

117TH CONGRESS  
1ST SESSION

# H. R. 2199

To establish the Federal Agency Sunset Commission.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. CLOUD (for himself, Mr. PERRY, Mr. NORMAN, Mr. GOODEN of Texas, Ms. HERRELL, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on Oversight and 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

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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 2021”.

### 6 **SEC. 2. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-** 7 **CIES.**

8 (a) SCHEDULE FOR REVIEW.—(1) Not later than one  
9 year after the date of the enactment of this Act, the Fed-  
10 eral Agency Sunset Commission established under section

1 3 shall submit to Congress a schedule for review by the  
2 Commission of each agency that lists the date of abolish-  
3 ment for each agency.

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

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

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

15 (c) ABOLISHMENT OF AGENCIES.—

16 (1) IN GENERAL.—Each agency shall be re-  
17 viewed and abolished according to the schedule cre-  
18 ated pursuant to this section and approved under  
19 section 9, unless the agency is reauthorized by the  
20 Congress.

21 (2) EXTENSION.—The date of abolishment for  
22 an agency may be extended for an additional 2 years  
23 if the Congress enacts legislation extending such  
24 date by a vote of a supermajority of the House of  
25 Representatives and the Senate.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-  
3 mission to be known as the “Federal Agency Sunset Com-  
4 mission”.

5 (b) MEMBERSHIP.—

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

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

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

12 (i) 2 shall be from among members of  
13 the Senate; and

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

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

20 (i) 2 shall be from among members of  
21 the Senate; and

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

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

3 (i) 2 shall be from among members of  
4 the House of Representatives; and

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

9 (E) 3 shall be appointed by the minority  
10 leader of the House of Representatives, of  
11 whom—

12 (i) 2 shall be from among members of  
13 the House of Representatives; and

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

18 (c) CONTINUATION OF MEMBERSHIP.—If a member  
19 was appointed to the Commission as a Member of Con-  
20 gress and the member ceases to be a Member of Congress,  
21 that member shall cease to be a member of the Commis-  
22 sion.

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

1 (e) TERMS OF MEMBERS.—

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

4 (2) VACANCIES.—A vacancy in the Commis-  
5 sion—

6 (A) shall not affect the powers of the Com-  
7 mission; and

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

11 (f) CHAIRMAN; VICE CHAIRMAN.—The Commission  
12 shall select a Chairperson and Vice Chairperson from  
13 among the members of the Commission for a term of 4  
14 years.

15 (g) POWERS OF COMMISSION.—

16 (1) HEARINGS AND SESSIONS.—The Commis-  
17 sion may, for the purpose of carrying out this Act,  
18 hold such hearings, sit and act at such times and  
19 places, take such testimony, and receive such evi-  
20 dence as the Commission considers appropriate. The  
21 Commission may administer oaths to witnesses ap-  
22 pearing before it.

23 (2) OBTAINING INFORMATION.—

24 (A) IN GENERAL.—The Commission may  
25 secure directly from any agency or advisory

1 committee information necessary to enable it to  
2 carry out its duties under this Act.

3 (B) FURNISHING INFORMATION.—On re-  
4 quest of the Chairperson of the Commission,  
5 the head of the agency, or the Chair of the ad-  
6 visory committee shall furnish information to  
7 the Commission in a full and timely manner.

8 (3) SUBPOENA POWER.—

9 (A) AUTHORITY TO ISSUE SUBPOENA.—  
10 The Commission may issue a subpoena to re-  
11 quire the attendance and testimony of witnesses  
12 and the production of evidence relating to any  
13 matter under investigation by the Commission.

14 (B) COMPLIANCE WITH SUBPOENA.—If a  
15 person refuses to obey an order or subpoena of  
16 the Commission that is issued in connection  
17 with a Commission proceeding, the Commission  
18 may apply to the United States district court in  
19 the judicial district in which the proceeding is  
20 held for an order requiring the person to com-  
21 ply with the subpoena or order.

22 (4) IMMUNITY.—The Commission is an agency  
23 of the United States for purposes of part V of title  
24 18, United States Code (relating to immunity of wit-  
25 nesses).

1           (5) CONTRACT AUTHORITY.—The Commission  
2       may contract with and compensate government and  
3       private agencies or persons for services without re-  
4       gard to section 6101 of title 41, United States Code  
5       (relating to advertising requirement for Federal Gov-  
6       ernment purchases and sales).

7       (h) COMMISSION PROCEDURES.—

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

12          (2) MEETINGS.—The Commission shall meet at  
13      the call of the Chairman and not less than 2 times  
14      per year.

15          (2) QUORUM.—A majority of the members of  
16      the Commission shall constitute a quorum.

17          (3) VOTING.—The schedule for review sub-  
18      mitted pursuant to section 2(a) and the report and  
19      joint resolution submitted pursuant to section 4  
20      shall have the approval of not less than a majority  
21      of the members of the Commission.

22      (i) PERSONNEL MATTERS.—

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

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

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

9           (A) The executive director must be con-  
10      firmed by a vote of at least seven members of  
11      the Commission.

12          (B) The Director may appoint and fix the  
13      pay of additional personnel as the Director con-  
14      siders appropriate.

15          (4) APPLICABILITY OF CERTAIN CIVIL SERVICE  
16      LAWS.—The Director and staff of the Commission  
17      shall be appointed subject to the provisions of title  
18      5, United States Code, governing appointments in  
19      the competitive service, and shall be paid in accord-  
20      ance with the provisions of chapter 51 and sub-chap-  
21      ter III of chapter 53 of that title relating to classi-  
22      fication and General Schedule pay rates.

23          (j) OTHER ADMINISTRATIVE MATTERS.—

24          (1) POSTAL AND PRINTING SERVICES.—The  
25      Commission may use the United States mails and



1 obtain printing and binding services in the same  
2 manner and under the same conditions as other de-  
3 partments and agencies of the Federal Government.

4 (2) ADMINISTRATIVE SUPPORT SERVICES.—

5 Upon the request of the Commission, the Adminis-  
6 trator of General Services shall provide to the Com-  
7 mission, on a reimbursable basis, the administrative  
8 support services necessary for the Commission to  
9 carry out its duties under this Act.

10 (3) EXPERTS AND CONSULTANTS.—The Com-

11 mission may procure temporary and intermittent  
12 services under section 3109(b) of title 5, United  
13 States Code.

14 (4) GIFTS.—The Commission may accept, use,

15 and dispose of gifts or donations of services or prop-  
16 erty.

17 **SEC. 4. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**  
18 **AGENCIES.**

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

22 (b) RECOMMENDATIONS; REPORT TO CONGRESS.—

23 The Commission shall submit to Congress and the Presi-  
24 dent not later than September 1 of each year a report  
25 containing—

1           (1) an analysis of the efficiency of operation  
2           and public need for each agency to be reviewed in  
3           the year in which the report is submitted pursuant  
4           to the schedule submitted to Congress under section  
5           2;

6           (2) an analysis of authority claimed by the ex-  
7           ecutive branch but not specifically authorized by  
8           statute;

9           (3) recommendations on whether each such  
10          agency should be abolished, reorganized, or contin-  
11          ued;

12          (4) recommendations on whether the functions  
13          of any other agencies should be consolidated, trans-  
14          ferred, or reorganized in an agency to be reviewed  
15          in the year in which the report is submitted pursu-  
16          ant to the schedule submitted to Congress under  
17          section 2; and

18          (5) recommendations for administrative and  
19          legislative action with respect to each such agency,  
20          but not including recommendations for appropriation  
21          levels.

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

1 (d) INFORMATION GATHERING.—The Commission  
2 shall—

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

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

7 (3) require the agency to provide information to  
8 the Commission as appropriate; and

9 (4) consult with the General Accountability Of-  
10 fice, the Office of Management and Budget, the  
11 Comptroller General, and the chairman and ranking  
12 minority members of the committees of Congress  
13 with oversight responsibility for the agency being re-  
14 viewed regarding the operation of the agency.

15 (e) USE OF PROGRAM INVENTORY.—The Commis-  
16 sion shall use the program inventory prepared under sec-  
17 tion 9 in reviewing the efficiency and public need for each  
18 agency under subsection (a).

19 **SEC. 5. CRITERIA FOR REVIEW.**

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

23 (1) The effectiveness, and the efficiency of the  
24 operation of, the programs carried out by each such  
25 agency.

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

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

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

8           (5) The extent to which the jurisdiction of, and  
9           the programs administered by, the agency duplicate  
10          or conflict with the jurisdiction and programs of  
11          other agencies.

12          (6) The potential benefits of consolidating pro-  
13          grams administered by the agency with similar or  
14          duplicative programs of other agencies, and the po-  
15          tential for consolidating such programs.

16          (7) The number and types of beneficiaries or  
17          persons served by programs carried out by the agen-  
18          cy.

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

24          (9) The extent to which the agency has com-  
25          plied with the applicable provisions contained in the

1 sections 1115, 1116, 1117, 1120, 1121, 1122, 1123,  
2 1124, 1125, and the first 9703 of title 31, United  
3 States Code, section 306 of title 5, United States  
4 Code, and chapter 28 of title 39, United States  
5 Code.

6 (10) The promptness and effectiveness with  
7 which the agency seeks public input and input from  
8 State and local governments on the efficiency and ef-  
9 fectiveness of the performance of the functions of  
10 the agency.

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

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

19 (13) The extent to which the public participa-  
20 tion in rulemaking and decision making of the agen-  
21 cy has resulted in rules and decisions compatible  
22 with the objectives of the agency.

23 (14) The extent to which the agency complies  
24 with equal employment opportunity requirements re-  
25 garding equal employment opportunity.

1           (15) The extent of the regulatory, privacy, and  
2       paperwork impacts of the programs carried out by  
3       the agency.

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

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

9           (18) The extent to which changes are necessary  
10      in the authorizing statutes of the agency in order  
11      that the functions of the agency can be performed  
12      in the most efficient and effective manner.

13 **SEC. 6. OVERSIGHT BY COMMISSION.**

14       (a) MONITORING OF IMPLEMENTATION OF REC-  
15      OMMENDATIONS.—The Commission shall monitor imple-  
16      mentation of laws enacting provisions that incorporate rec-  
17      ommendations of the Commission with respect to abolish-  
18      ment or reorganization of agencies.

19       (b) MONITORING OF OTHER RELEVANT LEGISLA-  
20      TION.—

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

24           (A) a new agency; or

1 (B) a new program to be carried out by an  
2 existing agency.

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

6 (A) the functions of the proposed agency  
7 or program could be carried out by one or more  
8 existing agencies;

9 (B) the functions of the proposed agency  
10 or program could be carried out in a less re-  
11 strictive manner than the manner proposed in  
12 the legislation; and

13 (C) the legislation provides for public input  
14 regarding the performance of functions by the  
15 proposed agency or program.

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

17 The President, in consultation with the head of an  
18 agency determined to be abolished pursuant to section  
19 2(c), shall take such action as may be necessary to wind  
20 down the operation of such agency during the one year  
21 period following the date of abolishment for each such  
22 agency including the designation of an agency to carry out  
23 any ongoing authority, maintain custodial records, act as  
24 a party to unresolved legal actions or other obligations  
25 that cannot be resolved within one year.

1 **SEC. 8. PROGRAM INVENTORY.**

2 (a) PREPARATION.—The Comptroller General and  
3 the Director of the Congressional Budget Office, in co-  
4 operation with the Director of the Congressional Research  
5 Service, shall prepare an inventory of Federal programs  
6 (in this Act referred to as the “program inventory”) with-  
7 in each agency.

8 (b) PURPOSE.—The purpose of the program inven-  
9 tory is to advise and assist the Congress and the Commis-  
10 sion in carrying out the requirements of this Act. Such  
11 inventory shall not in any way bind the committees of the  
12 Senate or the House of Representatives with respect to  
13 their responsibilities under this Act and shall not infringe  
14 on the legislative and oversight responsibilities of such  
15 committees. The Comptroller General shall compile and  
16 maintain the inventory and the Director of the Congres-  
17 sional Budget Office shall provide budgetary information  
18 for inclusion in the inventory.

19 (c) INVENTORY CONTENT.—The program inventory  
20 shall set forth for each program each of the following mat-  
21 ters:

22 (1) The specific provision or provisions of law  
23 authorizing the program.

24 (2) The committees of the Senate and the  
25 House of Representatives which have legislative or  
26 oversight jurisdiction over the program.



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

3           (4) The committees which have jurisdiction over  
4           legislation providing new budget authority for the  
5           program, including the appropriate subcommittees of  
6           the Committees on Appropriations of the Senate and  
7           the House of Representatives.

8           (5) The agency and, if applicable, the subdivi-  
9           sion thereof responsible for administering the pro-  
10          gram.

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

13          (7) The next reauthorization date for the pro-  
14          gram.

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

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

20          (10) Where applicable, the year in which new  
21          budget authority for the program was last author-  
22          ized and the year in which current authorizations of  
23          new budget authority expire.

24          (11) Any other information the Commission de-  
25          termines to be necessary.

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

- 4 (1) authorized for a definite period of time;
- 5 (2) authorized in a specific dollar amount but  
6 without limit of time;
- 7 (3) authorized without limit of time or dollar  
8 amounts;
- 9 (4) not specifically authorized; or
- 10 (5) permanently provided, as determined by the  
11 Director of the Congressional Budget Office.

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

- 16 (1) The amounts of new budget authority au-  
17 thorized and provided for the program for each of  
18 the preceding four fiscal years and, where applicable,  
19 the four succeeding fiscal years.
- 20 (2) The functional and subfunctional category  
21 in which the program is presently classified and was  
22 classified under the fiscal year 2020 budget.
- 23 (3) The identification code and title of the ap-  
24 propriation account in which budget authority is  
25 provided for the program.

1 (f) MUTUAL EXCHANGE OF INFORMATION.—The  
 2 General Accountability Office, the Congressional Research  
 3 Service, and the Congressional Budget Office shall permit  
 4 the mutual exchange of available information in their pos-  
 5 session which would aid in the compilation of the program  
 6 inventory.

7 (g) ASSISTANCE BY EXECUTIVE BRANCH.—The Of-  
 8 fice of Management and Budget and the agencies (and the  
 9 subdivisions thereof) shall, to the extent necessary and  
 10 possible, provide the General Accountability Office with  
 11 assistance requested by the Comptroller General in the  
 12 compilation of the program inventory. Such communica-  
 13 tions shall be treated as confidential until a report is  
 14 issued under section 4(b).

15 **SEC. 9. EXPEDITED CONSIDERATION FOR SCHEDULE FOR**  
 16 **REVIEW.**

17 (a) INTRODUCTION AND COMMITTEE CONSIDER-  
 18 ATION.—

19 (1) INTRODUCTION.—A joint resolution shall be  
 20 introduced in the Senate by the majority leader, or  
 21 the majority leader's designee, and in the House of  
 22 Representatives, by the Speaker, or the Speaker's  
 23 designee not later than 60 days after the date on  
 24 which the proposed legislation is submitted to Con-  
 25 gress. Upon such introduction, the Commission

1 schedule for review bill shall be referred to the ap-  
2 propriate committees of Congress under paragraph  
3 (2). If the joint resolution is not introduced in ac-  
4 cordance with the preceding sentence, then any  
5 member of Congress may introduce such legislation  
6 in their respective House of Congress beginning on  
7 the date that is the 5th calendar day that such  
8 House is in session following the date of the submis-  
9 sion of such aggregate legislative language provi-  
10 sions.

11 (2) COMMITTEE CONSIDERATION.—

12 (A) REFERRAL.—The joint resolution in-  
13 troduced under paragraph (1) shall be referred  
14 to any appropriate committee of jurisdiction in  
15 the Senate and the House of Representatives. A  
16 committee to which the joint resolution is re-  
17 ferred under this paragraph may review and  
18 comment on such legislation, may report such  
19 legislation to the respective House, and may not  
20 amend such legislation.

21 (B) REPORTING.—Not later than 30 cal-  
22 endar days after the introduction of the joint  
23 resolution, each Committee of Congress to  
24 which the joint resolution was referred shall re-  
25 port the legislation.

1           (C) DISCHARGE OF COMMITTEE.—If a  
2           committee to which a joint resolution is referred  
3           has not reported such legislation at the end of  
4           30 calendar days after its introduction or at the  
5           end of the first day after there has been re-  
6           ported to the House a joint resolution involved  
7           a joint resolution, whichever is earlier, such  
8           committee shall be deemed to be discharged  
9           from further consideration of such legislation  
10          and such legislation shall be placed on the ap-  
11          propriate calendar of the House involved.

12       (b) EXPEDITED PROCEDURE.—

13           (1) CONSIDERATION.—

14           (A) IN GENERAL.—Not later than 30 cal-  
15          endar days after the date on which a committee  
16          has reported a joint resolution or has been dis-  
17          charged from consideration of a joint resolution,  
18          the majority leader of the Senate, or the major-  
19          ity leader’s designee, or the Speaker of the  
20          House of Representatives, or the Speaker’s des-  
21          ignee, shall move to proceed to the consider-  
22          ation of the joint resolution. It shall also be in  
23          order for any Member of the Senate or the  
24          House of Representatives, respectively, to move  
25          to proceed to the consideration of the joint reso-

1 lution at any time after the conclusion of such  
2 5-day period.

3 (B) MOTION TO PROCEED.—A motion to  
4 proceed to the consideration of a joint resolu-  
5 tion is highly privileged in the House of Rep-  
6 resentatives and is privileged in the Senate and  
7 is not debatable. The motion is not subject to  
8 amendment or to a motion to postpone consid-  
9 eration of the joint resolution. If the motion to  
10 proceed is agreed to, the Senate or the House  
11 of Representatives, as the case may be, shall  
12 immediately proceed to consideration of the  
13 joint resolution without intervening motion,  
14 order, or other business, and the joint resolu-  
15 tion shall remain the unfinished business of the  
16 Senate or the House of Representatives, as the  
17 case may be, until disposed of.

18 (C) LIMITED DEBATE.—Debate on the  
19 joint resolution and on all debatable motions  
20 and appeals in connection therewith shall be  
21 limited to not more than 10 hours, which shall  
22 be divided equally between those favoring and  
23 those opposing the joint resolution. A motion  
24 further to limit debate on the joint resolution is  
25 in order and is not debatable. All time used for

1 consideration of the joint resolution, including  
2 time used for quorum calls (except quorum calls  
3 immediately preceding a vote) and voting, shall  
4 come from the 10 hours of debate.

5 (D) AMENDMENTS.—No amendment to the  
6 joint resolution shall be in order in the Senate  
7 and the House of Representatives.

8 (E) VOTE ON FINAL PASSAGE.—Imme-  
9 diately following the conclusion of the debate on  
10 the joint resolution, the vote on final passage of  
11 the joint resolution shall occur.

12 (F) OTHER MOTIONS NOT IN ORDER.—A  
13 motion to postpone consideration of the joint  
14 resolution, a motion to proceed to the consider-  
15 ation of other business, or a motion to recom-  
16 mit the review joint resolution is not in order.  
17 A motion to reconsider the vote by which the  
18 joint resolution is agreed to or not agreed to is  
19 not in order.

20 (2) CONSIDERATION BY OTHER HOUSE.—If, be-  
21 fore the passage by one House of the joint resolution  
22 that was introduced in such House, such House re-  
23 ceives from the other House a joint resolution as  
24 passed by such other House—

1 (A) the joint resolution of the other House  
2 shall not be referred to a committee and may  
3 only be considered for final passage in the  
4 House that receives it under subparagraph (C);

5 (B) the procedure in the House in receipt  
6 of the joint resolution of the other House, shall  
7 be the same as if no joint resolution had been  
8 received from the other House; and

9 (C) notwithstanding subparagraph (B), the  
10 vote on final passage shall be on the joint reso-  
11 lution of the other House.

12 (3) DISPOSITION.—Upon disposition of a joint  
13 resolution that is received by one House from the  
14 other House, it shall no longer be in order to con-  
15 sider the joint resolution that was introduced in the  
16 receiving House.

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

19 (1) as an exercise of the rulemaking power of  
20 the Senate and the House of Representatives, re-  
21 spectively, and is deemed to be part of the rules of  
22 each House, respectively, but applicable only with re-  
23 spect to the procedure to be followed in that House  
24 in the case of the joint resolution, and it supersedes



1 other rules only to the extent that it is inconsistent  
2 with such rules; and

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

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

11 **SEC. 10. DEFINITIONS.**

12 In this Act:

13 (1) AGENCY.—The term “agency” has the  
14 meaning given the term Executive agency in section  
15 105 of title 5, United States Code, except that such  
16 term includes an advisory committee as that term is  
17 defined in section 3 of the Federal Advisory Com-  
18 mittee Act (5 U.S.C. App.).

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

23 (3) COMMISSION.—The term “Commission”  
24 means the Federal Agency Sunset Commission es-  
25 tablished under section 3.

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

4           (5) ADVISORY COMMITTEE.—The term “advi-  
5       sory committee” has the meaning given the term in  
6       section 3(2) of the Federal Advisory Committee Act  
7       (5 U.S.C. App.).

8           (4) JOINT RESOLUTION.—The term “joint reso-  
9       lution” means a joint resolution consisting of the  
10      proposed legislative language submitted by the Com-  
11      mission under section 4(a)(3) and introduced or re-  
12      introduced under section 7(a).

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