consolidated, transferred, or reorga-
8 nized in an agency or among agencies; and

9 (C) proposed administrative and legislative
10 action with respect to each program, but not in-
11 cluding recommendations for appropriation lev-
12 els.

13 (3) PROPOSED LEGISLATION.—

14 (A) IN GENERAL.—Subject to subsection
15 (c), for any recommendation that a program be
16 abolished, the Commission shall include in the
17 report proposed legislation, in the form of an
18 implementation bill, to provide for such abolish-
19 ment.

20 (B) SINGLE IMPLEMENTATION BILL PER
21 FUNCTIONAL CATEGORY.—The Commission
22 shall include in the report one implementation
23 bill under this paragraph for each functional
24 category under which a program is rec-
25 ommended to be abolished.

1 (C) REQUIREMENTS.—An implementation
2 bill included in the report under this paragraph
3 shall conform to the following requirements:

4 (i) The title of the bill shall be “A bill
5 to abolish the program[s] numbered
6 _____ in the inventory submitted to Con-
7 gress on _____ as required by section 301
8 of the SWEEP Act.”, the first blank space
9 being filled in with the numbers of the pro-
10 grams to be abolished, as assigned under
11 section 304, and the second blank space
12 being filled in with the date on which the
13 report containing the abolishment rec-
14 ommendation was submitted to Congress.

15 (ii) The bill may not include a pre-
16 amble.

17 (iii) After the enacting clause, the bill
18 may include only provisions to provide
19 for—

20 (I) the abolishment of programs
21 recommended to be abolished under
22 paragraph 2; and

23 (II) changes in existing laws or
24 new statutory authority necessary to
25 implement such abolishments, if any.

1 (D) CONSULTATION.—It is the sense of
2 Congress that, in preparing an implementation
3 bill under this paragraph, the Commission
4 should consult with the appropriate committees
5 of the Senate and the House of Representa-
6 tives.

7 (c) LIMITATION.—

8 (1) CONSENSUS REQUIRED.—Recommendations
9 and proposed legislation may be included in a report
10 under subsection (b) only if agreed to by not fewer
11 than eight of the Commission members.

12 (2) PROCEDURE IF NO CONSENSUS.—If eight or
13 more Commission members do not support any rec-
14 ommendation or proposed legislation regarding any
15 program—

16 (A) the Commission shall note the absence
17 of a recommendation or proposed legislation in
18 the section of the report dedicated to the pro-
19 gram; and

20 (B) the Commission shall attach to the re-
21 port an addendum containing summaries of the
22 recommendations or proposed legislation for
23 programs for which no consensus was achieved,
24 and the number of Commission members in

1 support of each such recommendation or pro-
2 posed legislation.

3 (d) MONITORING OF IMPLEMENTATION.—The Com-
4 mission may monitor the implementation of prior rec-
5 ommendations and the enacting of laws based on proposed
6 legislation from the Commission and include any appro-
7 priate related information in the report.

8 **SEC. 404. CONGRESSIONAL CONSIDERATION OF PROPOSED**
9 **LEGISLATION FOR ABOLISHMENTS.**

10 (a) INTRODUCTION; REFERRAL; AND REPORT OR
11 DISCHARGE.—

12 (1) INTRODUCTION.—On the first calendar day
13 on which both Houses are in session on or imme-
14 diately following the date on which a report is sub-
15 mitted to Congress under section 403 containing
16 proposed legislation included under section
17 403(b)(3), each implementation bill included in such
18 report shall be introduced (by request)—

19 (A) in the Senate by the majority leader of
20 the Senate, for himself and the minority leader
21 of the Senate, or by Members of the Senate
22 designated by the majority leader and minority
23 leader of the Senate; and

24 (B) in the House of Representatives by the
25 majority leader of the House of Representa-

1 tives, for himself and the minority leader of the
2 House of Representatives, or by Members of the
3 House of Representatives designated by the ma-
4 jority leader and minority leader of the House
5 of Representatives.

6 (2) REFERRAL.—An implementation bill intro-
7 duced under paragraph (1) shall be referred to any
8 appropriate committee of jurisdiction in the Senate
9 and any appropriate committee of jurisdiction in the
10 House of Representatives. A committee to which an
11 implementation bill is referred under this paragraph
12 may report such bill to the respective House without
13 amendment.

14 (3) REPORT OR DISCHARGE.—If a committee to
15 which an implementation bill is referred has not re-
16 ported such bill by the end of the 15th calendar day
17 after the date of the introduction of such bill, such
18 committee shall be immediately discharged from fur-
19 ther consideration of such bill, and upon being re-
20 ported or discharged from the committee, such bill
21 shall be placed on the appropriate calendar.

22 (b) FLOOR CONSIDERATION.—

23 (1) IN GENERAL.—When the committee to
24 which an implementation bill is referred has re-
25 ported the bill, or has been discharged from further

1 consideration of the bill under subsection (a)(3), it
2 is at any time thereafter in order (even though a
3 previous motion to the same effect has been dis-
4 agreed to) for any Member of the respective House
5 to move to proceed to the consideration of the imple-
6 mentation bill, and all points of order against the
7 implementation bill (and against consideration of the
8 implementation bill) are waived. The motion is high-
9 ly privileged in the House of Representatives and is
10 privileged in the Senate and is not debatable. The
11 motion is not subject to amendment, or to a motion
12 to postpone, or to a motion to proceed to the consid-
13 eration of other business. A motion to reconsider the
14 vote by which the motion is agreed to or disagreed
15 to shall not be in order. If a motion to proceed to
16 the consideration of the implementation bill is
17 agreed to, the implementation bill shall remain the
18 unfinished business of the respective House until
19 disposed of.

20 (2) AMENDMENTS.—An implementation bill
21 may not be amended in the Senate or the House of
22 Representatives.

23 (3) DEBATE.—Debate on the implementation
24 bill, and on all debatable motions and appeals in
25 connection therewith, shall be limited to not more

1 than 10 hours, which shall be divided equally be-
2 tween those favoring and those opposing the bill. A
3 motion further to limit debate is in order and not
4 debatable. An amendment to, or a motion to post-
5 pone, or a motion to proceed to the consideration of
6 other business, or a motion to recommit the imple-
7 mentation bill is not in order. A motion to reconsider
8 the vote by which the implementation bill is agreed
9 to or disagreed to is not in order.

10 (4) VOTE ON FINAL PASSAGE.—Immediately
11 following the conclusion of the debate on an imple-
12 mentation bill, and a single quorum call at the con-
13 clusion of the debate if requested in accordance with
14 the rules of the appropriate House, the vote on final
15 passage of the implementation bill shall occur.

16 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
17 Appeals from the decisions of the Chair relating to
18 the application of the rules of the Senate or the
19 House of Representatives, as the case may be, to the
20 procedure relating to an implementation bill shall be
21 decided without debate.

22 (c) COORDINATION WITH ACTION BY OTHER
23 HOUSE.—If, before the passage by one House of an imple-
24 mentation bill of that House, that House receives from

1 the other House an implementation bill, then the following
2 procedures shall apply:

3 (1) NONREFERRAL.—The implementation bill
4 of the other House shall not be referred to a com-
5 mittee.

6 (2) VOTE ON BILL OF OTHER HOUSE.—With
7 respect to an implementation bill of the House re-
8 ceiving the implementation bill—

9 (A) the procedure in that House shall be
10 the same as if no implementation bill had been
11 received from the other House; but

12 (B) the vote on final passage shall be on
13 the implementation bill of the other House.

14 (d) RULES OF THE SENATE AND THE HOUSE OF
15 REPRESENTATIVES.—This section is enacted by Con-
16 gress—

17 (1) as an exercise of the rulemaking power of
18 the Senate and House of Representatives, respec-
19 tively, and as such it is deemed a part of the rules
20 of each House, respectively, but applicable only with
21 respect to the procedure to be followed in that
22 House in the case of an implementation bill, and it
23 supersedes other rules only to the extent that it is
24 inconsistent with such rules; and

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

6 (e) CALENDAR DAY DEFINED.—In this section, the
7 term “calendar day” means a calendar day other than one
8 on which either House is not in session because of an ad-
9 jourment of more than 3 days to a date certain.

○