

116TH CONGRESS
1ST SESSION

S. _____

To establish a Federal Agency Sunset Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a Federal Agency Sunset Commission, 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 **["**_____ Act
5 of _____**"]**.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVISORY COMMITTEE.**—The term “advi-
9 sory committee” has the meaning given the term in
10 section 3(2) of the Federal Advisory Committee Act
11 (5 U.S.C. App.).

1 (2) AGENCY.—The term “agency” has the
2 meaning given the term in section 551 of title 5,
3 United States Code.

4 (3) COMMISSION.—The term “Commission”
5 means the Federal Agency Sunset Commission es-
6 tablished under section 3.

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

12 **SEC. 3. ESTABLISHMENT OF FEDERAL AGENCY SUNSET**
13 **COMMISSION.**

14 (a) ESTABLISHMENT.—There is established the Fed-
15 eral Agency Sunset Commission.

16 (b) MEMBERSHIP.—

17 (1) COMPOSITION.—The Commission shall be
18 composed of 13 members of whom—

19 (A) 1 shall be appointed by the President;

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

22 (i) 2 shall be from among the mem-
23 bers of the Senate; and

24 (ii) 1 shall not be a member of Con-
25 gress and shall have expertise in the oper-

1 ation and administration of Federal Gov-
2 ernment programs;

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

5 (i) 2 shall be from among the mem-
6 bers of the Senate; and

7 (ii) 1 shall not be a member of Con-
8 gress and shall have expertise in the oper-
9 ation and administration of Federal Gov-
10 ernment programs;

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

13 (i) 2 shall be from among the mem-
14 bers of the House of Representatives; and

15 (ii) 1 shall not be a member of Con-
16 gress and shall have expertise in the oper-
17 ation and administration of Federal Gov-
18 ernment programs; and

19 (E) 3 shall be appointed by the minority
20 leader of the House of Representatives, of
21 whom—

22 (i) 2 shall be from among the mem-
23 bers of the House of Representatives; and

24 (ii) 1 shall not be a member of Con-
25 gress and shall have expertise in the oper-

1 ation and administration of Federal Gov-
2 ernment programs.

3 (2) DATE.—The appointments of the members
4 of the Commission shall be made not later than 180
5 days after the date of enactment of this Act.

6 (c) PERIOD OF APPOINTMENT; VACANCIES.—

7 (1) IN GENERAL.—A member of the Commis-
8 sion shall be appointed for the life of the Commis-
9 sion.

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 (d) MEETINGS.—

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

22 (2) FREQUENCY.—The Commission shall meet
23 at the call of the Chairperson and not less than 2
24 times per year.

1 (3) QUORUM.—A majority of the members of
2 the Commission shall constitute a quorum, but a
3 lesser number of members may hold hearings.

4 (e) CHAIRPERSON AND VICE CHAIRPERSON.—The
5 Commission shall select a Chairperson and Vice Chair-
6 person from among the members of the Commission.

7 (f) VOTING.—A majority of the members of the Com-
8 mission is required to make a recommendation under sec-
9 tion 4.

10 **SEC. 4. DUTIES OF COMMISSION.**

11 (a) IN GENERAL.—The Commission shall—

12 (1) review and evaluate the efficiency and pub-
13 lic need for each agency or advisory commission not
14 less frequently than once every 6 years using criteria
15 established by the Commission;

16 (2) recommend whether each agency or advisory
17 commission should be continued, abolished, or reor-
18 ganized;

19 (3) based on the recommendations of the Com-
20 mission, submit to Congress proposed legislative lan-
21 guage for abolishing, or reorganizing an agency or
22 advisory commission; and

23 (4) if the Commission recommends to continue
24 an agency or advisory commission without any

1 change, submit to Congress a report that includes
2 the reasons for the recommendation.

3 (b) AGENCY SUBMISSIONS.—When the Commission
4 is considering whether to recommend continuing, abol-
5 ishing, or reorganizing an agency or advisory commission,
6 the agency or advisory commission, as applicable, shall
7 submit timely responses to a questionnaire provided by the
8 Commission, which shall include—

9 (1) an explanation of why the functions of the
10 agency or advisory committee continue to be nec-
11 essary;

12 (2) what efficiencies taxpayers realize by the
13 continued operation of the agency or advisory com-
14 mittee; and

15 (3) why the responsibilities of the agency or ad-
16 visory committee cannot be better performed by the
17 private sector or another agency or advisory com-
18 mittee.

19 (c) RESEARCH SERVICES.—The Government Ac-
20 countability Office and the Congressional Budget Office,
21 in coordination with the Congressional Research Service,
22 shall provide primary research services to the Commission
23 to assist the Commission in carrying out the duties under
24 this Act.

1 **SEC. 5. POWERS OF COMMISSION.**

2 (a) HEARINGS.—The Commission may hold such
3 hearings, sit and act at such times and places, take such
4 testimony, and receive such evidence as the Commission
5 considers advisable to carry out this Act.

6 (b) INFORMATION FROM AGENCIES AND ADVISORY
7 COMMITTEES.—

8 (1) IN GENERAL.—The Commission may secure
9 directly from an agency or advisory committee such
10 information as the Commission considers necessary
11 to carry out this Act.

12 (2) FURNISHING INFORMATION.—On request of
13 the Chairperson of the Commission, the head the
14 agency or the Chair of the advisory committee shall
15 furnish the information to the Commission.

16 (c) POSTAL SERVICES.—The Commission may use
17 the United States mails in the same manner and under
18 the same conditions as other departments and agencies of
19 the Federal Government.

20 (d) GIFTS.—The Commission may accept, use, and
21 dispose of gifts or donations of services or property.

22 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

23 (a) COMPENSATION OF MEMBERS.—A member of the
24 Commission who is not an officer or employee of the Fed-
25 eral Government shall be compensated at a rate equal to
26 the daily equivalent of the annual rate of basic pay pre-

1 scribed for level IV of the Executive Schedule under sec-
2 tion 5315 of title 5, United States Code, for each day (in-
3 cluding travel time) during which the member is engaged
4 in the performance of the duties of the Commission.

5 (b) TRAVEL EXPENSES.—A member of the Commis-
6 sion shall be allowed travel expenses, including per diem
7 in lieu of subsistence, at rates authorized for employees
8 of agencies under subchapter I of chapter 57 of title 5,
9 United States Code, while away from their homes or reg-
10 ular places of business in the performance of services for
11 the Commission.

12 (c) STAFF.—

13 (1) IN GENERAL.—The Chairperson of the
14 Commission may, without regard to the civil service
15 laws (including regulations), appoint and terminate
16 an executive director and such other additional per-
17 sonnel as may be necessary to enable the Commis-
18 sion to perform its duties, except that the employ-
19 ment of an executive director shall be subject to con-
20 firmation by the Commission.

21 (2) COMPENSATION.—The Chairperson of the
22 Commission may fix the compensation of the execu-
23 tive director and other personnel without regard to
24 chapter 51 and subchapter III of chapter 53 of title
25 5, United States Code, relating to classification of

1 positions and General Schedule pay rates, except
2 that the rate of pay for the executive director and
3 other personnel may not exceed the rate payable for
4 level V of the Executive Schedule under section 5316
5 of that title.

6 (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-
7 eral Government employee may be detailed to the Commis-
8 sion without reimbursement, and such detail shall be with-
9 out interruption or loss of civil service status or privilege.

10 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
11 TENT SERVICES.—The Chairperson of the Commission
12 may procure temporary and intermittent services under
13 section 3109(b) of title 5, United States Code, at rates
14 for individuals that do not exceed the daily equivalent of
15 the annual rate of basic pay prescribed for level V of the
16 Executive Schedule under section 5316 of that title.

17 **SEC. 7. EXPEDITED PROCEDURES FOR CONSIDERATION OF**
18 **JOINT RESOLUTIONS.**

19 (a) INTRODUCTION OF PROPOSED LEGISLATIVE
20 LANGUAGE.—

21 (1) IN GENERAL.—The proposed legislative lan-
22 guage submitted by the Commission under section
23 4(a)(3)—

24 (A) shall be introduced in the Senate (by
25 request) by the Majority Leader or Minority

1 Leader of the Senate or by a Member of the
2 Senate designated by the Majority Leader or
3 Minority Leader of the Senate not later than 60
4 days after the date on which the proposed legis-
5 lation is submitted to Congress; and

6 (B) shall be introduced in the House of
7 Representatives (by request) by the Speaker of
8 the House of Representatives or the Minority
9 Leader of the House of Representatives or by
10 a Member of the House of Representatives des-
11 ignated by the Speaker of the House of Rep-
12 resentatives or the Minority Leader of the
13 House of Representatives not later than 60
14 days after the date on which the proposed legis-
15 lation is submitted to Congress.

16 (2) REINTRODUCTION.—The proposed legisla-
17 tive language submitted by the Commission under
18 section 4(a)(3) shall be reintroduced as described in
19 paragraph (1) not later than 60 days after the first
20 day of a Congress if—

21 (A) the proposed legislative language was
22 introduced during the previous Congress after
23 the date that was 210 days before the date of
24 the sine die adjournment of such previous Con-
25 gress; and

1 (B) there was not a vote in either House
2 of Congress on passage of the joint resolution
3 introduced under subparagraph (A) during the
4 previous Congress by which the joint resolution
5 was not agreed to.

6 (b) EXPEDITED CONSIDERATION IN HOUSE OF REP-
7 RESENTATIVES.—

8 (1) REPORTING AND DISCHARGE.—Any com-
9 mittee of the House of Representatives to which a
10 joint resolution is referred shall report it to the
11 House of Representatives not later than **[180]** days
12 after the date on which the joint resolution is intro-
13 duced or reintroduced in the House of Representa-
14 tives under subsection (a). If a committee fails to re-
15 port the joint resolution within that period, the com-
16 mittee shall be discharged from further consider-
17 ation of the joint resolution and the joint resolution
18 shall be referred to the appropriate calendar.

19 (2) PROCEEDING TO CONSIDERATION.—

20 (A) IN GENERAL.—After each committee
21 authorized to consider a joint resolution reports
22 it to the House of Representatives or has been
23 discharged from its consideration, it shall be in
24 order, not later than **[210]** days after the date
25 on which the joint resolution is introduced or

1 reintroduced in the House of Representatives
2 under subsection (a), to move to proceed to con-
3 sider the joint resolution in the House of Rep-
4 resentatives.

5 (B) PROCEDURE.—For a motion to pro-
6 ceed to consideration of a joint resolution—

7 (i) all points of order against the mo-
8 tion are waived;

9 (ii) such a motion shall not be in
10 order after the House of Representatives
11 has disposed of a motion to proceed on the
12 joint resolution;

13 (iii) the previous question shall be
14 considered as ordered on the motion to its
15 adoption without intervening motion;

16 (iv) the motion shall not be debatable;
17 and

18 (v) a motion to reconsider the vote by
19 which the motion is disposed of shall not
20 be in order.

21 (3) CONSIDERATION.—If the House of Rep-
22 resentatives proceeds to consideration of a joint res-
23 olution—

24 (A) the joint resolution shall be considered
25 as read;

1 (B) all points of order against the joint
2 resolution and against its consideration are
3 waived;

4 (C) the previous question shall be consid-
5 ered as ordered on the joint resolution to its
6 passage without intervening motion except 10
7 hours of debate equally divided and controlled
8 by the proponent and an opponent;

9 (D) an amendment to the joint resolution
10 shall not be in order; and

11 (E) a motion to reconsider the vote on pas-
12 sage of the joint resolution shall not be in
13 order.

14 (c) EXPEDITED CONSIDERATION IN SENATE.—

15 (1) PLACEMENT ON CALENDAR.—Upon intro-
16 duction in the Senate, the joint resolution shall be
17 placed immediately on the calendar.

18 (2) PROCEEDING TO CONSIDERATION.—

19 (A) IN GENERAL.—Notwithstanding rule
20 XXII of the Standing Rules of the Senate, it is
21 in order, not later than **[210]** days after the
22 date on which the joint resolution is introduced
23 or reintroduced in the Senate under subsection
24 (a) (even though a previous motion to the same

1 effect has been disagreed to) to move to proceed
2 to the consideration of a joint resolution.

3 (B) PROCEDURE.—For a motion to pro-
4 ceed to the consideration of a joint resolution—

5 (i) all points of order against the mo-
6 tion are waived;

7 (ii) the motion is not debatable;

8 (iii) the motion is not subject to a mo-
9 tion to postpone;

10 (iv) a motion to reconsider the vote by
11 which the motion is agreed to or disagreed
12 to shall not be in order; and

13 (v) if the motion is agreed to, the
14 joint resolution shall remain the unfinished
15 business until disposed of.

16 (3) FLOOR CONSIDERATION.—

17 (A) IN GENERAL.—If the Senate proceeds
18 to consideration of a joint resolution—

19 (i) all points of order against the joint
20 resolution (and against consideration of
21 the joint resolution) are waived;

22 (ii) consideration of the joint resolu-
23 tion, and all debatable motions and appeals
24 in connection therewith, shall be limited to
25 not more than 10 hours, which shall be di-

1 vided equally between the majority and mi-
2 nority leaders or their designees;

3 (iii) a motion further to limit debate
4 is in order and not debatable;

5 (iv) an amendment to, a motion to
6 postpone, or a motion to commit the joint
7 resolution is not in order; and

8 (v) a motion to proceed to the consid-
9 eration of other business is not in order.

10 (B) VOTE ON PASSAGE.—The vote on pas-
11 sage shall occur immediately following the con-
12 clusion of the consideration of a joint resolu-
13 tion, and a single quorum call at the conclusion
14 of the debate if requested in accordance with
15 the rules of the Senate.

16 (C) RULINGS OF THE CHAIR ON PROCE-
17 DURE.—Appeals from the decisions of the Chair
18 relating to the application of this paragraph or
19 the rules of the Senate, as the case may be, to
20 the procedure relating to a joint resolution shall
21 be decided without debate.

22 (d) RULES RELATING TO SENATE AND HOUSE OF
23 REPRESENTATIVES.—

24 (1) COORDINATION WITH ACTION BY OTHER
25 HOUSE.—If, before the passage by one House of a

1 joint resolution of that House, that House receives
2 from the other House a joint resolution—

3 (A) the joint resolution of the other House
4 shall not be referred to a committee; and

5 (B) with respect to a joint resolution of the
6 House receiving the resolution—

7 (i) the procedure in that House shall
8 be the same as if no joint resolution had
9 been received from the other House; and

10 (ii) the vote on passage shall be on
11 the joint resolution of the other House.

12 (2) TREATMENT OF JOINT RESOLUTION OF
13 OTHER HOUSE.—If one House fails to introduce or
14 consider a joint resolution under this section, the
15 joint resolution of the other House shall be entitled
16 to expedited floor procedures under this section.

17 (3) TREATMENT OF COMPANION MEASURES.—
18 If, following passage of a joint resolution in the Sen-
19 ate, the Senate receives the companion measure
20 from the House of Representatives, the companion
21 measure shall not be debatable.

22 (4) CONSIDERATION AFTER PASSAGE.—If the
23 President vetoes the joint resolution, consideration
24 of a veto message in the Senate under this para-
25 graph shall be not more than 10 hours equally di-

1 vided between the majority and minority leaders or
2 their designees.

3 (e) RULES OF HOUSE OF REPRESENTATIVES AND
4 SENATE.—This section is enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and House of Representatives, respec-
7 tively, and as such is deemed a part of the rules of
8 each House, respectively, but applicable only with re-
9 spect to the procedure to be followed in that House
10 in the case of a joint resolution, and to supersede
11 other rules only to the extent that it is inconsistent
12 with such rules; and

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

18 **SEC. 8. TERMINATION OF COMMISSION.**

19 The Commission shall terminate on the date that is
20 10 years after the date of enactment of this Act.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There is authorized to be appro-
23 priated to the Commission to carry out this Act such sums
24 as may be necessary for fiscal years 2020 through 2029.

1 (b) AVAILABILITY.—Any sums appropriated under
2 the authorization contained in this section shall remain
3 available, without fiscal year limitation, until expended.