

118TH CONGRESS  
1ST SESSION

# H. R. 1206

To establish the Federal Agency Sunset Commission.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2023

Mr. CLOUD (for himself, Mr. DONALDS, Mr. GOOD of Virginia, Mr. NORMAN, Mr. PERRY, Ms. VAN DUYNÉ, Mrs. MILLER of Illinois, Mr. OGLES, Mr. BRECHEEN, Mr. BURLISON, Mr. MOORE of Alabama, Mr. WEBER of Texas, Mrs. BOEBERT, Mrs. LUNA, and Mr. MCCORMICK) introduced the following bill; which was referred to the Committee on Oversight and Accountability, 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

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## A BILL

To establish the Federal Agency Sunset Commission.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Sunset  
5 Commission Act of 2023”.

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

3 (a) SCHEDULE FOR REVIEW.—(1) Not later than one  
4 year after the date of the enactment of this Act, the Fed-  
5 eral Agency Sunset Commission established under section  
6 3 shall submit to Congress a schedule for review by the  
7 Commission of each agency that lists the date of abolish-  
8 ment for each agency.

9 (2) Such date of abolishment shall occur at least once  
10 every 12 years (or less, if determine appropriate by Con-  
11 gress).

12 (3) The Schedule for review will be in the form of  
13 a joint resolution.

14 (b) REVIEW OF AGENCIES PERFORMING RELATED  
15 FUNCTIONS.—In determining the schedule for review of  
16 agencies under subsection (a), the Commission shall pro-  
17 vide that agencies that perform similar or related func-  
18 tions be reviewed concurrently to promote efficiency and  
19 consolidation.

20 (c) ABOLISHMENT OF AGENCIES.—

21 (1) IN GENERAL.—Each agency shall be re-  
22 viewed and abolished according to the schedule cre-  
23 ated pursuant to this section and approved under  
24 section 9, unless the agency is reauthorized by the  
25 Congress.

1           (2) EXTENSION.—The date of abolishment for  
2           an agency may be extended for an additional 2 years  
3           if the Congress enacts legislation extending such  
4           date by a vote of a supermajority of the House of  
5           Representatives and the Senate.

6 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7           (a) ESTABLISHMENT.—There is established a com-  
8           mission to be known as the “Federal Agency Sunset Com-  
9           mission”.

10          (b) MEMBERSHIP.—

11           (1) The Commission shall be composed of 13  
12           members (in this Act referred to as the “members”)  
13           who shall be appointed as follows:

14           (A) 1 shall be appointed by the President.

15           (B) 3 shall be appointed by the majority  
16           leader of the Senate, of whom—

17           (i) 2 shall be from among Members of  
18           the Senate; and

19           (ii) 1 shall not be Member of Con-  
20           gress and shall have expertise in the oper-  
21           ation and administration of Federal Gov-  
22           ernment programs.

23           (C) 3 shall be appointed by the minority  
24           leader of the Senate, of whom—

1 (i) 2 shall be from among Members of  
2 the Senate; and

3 (ii) 1 shall not be Member of Con-  
4 gress and shall have expertise in the oper-  
5 ation and administration of Federal Gov-  
6 ernment programs.

7 (D) 3 shall be appointed by the Speaker of  
8 the House of Representatives, of whom—

9 (i) 2 shall be from among Members of  
10 the House of Representatives; and

11 (ii) 1 shall not be Member of Con-  
12 gress and shall have expertise in the oper-  
13 ation and administration of Federal Gov-  
14 ernment programs.

15 (E) 3 shall be appointed by the minority  
16 leader of the House of Representatives, of  
17 whom—

18 (i) 2 shall be from among Members of  
19 the House of Representatives; and

20 (ii) 1 shall not be Member of Con-  
21 gress and shall have expertise in the oper-  
22 ation and administration of Federal Gov-  
23 ernment programs.

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

1 gress and the member ceases to be a Member of Congress,  
2 that member shall cease to be a member of the Commis-  
3 sion.

4 (d) INITIAL APPOINTMENTS.—All initial appoint-  
5 ments to the Commission shall be made not later than 90  
6 days after the date of the enactment of this Act.

7 (e) TERMS OF MEMBERS.—

8 (1) IN GENERAL.—Each member appointed to  
9 the Commission shall serve for a term of 6 years.

10 (2) VACANCIES.—A vacancy in the Commis-  
11 sion—

12 (A) shall not affect the powers of the Com-  
13 mission; and

14 (B) shall be filled in the same manner as  
15 the original appointment not later than 30 days  
16 after the date on which the vacancy occurs.

17 (f) CHAIRMAN; VICE CHAIRMAN.—The Commission  
18 shall select a Chairperson and Vice Chairperson from  
19 among the members of the Commission for a term of 4  
20 years.

21 (g) POWERS OF COMMISSION.—

22 (1) HEARINGS AND SESSIONS.—The Commis-  
23 sion may, for the purpose of carrying out this Act,  
24 hold such hearings, sit and act at such times and  
25 places, take such testimony, and receive such evi-

1       dence as the Commission considers appropriate. The  
2       Commission may administer oaths to witnesses ap-  
3       pearing before it.

4               (2) OBTAINING INFORMATION.—

5               (A) IN GENERAL.—The Commission may  
6       secure directly from any agency or advisory  
7       committee information necessary to enable it to  
8       carry out its duties under this Act.

9               (B) FURNISHING INFORMATION.—On re-  
10      quest of the Chairperson of the Commission,  
11      the head of the agency, or the Chair of the ad-  
12      visory committee shall furnish information to  
13      the Commission in a full and timely manner.

14              (3) SUBPOENA POWER.—

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

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

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

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

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

13 (h) COMMISSION PROCEDURES.—

14 (1) INITIAL MEETING.—Not later than 45 days  
15 after the date on which all members of the Commis-  
16 sion have been appointed, the Commission shall hold  
17 the first meeting of the Commission.

18 (2) MEETINGS.—The Commission shall meet at  
19 the call of the Chairman and not less than 2 times  
20 per year.

21 (3) QUORUM.—A majority of the members of  
22 the Commission shall constitute a quorum.

23 (4) VOTING.—The schedule for review sub-  
24 mitted pursuant to section 2(a) and the report and  
25 joint resolution submitted pursuant to section 4

1 shall have the approval of not less than a majority  
2 of the members of the Commission.

3 (i) PERSONNEL MATTERS.—

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

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

11 (3) DIRECTOR.—The Commission shall have an  
12 executive director who shall be appointed and termi-  
13 nated by the Chairperson of the Commission.

14 (A) The executive director must be con-  
15 firmed by a vote of at least seven members of  
16 the Commission.

17 (B) The Director may appoint and fix the  
18 pay of additional personnel as the Director con-  
19 siders appropriate.

20 (4) APPLICABILITY OF CERTAIN CIVIL SERVICE  
21 LAWS.—The Director and staff of the Commission  
22 shall be appointed subject to the provisions of title  
23 5, United States Code, governing appointments in  
24 the competitive service, and shall be paid in accord-  
25 ance with the provisions of chapter 51 and sub-chap-



1 ter III of chapter 53 of that title relating to classi-  
2 fication and General Schedule pay rates.

3 (j) OTHER ADMINISTRATIVE MATTERS.—

4 (1) POSTAL AND PRINTING SERVICES.—The  
5 Commission may use the United States mails and  
6 obtain printing and binding services in the same  
7 manner and under the same conditions as other de-  
8 partments and agencies of the Federal Government.

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

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

19 (4) GIFTS.—The Commission may accept, use,  
20 and dispose of gifts or donations of services or prop-  
21 erty.

1 **SEC. 4. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**  
2 **AGENCIES.**

3 (a) IN GENERAL.—The Commission shall review the  
4 efficiency and public need for each agency using criteria  
5 described in section 5.

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

10 (1) an analysis of the efficiency of operation  
11 and public need for each agency to be reviewed in  
12 the year in which the report is submitted pursuant  
13 to the schedule submitted to Congress under section  
14 2;

15 (2) an analysis of authority claimed by the ex-  
16 ecutive branch but not specifically authorized by  
17 statute;

18 (3) recommendations on whether each such  
19 agency should be abolished, reorganized, or contin-  
20 ued;

21 (4) recommendations on whether the functions  
22 of any other agencies should be consolidated, trans-  
23 ferred, or reorganized in an agency to be reviewed  
24 in the year in which the report is submitted pursu-  
25 ant to the schedule submitted to Congress under  
26 section 2; and

1           (5) recommendations for administrative and  
2       legislative action with respect to each such agency,  
3       but not including recommendations for appropriation  
4       levels.

5       (c) JOINT RESOLUTION.—The Commission shall sub-  
6       mit to Congress and the President not later than Sep-  
7       tember 1 of each year a joint resolution to carry out the  
8       recommendations of the Commission under subsection (b).

9       (d) INFORMATION GATHERING.—The Commission  
10      shall—

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

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

15           (3) require the agency to provide information to  
16      the Commission as appropriate; and

17           (4) consult with the General Accountability Of-  
18      fice, the Office of Management and Budget, the  
19      Comptroller General, and the chairman and ranking  
20      minority members of the committees of Congress  
21      with oversight responsibility for the agency being re-  
22      viewed regarding the operation of the agency.

23       (e) USE OF PROGRAM INVENTORY.—The Commis-  
24      sion shall use the program inventory prepared under sec-

1 tion 9 in reviewing the efficiency and public need for each  
2 agency under subsection (a).

3 **SEC. 5. CRITERIA FOR REVIEW.**

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

7 (1) The effectiveness, and the efficiency of the  
8 operation of, the programs carried out by each such  
9 agency.

10 (2) Whether the programs carried out by the  
11 agency are cost-effective.

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

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

17 (5) The extent to which the jurisdiction of, and  
18 the programs administered by, the agency duplicate  
19 or conflict with the jurisdiction and programs of  
20 other agencies.

21 (6) The potential benefits of consolidating pro-  
22 grams administered by the agency with similar or  
23 duplicative programs of other agencies, and the po-  
24 tential for consolidating such programs.

1           (7) The number and types of beneficiaries or  
2 persons served by programs carried out by the agen-  
3 cy.

4           (8) The extent to which any trends, develop-  
5 ments, and emerging conditions that are likely to af-  
6 fect the future nature and extent of the problems or  
7 needs that the programs carried out by the agency  
8 are intended to address.

9           (9) The extent to which the agency has com-  
10 plied with the applicable provisions contained in the  
11 sections 1115, 1116, 1117, 1120, 1121, 1122, 1123,  
12 1124, 1125, and the first 9703 of title 31, United  
13 States Code, section 306 of title 5, United States  
14 Code, and chapter 28 of title 39, United States  
15 Code.

16           (10) The promptness and effectiveness with  
17 which the agency seeks public input and input from  
18 State and local governments on the efficiency and ef-  
19 fectiveness of the performance of the functions of  
20 the agency.

21           (11) Whether the agency has worked to enact  
22 changes in the law that are intended to benefit the  
23 public as a whole rather than the specific business,  
24 institution, or individuals that the agency regulates.

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

5           (13) The extent to which the public participa-  
6           tion in rulemaking and decision making of the agen-  
7           cy has resulted in rules and decisions compatible  
8           with the objectives of the agency.

9           (14) The extent to which the agency complies  
10          with equal employment opportunity requirements re-  
11          garding equal employment opportunity.

12          (15) The extent of the regulatory, privacy, and  
13          paperwork impacts of the programs carried out by  
14          the agency.

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

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

20          (18) The extent to which changes are necessary  
21          in the authorizing statutes of the agency in order  
22          that the functions of the agency can be performed  
23          in the most efficient and effective manner.

1 **SEC. 6. OVERSIGHT BY COMMISSION.**

2 (a) MONITORING OF IMPLEMENTATION OF REC-  
3 OMMENDATIONS.—The Commission shall monitor imple-  
4 mentation of laws enacting provisions that incorporate rec-  
5 ommendations of the Commission with respect to abolish-  
6 ment or reorganization of agencies.

7 (b) MONITORING OF OTHER RELEVANT LEGISLA-  
8 TION.—

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

12 (A) a new agency; or

13 (B) a new program to be carried out by an  
14 existing agency.

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

18 (A) the functions of the proposed agency  
19 or program could be carried out by one or more  
20 existing agencies;

21 (B) the functions of the proposed agency  
22 or program could be carried out in a less re-  
23 strictive manner than the manner proposed in  
24 the legislation; and

1 (C) the legislation provides for public input  
2 regarding the performance of functions by the  
3 proposed agency or program.

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

5 The President, in consultation with the head of an  
6 agency determined to be abolished pursuant to section  
7 2(c), shall take such action as may be necessary to wind  
8 down the operation of such agency during the one year  
9 period following the date of abolishment for each such  
10 agency including the designation of an agency to carry out  
11 any ongoing authority, maintain custodial records, act as  
12 a party to unresolved legal actions or other obligations  
13 that cannot be resolved within one year.

14 **SEC. 8. PROGRAM INVENTORY.**

15 (a) PREPARATION.—The Comptroller General and  
16 the Director of the Congressional Budget Office, in co-  
17 operation with the Director of the Congressional Research  
18 Service, shall prepare an inventory of Federal programs  
19 (in this Act referred to as the “program inventory”) with-  
20 in each agency.

21 (b) PURPOSE.—The purpose of the program inven-  
22 tory is to advise and assist the Congress and the Commis-  
23 sion in carrying out the requirements of this Act. Such  
24 inventory shall not in any way bind the committees of the  
25 Senate or the House of Representatives with respect to



1 their responsibilities under this Act and shall not infringe  
2 on the legislative and oversight responsibilities of such  
3 committees. The Comptroller General shall compile and  
4 maintain the inventory and the Director of the Congres-  
5 sional Budget Office shall provide budgetary information  
6 for inclusion in the inventory.

7 (c) INVENTORY CONTENT.—The program inventory  
8 shall set forth for each program each of the following mat-  
9 ters:

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

12 (2) The committees of the Senate and the  
13 House of Representatives which have legislative or  
14 oversight jurisdiction over the program.

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

17 (4) The committees which have jurisdiction over  
18 legislation providing new budget authority for the  
19 program, including the appropriate subcommittees of  
20 the Committees on Appropriations of the Senate and  
21 the House of Representatives.

22 (5) The agency and, if applicable, the subdivi-  
23 sion thereof responsible for administering the pro-  
24 gram.

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

3           (7) The next reauthorization date for the pro-  
4 gram.

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

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

10          (10) Where applicable, the year in which new  
11 budget authority for the program was last author-  
12 ized and the year in which current authorizations of  
13 new budget authority expire.

14          (11) Any other information the Commission de-  
15 termines to be necessary.

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

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

20           (2) authorized in a specific dollar amount but  
21 without limit of time;

22           (3) authorized without limit of time or dollar  
23 amounts;

24           (4) not specifically authorized; or

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

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

7           (1) The amounts of new budget authority au-  
8 thorized and provided for the program for each of  
9 the preceding four fiscal years and, where applicable,  
10 the four succeeding fiscal years.

11           (2) The functional and subfunctional category  
12 in which the program is presently classified and was  
13 classified under the fiscal year 2020 budget.

14           (3) The identification code and title of the ap-  
15 propriation account in which budget authority is  
16 provided for the program.

17           (f) MUTUAL EXCHANGE OF INFORMATION.—The  
18 General Accountability Office, the Congressional Research  
19 Service, and the Congressional Budget Office shall permit  
20 the mutual exchange of available information in their pos-  
21 session which would aid in the compilation of the program  
22 inventory.

23           (g) ASSISTANCE BY EXECUTIVE BRANCH.—The Of-  
24 fice of Management and Budget and the agencies (and the  
25 subdivisions thereof) shall, to the extent necessary and

1 possible, provide the General Accountability Office with  
2 assistance requested by the Comptroller General in the  
3 compilation of the program inventory. Such communica-  
4 tions shall be treated as confidential until a report is  
5 issued under section 4(b).

6 **SEC. 9. EXPEDITED CONSIDERATION FOR SCHEDULE FOR**  
7 **REVIEW.**

8 (a) INTRODUCTION AND COMMITTEE CONSIDER-  
9 ATION.—

10 (1) INTRODUCTION.—A joint resolution shall be  
11 introduced in the Senate by the majority leader, or  
12 the majority leader's designee, and in the House of  
13 Representatives, by the Speaker, or the Speaker's  
14 designee not later than 60 days after the date on  
15 which the proposed legislation is submitted to Con-  
16 gress. Upon such introduction, the Commission  
17 schedule for review bill shall be referred to the ap-  
18 propriate committees of Congress under paragraph  
19 (2). If the joint resolution is not introduced in ac-  
20 cordance with the preceding sentence, then any  
21 member of Congress may introduce such legislation  
22 in their respective House of Congress beginning on  
23 the date that is the 5th calendar day that such  
24 House is in session following the date of the submis-

1 sion of such aggregate legislative language provi-  
2 sions.

3 (2) COMMITTEE CONSIDERATION.—

4 (A) REFERRAL.—The joint resolution in-  
5 troduced under paragraph (1) shall be referred  
6 to any appropriate committee of jurisdiction in  
7 the Senate and the House of Representatives. A  
8 committee to which the joint resolution is re-  
9 ferred under this paragraph may review and  
10 comment on such legislation, may report such  
11 legislation to the respective House, and may not  
12 amend such legislation.

13 (B) REPORTING.—Not later than 30 cal-  
14 endar days after the introduction of the joint  
15 resolution, each Committee of Congress to  
16 which the joint resolution was referred shall re-  
17 port the legislation.

18 (C) DISCHARGE OF COMMITTEE.—If a  
19 committee to which a joint resolution is referred  
20 has not reported such legislation at the end of  
21 30 calendar days after its introduction or at the  
22 end of the first day after there has been re-  
23 ported to the House a joint resolution involved  
24 a joint resolution, whichever is earlier, such  
25 committee shall be deemed to be discharged

1 from further consideration of such legislation  
2 and such legislation shall be placed on the ap-  
3 propriate calendar of the House involved.

4 (b) EXPEDITED PROCEDURE.—

5 (1) CONSIDERATION.—

6 (A) IN GENERAL.—Not later than 30 cal-  
7 endar days after the date on which a committee  
8 has reported a joint resolution or has been dis-  
9 charged from consideration of a joint resolution,  
10 the majority leader of the Senate, or the major-  
11 ity leader's designee, or the Speaker of the  
12 House of Representatives, or the Speaker's des-  
13 ignee, shall move to proceed to the consider-  
14 ation of the joint resolution. It shall also be in  
15 order for any Member of the Senate or the  
16 House of Representatives, respectively, to move  
17 to proceed to the consideration of the joint reso-  
18 lution at any time after the conclusion of such  
19 5-day period.

20 (B) MOTION TO PROCEED.—A motion to  
21 proceed to the consideration of a joint resolu-  
22 tion is highly privileged in the House of Rep-  
23 resentatives and is privileged in the Senate and  
24 is not debatable. The motion is not subject to  
25 amendment or to a motion to postpone consid-

1           eration of the joint resolution. If the motion to  
2           proceed is agreed to, the Senate or the House  
3           of Representatives, as the case may be, shall  
4           immediately proceed to consideration of the  
5           joint resolution without intervening motion,  
6           order, or other business, and the joint resolu-  
7           tion shall remain the unfinished business of the  
8           Senate or the House of Representatives, as the  
9           case may be, until disposed of.

10           (C) LIMITED DEBATE.—Debate on the  
11           joint resolution and on all debatable motions  
12           and appeals in connection therewith shall be  
13           limited to not more than 10 hours, which shall  
14           be divided equally between those favoring and  
15           those opposing the joint resolution. A motion  
16           further to limit debate on the joint resolution is  
17           in order and is not debatable. All time used for  
18           consideration of the joint resolution, including  
19           time used for quorum calls (except quorum calls  
20           immediately preceding a vote) and voting, shall  
21           come from the 10 hours of debate.

22           (D) AMENDMENTS.—No amendment to the  
23           joint resolution shall be in order in the Senate  
24           and the House of Representatives.

1           (E) VOTE ON FINAL PASSAGE.—Imme-  
2 diately following the conclusion of the debate on  
3 the joint resolution, the vote on final passage of  
4 the joint resolution shall occur.

5           (F) OTHER MOTIONS NOT IN ORDER.—A  
6 motion to postpone consideration of the joint  
7 resolution, a motion to proceed to the consider-  
8 ation of other business, or a motion to recom-  
9 mit the review joint resolution is not in order.  
10 A motion to reconsider the vote by which the  
11 joint resolution is agreed to or not agreed to is  
12 not in order.

13       (2) CONSIDERATION BY OTHER HOUSE.—If, be-  
14 fore the passage by one House of the joint resolution  
15 that was introduced in such House, such House re-  
16 ceives from the other House a joint resolution as  
17 passed by such other House—

18           (A) the joint resolution of the other House  
19 shall not be referred to a committee and may  
20 only be considered for final passage in the  
21 House that receives it under subparagraph (C);

22           (B) the procedure in the House in receipt  
23 of the joint resolution of the other House, shall  
24 be the same as if no joint resolution had been  
25 received from the other House; and



1           (C) notwithstanding subparagraph (B), the  
2           vote on final passage shall be on the joint reso-  
3           lution of the other House.

4           (3) DISPOSITION.—Upon disposition of a joint  
5           resolution that is received by one House from the  
6           other House, it shall no longer be in order to con-  
7           sider the joint resolution that was introduced in the  
8           receiving House.

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

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

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

1 (d) FALLBACK PROVISION.—If the Senate and the  
2 House of Representatives fail to act within one year from  
3 the date of introduction, the joint resolution takes effect.

4 **SEC. 10. DEFINITIONS.**

5 In this Act:

6 (1) AGENCY.—The term “agency” has the  
7 meaning given the term Executive agency in section  
8 105 of title 5, United States Code, except that such  
9 term includes an advisory committee.

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

14 (3) COMMISSION.—The term “Commission”  
15 means the Federal Agency Sunset Commission es-  
16 tablished under section 3.

17 (4) SUPERMAJORITY.—The term “super-major-  
18 ity” means an affirmative vote of two-thirds of the  
19 Members, duly chosen and sworn.

20 (5) ADVISORY COMMITTEE.—The term “advi-  
21 sory committee” has the meaning given the term in  
22 section 1001 of title 5, United States Code.

23 (4) JOINT RESOLUTION.—The term “joint reso-  
24 lution” means a joint resolution consisting of the  
25 proposed legislative language submitted by the Com-

- 1 mission under section 4(a)(3) and introduced or re-
- 2 introduced under section 7(a).

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