

115TH CONGRESS
1ST SESSION

H. R. 3762

To preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2017

Mr. DUFFY (for himself and Mr. HECK) introduced the following bill; which was referred to the Committee on Financial Services, 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 preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, 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 “International Insur-
5 ance Standards Act of 2017”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds the following:

1 (1) The State-based system for insurance regu-
2 lation in the United States has served American con-
3 sumers well for more than 150 years and has fos-
4 tered an open and competitive marketplace with a
5 diversity of insurance products to the benefit of pol-
6 icyholders and consumers.

7 (2) Protecting policyholders by regulating to en-
8 sure an insurer's ability to pay claims has been the
9 hallmark of the successful United States system and
10 should be the paramount objective of domestic pru-
11 dential regulation and emerging international stand-
12 ards.

13 (3) The Dodd-Frank Wall Street Reform and
14 Consumer Protection Act (Public Law 111–203) re-
15 affirmed the State-based insurance regulatory sys-
16 tem.

17 **SEC. 3. REQUIREMENT THAT INSURANCE STANDARDS RE-**
18 **FLECT UNITED STATES POLICY.**

19 (a) REQUIREMENT.—Parties representing the Fed-
20 eral Government in any international regulatory, stand-
21 ard-setting, or supervisory forum or in any negotiations
22 of any international agreements relating to the prudential
23 aspects of insurance shall not agree to, accede to, accept,
24 or establish, and shall use their voice and shall vote to
25 oppose, any proposed agreement, including agreements or

1 proposed agreements for an international insurance stand-
2 ard, including proposals developed by the International
3 Association of Insurance Supervisors (or a successor enti-
4 ty), that—

5 (1) is inconsistent with and does not reflect ex-
6 isting Federal and State laws, regulations, and poli-
7 cies on regulation of insurance, including the pri-
8 macy of policyholder protection in solvency regula-
9 tion; and

10 (2) would not recognize existing Federal and
11 State laws, regulations, and policies on the regula-
12 tion of insurance as satisfying such proposals.

13 (b) FEDERAL INSURANCE OFFICE FUNCTIONS.—
14 Subparagraph (E) of section 313(c)(1) of title 31, United
15 States Code, is amended by inserting “Department of the
16 Treasury of the” before “United States”.

17 **SEC. 4. STATE INSURANCE REGULATOR INVOLVEMENT IN**
18 **INTERNATIONAL STANDARD SETTING.**

19 In developing international insurance standards pur-
20 suant to section 3, and throughout the negotiations of
21 such standards, parties representing the Federal Govern-
22 ment shall, on matters related to insurance, closely con-
23 sult, coordinate with and include in such meetings, State
24 insurance commissioners or, at the option of the State in-

1 surance commissioners, designees of the insurance com-
2 missioners acting at their direction.

3 **SEC. 5. CONSULTATION WITH CONGRESS.**

4 (a) CONSULTATION.—Before initiating negotiations
5 to enter into an agreement under section 3, during such
6 negotiations, and before entering into any such agreement,
7 parties representing the Federal Government shall provide
8 written notice to and consult with the Committee on Fi-
9 nancial Services of the House of Representatives and the
10 Committee on Banking, Housing, and Urban Affairs of
11 the Senate, and any other relevant committees of jurisdic-
12 tion, regarding—

13 (1) the intention of the United States to par-
14 ticipate or enter into such negotiations;

15 (2) the nature and objectives of the negotia-
16 tions;

17 (3) the implementation of the agreement, in-
18 cluding how it is consistent with and does not mate-
19 rially differ from or otherwise affect Federal or
20 State laws or regulations; and

21 (4) the impact on the competitiveness of United
22 States insurers.

23 (b) SUBMISSION AND LAYOVER PROVISIONS.—Par-
24 ties representing the Federal Government may not sign
25 the final text or otherwise agree to, accept, or establish

1 an agreement under section 3 that would not have the
2 force and effect of law before—

3 (1) such parties submit to the committees speci-
4 fied in subsection (a), on a day in which both
5 Houses of Congress are in session, a copy of the
6 final legal text of the agreement; and

7 (2) the later of—

8 (A) the expiration of 90-day period begin-
9 ning on the date on which the copy of the final
10 legal text of the agreement is submitted to the
11 congressional committees under paragraph (1);
12 or

13 (B) if the President has vetoed a joint res-
14 olution described in section 6(b) relating to the
15 agreement, the expiration of the 15-day period
16 described in section 6(a)(2).

17 (c) DELIVERY OF DOCUMENTS TO BOTH HOUSES.—

18 Whenever, pursuant to this section, written notice or a
19 document is required to be transmitted to the Congress,
20 copies of such notice or document shall be delivered to
21 both Houses of Congress on the same day and shall be
22 delivered to the Clerk of the House of Representatives if
23 the House is not in session and to the Secretary of the
24 Senate if the Senate is not in session.

1 **SEC. 6. CONGRESSIONAL REVIEW.**

2 (a) DISAPPROVAL.—

3 (1) IN GENERAL.—In the case of any agree-
4 ment under section 3 that would not have the force
5 and effect of law, the United States shall not be con-
6 sidered a party to such agreement if, before the ex-
7 piration of the 90-day period beginning on the day
8 that the final legal text of the agreement is sub-
9 mitted to the Congress pursuant to section 5(b)(1),
10 a joint resolution described in subsection (b) is en-
11 acted into law.

12 (2) VETO.—If the President vetoes the joint
13 resolution, the joint resolution shall be treated as en-
14 acted into law before the end of the 90-day period
15 under paragraph (1) if both Houses of Congress
16 vote to override such veto on or before the later of—

17 (A) the last day of such 90-day period; or

18 (B) the last day of the 15-day period (ex-
19 cluding any day described in subsection (h)) be-
20 ginning on the date the Congress receives the
21 veto message from the President.

22 (b) CONTENTS OF RESOLUTION.—For purposes of
23 this section, the term “resolution” means only a joint reso-
24 lution of the two Houses of the Congress, that is intro-
25 duced during the 60-day period beginning upon the sub-
26 mission to the Congress pursuant to section 5(b)(1) of the

1 agreement to which such resolution relates, and the matter
2 after the resolving clause of which is as follows: “That
3 the Congress does not approve the agreement transmitted
4 to the Congress pursuant to section 5(b)(1) of the Inter-
5 national Insurance Standards Act of 2017, on
6 _____.”, the blank space being filled with the ap-
7 propriate date.

8 (c) REFERENCE TO COMMITTEES.—All resolutions
9 introduced in the House of Representatives shall be re-
10 ferred to the Committee on Financial Services and all res-
11 olutions introduced in the Senate shall be referred to the
12 Committee on Banking, Housing, and Urban Affairs.

13 (d) DISCHARGE OF COMMITTEES.—

14 (1) IN GENERAL.—If the committee of either
15 House to which a resolution has been referred has
16 not reported it at the end of 30 days after its intro-
17 duction, not counting any day which is excluded
18 under subsection (h), it is in order to move either to
19 discharge the committee from further consideration
20 of the resolution or to discharge the committee from
21 further consideration of any other resolution intro-
22 duced with respect to the same matter, except that
23 a motion to discharge—

24 (A) may only be made on the second legis-
25 lative day after the calendar day on which the

1 Member making the motion announces to the
2 House his intention to do so; and

3 (B) is not in order after the committee has
4 reported a resolution with respect to the same
5 matter.

6 (2) PRIVILEGE.—A motion to discharge under
7 paragraph (1) may be made only by an individual fa-
8 voring the resolution, and is highly privileged in the
9 House and privileged in the Senate; and debate
10 thereon shall be limited to not more than 1 hour, the
11 time to be divided in the House equally between
12 those favoring and those opposing the resolution,
13 and to be divided in the Senate equally between, and
14 controlled by, the majority leader and the minority
15 leader or their designees. An amendment to the mo-
16 tion is not in order, and it is not in order to move
17 to reconsider the vote by which the motion is agreed
18 to or disagreed to.

19 (e) FLOOR CONSIDERATION IN THE HOUSE.—

20 (1) IN GENERAL.—A motion in the House of
21 Representatives to proceed to the consideration of a
22 resolution shall be highly privileged and not debat-
23 able. An amendment to the motion shall not be in
24 order, nor shall it be in order to move to reconsider

1 the vote by which the motion is agreed to or dis-
2 agreed to.

3 (2) DEBATE; NO RECONSIDERATION.—Debate
4 in the House of Representatives on a resolution shall
5 be limited to not more than 20 hours, which shall
6 be divided equally between those favoring and those
7 opposing the resolution. A motion further to limit
8 debate shall not be debatable. No amendment to, or
9 motion to recommit, the resolution shall be in order.
10 It shall not be in order to move to reconsider the
11 vote by which a resolution is agreed to or disagreed
12 to.

13 (3) CONSIDERATION OF OTHER MOTIONS.—Mo-
14 tions to postpone, made in the House of Representa-
15 tives with respect to the consideration of a resolu-
16 tion, and motions to proceed to the consideration of
17 other business, shall be decided without debate.

18 (4) APPEALS TO DECISIONS OF CHAIR.—All ap-
19 peals from the decisions of the Chair relating to the
20 application of the Rules of the House of Representa-
21 tives to the procedure relating to a resolution shall
22 be decided without debate.

23 (5) APPLICABILITY OF RULES.—Except to the
24 extent specifically provided in the preceding provi-
25 sions of this subsection, consideration of a resolution

1 in the House of Representatives shall be governed by
2 the Rules of the House of Representatives applicable
3 to other resolutions in similar circumstances.

4 (f) FLOOR CONSIDERATION IN THE SENATE.—

5 (1) MOTION TO PROCEED.—A motion in the
6 Senate to proceed to the consideration of a resolu-
7 tion shall be privileged. An amendment to the mo-
8 tion shall not be in order, nor shall it be in order
9 to move to reconsider the vote by which the motion
10 is agreed to or disagreed to.

11 (2) DEBATE ON RESOLUTION.—Debate in the
12 Senate on a resolution, and all debatable motions
13 and appeals in connection therewith, shall be limited
14 to not more than 20 hours, to be equally divided be-
15 tween, and controlled by, the majority leader and the
16 minority leader or their designees.

17 (3) DEBATE ON MOTION OR APPEAL.—Debate
18 in the Senate on any debatable motion or appeal in
19 connection with a resolution shall be limited to not
20 more than 1 hour, to be equally divided between,
21 and controlled by, the mover and the manager of the
22 resolution, except that in the event the manager of
23 the resolution is in favor of any such motion or ap-
24 peal, the time in opposition thereto, shall be con-
25 trolled by the minority leader or his designee. Such

1 leaders, or either of them, may, from time under
2 their control on the passage of a resolution, allot ad-
3 ditional time to any Senator during the consider-
4 ation of any debatable motion or appeal.

5 (4) MOTION TO LIMIT DEBATE.—A motion in
6 the Senate to further limit debate on a resolution,
7 debatable motion, or appeal is not debatable. No
8 amendment to, or motion to recommit, a resolution
9 is in order in the Senate.

10 (g) PROCEDURES IN THE SENATE.—

11 (1) PROCEDURES.—Except as otherwise pro-
12 vided in this section, the following procedures shall
13 apply in the Senate to a resolution to which this sec-
14 tion applies:

15 (A)(i) Except as provided in clause (ii), a
16 resolution that has passed the House of Rep-
17 resentatives shall, when received in the Senate,
18 be referred to the Committee on Banking,
19 Housing, and Urban Affairs for consideration
20 in accordance with this section.

21 (ii) If a resolution to which this section ap-
22 plies was introduced in the Senate before re-
23 ceipt of a resolution that has passed the House
24 of Representatives, the resolution from the
25 House of Representatives shall, when received

1 in the Senate, be placed on the calendar. If this
2 clause applies, the procedures in the Senate
3 with respect to a resolution introduced in the
4 Senate that contains the identical matter as the
5 resolution that passed the House of Representa-
6 tives shall be the same as if no resolution had
7 been received from the House of Representa-
8 tives, except that the vote on passage in the
9 Senate shall be on the resolution that passed
10 the House of Representatives.

11 (B) If the Senate passes a resolution be-
12 fore receiving from the House of Representa-
13 tives a joint resolution that contains the iden-
14 tical matter, the joint resolution shall be held at
15 the desk pending receipt of the joint resolution
16 from the House of Representatives. Upon re-
17 ceipt of the joint resolution from the House of
18 Representatives, such joint resolution shall be
19 deemed to be read twice, considered, read the
20 third time, and passed.

21 (2) NON-IDENTICAL RESOLUTIONS.—If the
22 texts of joint resolutions described in this section
23 concerning any matter are not identical—

24 (A) the Senate shall vote passage on the
25 resolution introduced in the Senate; and

1 (B) the text of the joint resolution passed
2 by the Senate shall, immediately upon its pas-
3 sage (or, if later, upon receipt of the joint reso-
4 lution passed by the House), be substituted for
5 the text of the joint resolution passed by the
6 House of Representatives, and such resolution,
7 as amended, shall be returned with a request
8 for a conference between the two Houses.

9 (3) CONSIDERATION OF VETO MESSAGE.—Con-
10 sideration in the Senate of any veto message with
11 respect to a joint resolution described in subsection
12 (b), including consideration of all debatable motions
13 and appeals in connection therewith, shall be limited
14 to 10 hours, to be equally divided between, and con-
15 trolled by, the majority leader and the minority lead-
16 er or their designees.

17 (h) COMPUTATION OF PERIOD.—For purposes of
18 subsection (a)(1) of this section and subsection (b)(2) of
19 section 5, the 90-day period referred to in such sub-
20 sections shall be computed by excluding—

21 (1) the days on which either House is not in
22 session because of an adjournment of more than 3
23 days to a day certain or an adjournment of the Con-
24 gress sine die; and

1 (2) any Saturday and Sunday, not excluded
2 under paragraph (1), when either House is not in
3 session.

4 (i) EXERCISE OF RULEMAKING POWER.—This sec-
5 tion is enacted by the Congress—

6 (1) as an exercise of the rulemaking power of
7 the House of Representatives and the Senate, re-
8 spectively, and as such they are deemed a part of
9 the rules of each House, respectively, but applicable
10 only with respect to the procedure to be followed in
11 that House in the case of resolutions described in
12 subsection (b); and they supersede other rules only
13 to the extent that they are inconsistent therewith;
14 and

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

20 (j) RULE OF CONSTRUCTION.—This section, and any
21 failure to enact a resolution under this section, shall not
22 be construed to be an endorsement of or to establish or
23 expand any authority to enter into or implement an agree-
24 ment described in section 3 that is not otherwise provided
25 for under Federal law.

1 **SEC. 7. COVERED AGREEMENTS.**

2 (a) PREEMPTION OF STATE INSURANCE MEAS-
3 URES.—Subsection (f) of section 313 of title 31, United
4 States Code, is amended by striking “Director” each place
5 such term appears and inserting “Secretary”.

6 (b) DEFINITION.—Paragraph (2) of section 313(r) of
7 title 31, United States Code, is amended—

8 (1) in subparagraph (A), by striking “and” at
9 the end;

10 (2) in subparagraph (B), by striking the period
11 at the end and inserting a semicolon; and

12 (3) by adding at the end the following new sub-
13 paragraphs:

14 “(C) does not include new prudential re-
15 quirements for United States insurers; and

16 “(D) applies only on a prospective basis.”.

17 (c) CONSULTATION; SUBMISSION AND LAYOVER;
18 CONGRESSIONAL REVIEW.—Section 314 of title 31,
19 United States Code, is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by striking “and” after “House of
23 Representatives” and inserting a comma;
24 and

25 (ii) by inserting after “Committee on
26 Finance of the Senate” the following: “,

1 and the International Trade Advisory
2 Committee on Services and Finance Indus-
3 tries established pursuant to section
4 135(c)(1) of the Trade Act of 1974 (19
5 U.S.C. 2155(c)(1))”;

6 (B) in paragraph (2)(C), by striking
7 “laws” and inserting the following: “and Fed-
8 eral law, and the nature of any changes in the
9 laws of the United States or the administration
10 of such laws that would be required to carry out
11 a covered agreement”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(3) ACCESS TO NEGOTIATING TEXTS AND
15 OTHER DOCUMENTS.—Congressional committees,
16 staff with proper security clearances, and the Inter-
17 national Trade Advisory Committee specified in
18 paragraph (1) shall be given access to United States
19 negotiating proposals, consolidated draft texts, and
20 other pertinent documents related to the negotia-
21 tions, including classified materials.”;

22 (2) in subsection (c)—

23 (A) in the matter preceding paragraph (1),
24 by striking “only if—” and inserting the fol-
25 lowing: “only if, before signing the final legal

1 text or otherwise entering into the agreement—
2 ”;

3 (B) in paragraph (1), by striking “congres-
4 sional committees specified in subsection
5 (b)(1)” and inserting “congressional committees
6 and International Trade Advisory Committee
7 specified in subsection (b)(1) and to staff with
8 proper security clearances”; and

9 (C) by striking paragraph (2) and insert-
10 ing the following new paragraph:

11 “(2)(A) the 90-day period beginning on the
12 date on which the copy of the final legal text of the
13 agreement is submitted under paragraph (1) to the
14 congressional committees, International Trade Advi-
15 sory Committee, and staff has expired; and

16 “(B) if the President has vetoed a joint resolu-
17 tion described in subsection (d)(2) relating to the
18 agreement, the 15-day period described in subsection
19 (d)(1)(B)(ii) has expired.”; and

20 (3) by adding at the end the following new sub-
21 sections:

22 “(d) CONGRESSIONAL REVIEW.—

23 “(1) DISAPPROVAL.—

24 “(A) IN GENERAL.—A covered agreement
25 shall have no force and effect in the United

1 States if, before the expiration of the 90-day
2 period beginning on the day that the final legal
3 text of the agreement is submitted to the Con-
4 gress pursuant to subsection (c), a joint resolu-
5 tion described in paragraph (2) is enacted into
6 law.

7 “(B) VETO.—If the President vetoes the
8 joint resolution, the joint resolution shall be
9 treated as enacted into law before the end of
10 the 90-day period under subparagraph (A) if
11 both Houses of Congress vote to override such
12 veto on or before the later of—

13 “(i) the last day of such 90-day pe-
14 riod; or

15 “(ii) the last day of the 15-day period
16 (excluding any day described in paragraph
17 (8)) beginning on the date the Congress
18 receives the veto message from the Presi-
19 dent.

20 “(2) CONTENTS OF RESOLUTIONS.—For pur-
21 poses of this subsection, the term ‘resolution’ means
22 only a joint resolution of the two Houses of the Con-
23 gress, that is introduced during the 60-day period
24 beginning upon the submission to the Congress pur-
25 suant to subsection (c) of the covered agreement to

1 which such resolution relates, and the matter after
2 the resolving clause of which is as follows: ‘That the
3 Congress does not approve the covered agreement
4 transmitted to the Congress pursuant to section
5 314(c) of title 31, United States Code, on
6 _____.’, the blank space being filled with
7 the appropriate date.

8 “(3) REFERENCE TO COMMITTEES.—All resolu-
9 tions introduced in the House of Representatives
10 shall be referred to the Committee on Financial
11 Services and all resolutions introduced in the Senate
12 shall be referred to the Committee on Banking,
13 Housing, and Urban Affairs.

14 “(4) DISCHARGE OF COMMITTEES.—

15 “(A) IN GENERAL.—If the committee of ei-
16 ther House to which a resolution has been re-
17 ferred has not reported it at the end of 30 days
18 after its introduction, not counting any day
19 which is excluded under paragraph (8), it is in
20 order to move either to discharge the committee
21 from further consideration of the resolution or
22 to discharge the committee from further consid-
23 eration of any other resolution introduced with
24 respect to the same matter, except that a mo-
25 tion to discharge—

1 “(i) may only be made on the second
2 legislative day after the calendar day on
3 which the Member making the motion an-
4 nounces to the House his intention to do
5 so; and

6 “(ii) is not in order after the com-
7 mittee has reported a resolution with re-
8 spect to the same matter.

9 “(B) PRIVILEGE.—A motion to discharge
10 under subparagraph (A) may be made only by
11 an individual favoring the resolution, and is
12 highly privileged in the House and privileged in
13 the Senate; and debate thereon shall be limited
14 to not more than 1 hour, the time to be divided
15 in the House equally between those favoring
16 and those opposing the resolution, and to be di-
17 vided in the Senate equally between, and con-
18 trolled by, the majority leader and the minority
19 leader or their designees. An amendment to the
20 motion is not in order, and it is not in order
21 to move to reconsider the vote by which the mo-
22 tion is agreed to or disagreed to.

23 “(5) FLOOR CONSIDERATION IN THE HOUSE.—

24 “(A) IN GENERAL.—A motion in the
25 House of Representatives to proceed to the con-

1 sideration of a resolution shall be highly privi-
2 leged and not debatable. An amendment to the
3 motion shall not be in order, nor shall it be in
4 order to move to reconsider the vote by which
5 the motion is agreed to or disagreed to.

6 “(B) DEBATE; NO RECONSIDERATION.—
7 Debate in the House of Representatives on a
8 resolution shall be limited to not more than 20
9 hours, which shall be divided equally between
10 those favoring and those opposing the resolu-
11 tion. A motion further to limit debate shall not
12 be debatable. No amendment to, or motion to
13 recommit, the resolution shall be in order. It
14 shall not be in order to move to reconsider the
15 vote by which a resolution is agreed to or dis-
16 agreed to.

17 “(C) CONSIDERATION OF OTHER MO-
18 TIONS.—Motions to postpone, made in the
19 House of Representatives with respect to the
20 consideration of a resolution, and motions to
21 proceed to the consideration of other business,
22 shall be decided without debate.

23 “(D) APPEALS TO DECISIONS OF CHAIR.—
24 All appeals from the decisions of the Chair re-
25 lating to the application of the Rules of the

1 House of Representatives to the procedure re-
2 lating to a resolution shall be decided without
3 debate.

4 “(E) APPLICABILITY OF RULES.—Except
5 to the extent specifically provided in the pre-
6 ceding provisions of this paragraph, consider-
7 ation of a resolution in the House of Represent-
8 atives shall be governed by the Rules of the
9 House of Representatives applicable to other
10 resolutions in similar circumstances.

11 “(6) FLOOR CONSIDERATION IN THE SEN-
12 ATE.—

13 “(A) MOTION TO PROCEED.—A motion in
14 the Senate to proceed to the consideration of a
15 resolution shall be privileged. An amendment to
16 the motion shall not be in order, nor shall it be
17 in order to move to reconsider the vote by
18 which the motion is agreed to or disagreed to.

19 “(B) DEBATE ON RESOLUTION.—Debate
20 in the Senate on a resolution, and all debatable
21 motions and appeals in connection therewith,
22 shall be limited to not more than 20 hours, to
23 be equally divided between, and controlled by,
24 the majority leader and the minority leader or
25 their designees.

1 “(C) DEBATE ON MOTION OR APPEAL.—
2 Debate in the Senate on any debatable motion
3 or appeal in connection with a resolution shall
4 be limited to not more than 1 hour, to be equal-
5 ly divided between, and controlled by, the mover
6 and the manager of the resolution, except that
7 in the event the manager of the resolution is in
8 favor of any such motion or appeal, the time in
9 opposition thereto, shall be controlled by the
10 minority leader or his designee. Such leaders, or
11 either of them, may, from time under their con-
12 trol on the passage of a resolution, allot addi-
13 tional time to any Senator during the consider-
14 ation of any debatable motion or appeal.

15 “(D) MOTION TO LIMIT DEBATE.—A mo-
16 tion in the Senate to further limit debate on a
17 resolution, debatable motion, or appeal is not
18 debatable. No amendment to, or motion to re-
19 commit, a resolution is in order in the Senate.

20 “(7) PROCEDURES IN THE SENATE.—

21 “(A) PROCEDURES.—Except as otherwise
22 provided in this section, the following proce-
23 dures shall apply in the Senate to a resolution
24 to which this subsection applies:

1 “(i)(I) Except as provided in sub-
2 clause (II), a resolution that has passed
3 the House of Representatives shall, when
4 received in the Senate, be referred to the
5 Committee on Banking, Housing, and
6 Urban Affairs for consideration in accord-
7 ance with this subsection.

8 “(II) If a resolution to which this sub-
9 section applies was introduced in the Sen-
10 ate before receipt of a resolution that has
11 passed the House of Representatives, the
12 resolution from the House of Representa-
13 tives shall, when received in the Senate, be
14 placed on the calendar. If this subclause
15 applies, the procedures in the Senate with
16 respect to a resolution introduced in the
17 Senate that contains the identical matter
18 as the resolution that passed the House of
19 Representatives shall be the same as if no
20 resolution had been received from the
21 House of Representatives, except that the
22 vote on passage in the Senate shall be on
23 the resolution that passed the House of
24 Representatives.

1 “(ii) If the Senate passes a resolution
2 before receiving from the House of Rep-
3 resentatives a joint resolution that contains
4 the identical matter, the joint resolution
5 shall be held at the desk pending receipt of
6 the joint resolution from the House of
7 Representatives. Upon receipt of the joint
8 resolution from the House of Representa-
9 tives, such joint resolution shall be deemed
10 to be read twice, considered, read the third
11 time, and passed.

12 “(B) NON-IDENTICAL RESOLUTIONS.—If
13 the texts of joint resolutions described in this
14 subsection concerning any matter are not iden-
15 tical—

16 “(i) the Senate shall vote passage on
17 the resolution introduced in the Senate;
18 and

19 “(ii) the text of the joint resolution
20 passed by the Senate shall, immediately
21 upon its passage (or, if later, upon receipt
22 of the joint resolution passed by the
23 House), be substituted for the text of the
24 joint resolution passed by the House of
25 Representatives, and such resolution, as

1 amended, shall be returned with a request
2 for a conference between the two Houses.

3 “(C) CONSIDERATION OF VETO MES-
4 SAGE.—Consideration in the Senate of any veto
5 message with respect to a joint resolution de-
6 scribed in paragraph (2), including consider-
7 ation of all debatable motions and appeals in
8 connection therewith, shall be limited to 10
9 hours, to be equally divided between, and con-
10 trolled by, the majority leader and the minority
11 leader or their designees.

12 “(8) COMPUTATION OF PERIOD.—For purposes
13 of paragraph (1)(A) of this subsection and para-
14 graph (2)(A) of subsection (c), the 90-day period re-
15 ferred to in such paragraph shall be computed by ex-
16 cluding—

17 “(A) the days on which either House is not
18 in session because of an adjournment of more
19 than 3 days to a day certain or an adjournment
20 of the Congress sine die; and

21 “(B) any Saturday and Sunday, not ex-
22 cluded under subparagraph (A), when either
23 House is not in session.

24 “(9) EXERCISE OF RULEMAKING POWER.—This
25 subsection is enacted by the Congress—

1 “(A) as an exercise of the rulemaking
2 power of the House of Representatives and the
3 Senate, respectively, and as such they are
4 deemed a part of the rules of each House, re-
5 spectively, but applicable only with respect to
6 the procedure to be followed in that House in
7 the case of resolutions described in paragraph
8 (2); and they supersede other rules only to the
9 extent that they are inconsistent therewith; and

10 “(B) with full recognition of the constitu-
11 tional right of either House to change the rules
12 (so far as relating to the procedure of that
13 House) at any time, in the same manner and
14 to the same extent as in the case of any other
15 rule of that House.

16 “(e) PARTICIPATION OF STATE INSURANCE COMMIS-
17 SIONERS.—Throughout the negotiations of a covered
18 agreement, parties representing the Federal Government
19 shall closely consult and coordinate with, and include in
20 such meetings, State insurance commissioners or, at the
21 option of the State insurance commissioners, designees of
22 the insurance commissioners acting at their direction.”.

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