

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 236

To amend the Pay-As-You-Go Act of 2010 to create an expedited procedure to enact recommendations of the Government Accountability Office for consolidation and elimination to reduce duplication.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duplication Elimini-
5 nation Act of 2016”.

6 **SEC. 2. EXPEDITED CONSIDERATION OF GAO REC-
7 OMMENDATIONS.**

8 Title II of the joint resolution entitled “A joint reso-
9 lution increasing the statutory limit on the public debt”
10 (Public Law 111–139; 31 U.S.C. 712 note) is amended
11 by adding at the end the following:

1 **“SEC. 22. EXPEDITED CONSIDERATION OF GAO REC-**
2 **COMMENDATIONS.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘GAO report’ means the annual
5 report on duplication, consolidation, and elimination
6 of duplicative government programs required under
7 section 21; and

8 “(2) the term ‘joint resolution’ means a joint
9 resolution that—

10 “(A) contains legislative text necessary
11 to—

12 “(i) address the recommendations
13 contained in the GAO report for a year
14 that the President did not exclude; or

15 “(ii) eliminate or consolidate pro-
16 grams identified in the GAO report as du-
17 plicative or fragmented; and

18 “(B) requires that any savings attributable
19 to the legislative changes described in subpara-
20 graph (A) be transferred to the General Fund
21 of the Treasury and be used to reduce the def-
22 icit.

23 “(b) SUBMISSION OF PROPOSED JOINT RESOLU-
24 TION.—

25 “(1) IN GENERAL.—Not later than 180 days
26 after the date of the publication of the GAO report

1 for a year, the President shall transmit to Congress
2 a special message accompanied by a proposed joint
3 resolution.

4 “(2) REQUIREMENTS FOR PREPARATION OF
5 PROPOSED JOINT RESOLUTION.—

6 “(A) CONSULTATION WITH CONGRESS.—

7 “(i) IN GENERAL.—The President
8 may not transmit a proposed joint resolu-
9 tion under paragraph (1) until after the
10 President completes consultation with Con-
11 gress in accordance with this subpara-
12 graph.

13 “(ii) CONSULTATION WITH COMMIT-
14 TEES.—The President shall consult with
15 the chairman and ranking minority mem-
16 ber of each relevant committee of the Sen-
17 ate or of the House of Representatives re-
18 garding the contents of a proposed joint
19 resolution.

20 “(iii) REQUIREMENTS FOR CONSULTA-
21 TION.—The consultation required under
22 clause (ii) shall provide the opportunity for
23 the chairman and ranking member of each
24 relevant committee of the Senate or of the
25 House of Representatives to provide—

1 “(I) substantive feedback or rec-
2 ommendations relating to the GAO re-
3 port for the applicable year and how
4 best to legislatively address the rec-
5 ommendations contained in that GAO
6 report;

7 “(II) recommendations for alter-
8 native means of addressing the rec-
9 ommendations contained in that GAO
10 report; and

11 “(III) recommendations regard-
12 ing which recommendations contained
13 in that GAO report should not be ad-
14 dressed in the proposed joint resolu-
15 tion.

16 “(iv) RELEVANT COMMITTEES.—The
17 relevant committees of the Senate and the
18 House of Representatives for purposes of
19 this subparagraph shall be—

20 “(I) determined by the President;
21 and

22 “(II) based on the content of the
23 proposed joint resolution.

24 “(B) CONSULTATION WITH GAO.—The
25 President shall prepare a proposed joint resolu-

1 tion transmitted under paragraph (1) in con-
2 sultation with the Comptroller General of the
3 United States.

4 “(3) CONTENTS OF SPECIAL MESSAGE.—A spe-
5 cial message transmitted under paragraph (1)
6 shall—

7 “(A) specify recommendations outlined in
8 the GAO report that are excluded from the pro-
9 posed joint resolution;

10 “(B) detail why the recommendations de-
11 scribed in subparagraph (A) were excluded from
12 the proposed joint resolution;

13 “(C) specify recommendations outlined in
14 the GAO report that are included in the pro-
15 posed joint resolution; and

16 “(D) identify programs included in the
17 GAO report that should be eliminated or con-
18 solidated.

19 “(4) TRANSMITTAL.—The President shall sub-
20 mit the special message to the Secretary of the Sen-
21 ate if the Senate is not in session and to the Clerk
22 of the House of Representatives if the House is not
23 in session.

24 “(5) PUBLIC AVAILABILITY.—The President
25 shall make a copy of the special message and the

1 proposed joint resolution publicly available, and shall
2 publish in the Federal Register a notice of the mes-
3 sage and information on how it can be obtained.

4 “(c) INTRODUCTION BY LEADERS.—

5 “(1) IN THE HOUSE OF REPRESENTATIVES.—

6 “(A) IN GENERAL.—Subject to paragraph
7 (3)(A), not later than 30 days on which the
8 House of Representatives is in session after the
9 date on which the President transmits a pro-
10 posed joint resolution under subsection (b), the
11 proposed joint resolution shall be introduced in
12 the House of Representatives (by request) by
13 the majority leader of the House of Representa-
14 tives or by a Member of the House of Rep-
15 resentatives designated by the majority leader
16 of the House of Representatives.

17 “(B) JOINT RESOLUTION NOT INTRO-
18 DUCED.—

19 “(i) IN GENERAL.—If, within 31 days
20 on which the House of Representatives is
21 in session after the date on which the
22 President transmits a proposed joint reso-
23 lution under subsection (b), the proposed
24 joint resolution is not introduced in accord-
25 ance with subparagraph (A), it shall be in

1 order for the minority leader of the House
2 of Representatives or a Member of the
3 House of Representatives designated by
4 the minority leader of the House of Rep-
5 resentatives to introduce the proposed joint
6 resolution, subject to paragraph (3)(A).

7 “(ii) JOINT RESOLUTION INTRODUC-
8 TION BY OTHERS.—If, within 40 days on
9 which the House of Representatives is in
10 session after the date on which the Presi-
11 dent transmits a proposed joint resolution
12 under subsection (b), the proposed joint
13 resolution is not introduced in accordance
14 with subparagraph (A) or clause (i) of this
15 subparagraph, it shall be in order for any
16 member of the House of Representatives to
17 introduce the proposed joint resolution in
18 the House of Representatives, subject to
19 paragraph (3)(A).

20 “(2) IN THE SENATE.—

21 “(A) IN GENERAL.—Subject to paragraph
22 (3)(A), not later than 30 days on which the
23 Senate is in session after the date on which the
24 President transmits a proposed joint resolution
25 under subsection (b), the proposed joint resolu-

1 tion shall be introduced in the Senate (by re-
2 quest) by the majority leader of the Senate or
3 by a Member of the Senate designated by the
4 majority leader of the Senate.

5 “(B) JOINT RESOLUTION NOT INTRO-
6 DUCED.—

7 “(i) IN GENERAL.—If, within 31 days
8 on which the Senate is in session after the
9 date on which the President transmits a
10 proposed joint resolution under subsection
11 (b), the proposed joint resolution is not in-
12 troduced in accordance with subparagraph
13 (A), it shall be in order for the minority
14 leader of the Senate or a Member of the
15 Senate designated by the minority leader
16 of the Senate to introduce the proposed
17 joint resolution, subject to paragraph
18 (3)(A).

19 “(ii) JOINT RESOLUTION INTRODUC-
20 TION BY OTHERS.—If, within 40 days on
21 which the Senate is in session after the
22 date on which the President transmits a
23 proposed joint resolution under subsection
24 (b), the proposed joint resolution is not in-
25 troduced in accordance with subparagraph

1 (A) or clause (i) of this subparagraph, it
2 shall be in order for any member of the
3 Senate to introduce the proposed joint res-
4 olution, subject to paragraph (3)(A).

5 “(3) ELIMINATION OF EXTRANEIOUS MATTER.—

6 “(A) IN GENERAL.—In preparing a pro-
7 posed joint resolution for introduction under
8 paragraph (1) or (2), the sponsor of the joint
9 resolution shall exclude any provision—

10 “(i) that is not necessary to eliminate
11 or consolidate 1 or more programs in an
12 area of duplication identified in the GAO
13 report for the year or to address an action
14 identified in the GAO report for the year;

15 “(ii) that is not germane to the GAO
16 report for the year; or

17 “(iii) effecting direct spending.

18 “(B) POINT OF ORDER.—

19 “(i) IN GENERAL.—It shall not be in
20 order in the Senate or the House of Rep-
21 resentatives to consider a provision in a
22 joint resolution, or a motion, amendment,
23 amendment between the Houses, or con-
24 ference report thereon, that contains a pro-
25 vision described in clause (i), (ii), or (iii) of

1 subparagraph (A). If a point of order
2 under this clause is sustained by the Chair,
3 the provision shall be stricken from the
4 measure and may not be offered as an
5 amendment from the floor.

6 “(ii) FORM OF THE POINT OF
7 ORDER.—In the Senate, a point of order
8 under clause (i) may be raised by a Sen-
9 ator as provided in section 313(e) of the
10 Congressional Budget Act of 1974 (2
11 U.S.C. 644(e)).

12 “(iii) CONFERENCE REPORTS.—When
13 the Senate is considering a conference re-
14 port on, or an amendment between the
15 Houses in relation to, a joint resolution,
16 upon a point of order being made by any
17 Senator pursuant to clause (i), and such
18 point of order being sustained, such mate-
19 rial contained in such conference report or
20 House amendment shall be stricken, and
21 the Senate shall proceed to consider the
22 question of whether the Senate shall recede
23 from its amendment and concur with a
24 further amendment, or concur in the
25 House amendment with a further amend-

1 ment, as the case may be, which further
2 amendment shall consist of only that por-
3 tion of the conference report or House
4 amendment, as the case may be, not so
5 stricken. Any such motion in the Senate
6 shall be debatable. In any case in which
7 such point of order is sustained against a
8 conference report (or Senate amendment
9 derived from such conference report by op-
10 eration of this clause), no further amend-
11 ment shall be in order.

12 “(iv) SUPERMAJORITY WAIVER AND
13 APPEAL.—In the Senate, this subpara-
14 graph may be waived or suspended only by
15 an affirmative vote of three-fifths of the
16 Members, duly chose and sworn. An af-
17 firmative vote of three-fifths of Members of
18 the Senate, duly chosen and sworn shall be
19 required to sustain an appeal of the ruling
20 of the Chair on a point of order raised
21 under this subparagraph.

22 “(d) EXPEDITED CONSIDERATION IN THE HOUSE OF
23 REPRESENTATIVES.—

24 “(1) NO REFERRAL.—In the House of Rep-
25 resentatives, a joint resolution—

1 “(A) shall not be referred to a committee;
2 and

3 “(B) shall be placed on the appropriate
4 calendar of the House of Representatives.

5 “(2) MOTION TO PROCEED.—

6 “(A) IN GENERAL.—A motion to proceed
7 to a joint resolution is highly privileged in the
8 House of Representatives.

9 “(B) MAKING OF MOTION.—

10 “(i) IN GENERAL.—On and after the
11 date on which a joint resolution is intro-
12 duced, it shall be in order for the majority
13 leader of the House of Representatives or
14 by a Member of the House of Representa-
15 tives designated by the majority leader of
16 the House of Representatives to move to
17 proceed to the joint resolution in the
18 House of Representatives.

19 “(ii) MOTION BY OTHERS.—On and
20 after the 30th day on which the House of
21 Representatives is in session after the date
22 on which a joint resolution is introduced, it
23 shall be in order for any member of the
24 House of Representatives to move to pro-

1 “(B) it shall not be in order to offer an
2 amendment effecting direct spending.

3 “(4) FLOOR CONSIDERATION.—In the House of
4 Representatives, a joint resolution shall be consid-
5 ered as read. All points of order against the joint
6 resolution and against its consideration are waived.
7 The previous question shall be considered as ordered
8 on the joint resolution as to its passage without in-
9 tervening motion except 2 hours of debate shall be
10 divided equally between the majority and minority
11 leaders or their designees. A motion to reconsider
12 the vote on passage of the joint resolution shall not
13 be in order.

14 “(e) EXPEDITED CONSIDERATION IN THE SENATE.—

15 “(1) NO REFERRAL.—In the Senate, a joint
16 resolution—

17 “(A) shall not be referred to a committee;
18 and

19 “(B) shall be placed on the appropriate
20 calendar of the Senate.

21 “(2) MOTION TO PROCEED.—

22 “(A) IN GENERAL.—A motion to proceed
23 to a joint resolution is not debatable.

24 “(B) MAKING OF MOTION.—

1 “(i) IN GENERAL.—On and after the
2 date on which a joint resolution is intro-
3 duced, it shall be in order for the majority
4 leader of the Senate or a Member of the
5 Senate designated by the majority leader
6 of the Senate to move to proceed to the
7 joint resolution in the Senate.

8 “(ii) MOTION BY OTHERS.—On and
9 after the 50th day on which the Senate is
10 in session after the date on which a joint
11 resolution is introduced, it shall be in order
12 for any member of the Senate to move to
13 proceed to the joint resolution in the Sen-
14 ate.

15 “(C) CONSIDERATION.—The motion to
16 proceed to a joint resolution is not subject to a
17 motion to postpone, and all points of order
18 against the motion are waived. A motion to re-
19 consider the vote by which the motion is agreed
20 to or disagreed to shall not be in order. If a
21 motion to proceed to the consideration of a
22 joint resolution is agreed to, the joint resolution
23 shall remain the unfinished business of the Sen-
24 ate until disposed of.

25 “(3) AMENDMENTS.—

1 “(A) IN GENERAL.—During consideration
2 of a joint resolution in the Senate—

3 “(i) it shall only be in order to offer
4 an amendment that—

5 “(I) is germane to the GAO re-
6 port for the applicable year;

7 “(II) is necessary to eliminate or
8 consolidate 1 or more programs in an
9 area of duplication identified in that
10 GAO report; or

11 “(III) is necessary to address an
12 action identified in that GAO report;
13 and

14 “(ii) it shall not be in order to offer
15 an amendment effecting direct spending.

16 “(B) MINIMUM NUMBER.—Notwith-
17 standing the limitation on the period of consid-
18 eration of a joint resolution under paragraph
19 (4)(A), and subject to subparagraph (C), it
20 shall not be in order in the Senate to vote on
21 passage of the joint resolution before—

22 “(i) the majority leader, or a designee,
23 offers 1 amendment;

24 “(ii) the minority leader, or a des-
25 ignee, offers 1 amendment;

1 “(iii) the chairman of each standing
2 committee of the Senate, or a designee, of-
3 fers 1 amendment; and

4 “(iv) the ranking minority member of
5 each standing committee of the Senate, or
6 a designee, offers 1 amendment.

7 “(C) WAIVER.—

8 “(i) MAJORITY LEADER.—The major-
9 ity leader may waive the requirement
10 under subparagraph (B)(i).

11 “(ii) MINORITY LEADER.—The minor-
12 ity leader may waive the requirement
13 under subparagraph (B)(ii).

14 “(iii) CHAIRMAN.—The chairman of a
15 standing committee of the Senate may
16 waive the requirement under subparagraph
17 (B)(iii) with respect to the amendment of
18 that chairman.

19 “(iv) RANKING MINORITY MEMBER.—
20 The ranking minority member of a stand-
21 ing committee of the Senate may waive the
22 requirement under subparagraph (B)(iv)
23 with respect to the amendment of that
24 ranking minority member.

25 “(4) FLOOR CONSIDERATION.—

1 “(A) CONSIDERATION.—In the Senate,
2 consideration of a joint resolution, and on all
3 debatable motions and appeals in connection
4 therewith, shall be limited to not more than 30
5 hours, which shall be divided equally between
6 the majority and minority leaders or their des-
7 ignees. A motion to further limit debate is in
8 order and not debatable. A motion to postpone,
9 a motion to proceed to the consideration of
10 other business, or a motion to commit the joint
11 resolution is not in order.

12 “(B) PASSAGE.—If the Senate has pro-
13 ceeded to a joint resolution, the vote on passage
14 of the joint resolution shall occur immediately
15 following the conclusion of consideration of the
16 joint resolution, and a single quorum call at the
17 conclusion of the debate if requested in accord-
18 ance with the rules of the Senate. A joint reso-
19 lution shall only agreed to in the Senate upon
20 an affirmative vote of three-fifths of the Mem-
21 bers, duly chose and sworn

22 “(C) RULINGS OF THE CHAIR ON PROCE-
23 DURE.—Appeals from the decisions of the Chair
24 relating to the application of the rules of the

1 Senate to the procedure relating to a joint reso-
2 lution shall be decided without debate.

3 “(f) COORDINATION WITH OTHER HOUSE.—

4 “(1) IN GENERAL.—If one House receives from
5 the other House a joint resolution (including a joint
6 resolution that was amended)—

7 “(A) the joint resolution of the other
8 House shall not be referred to a committee;

9 “(B) with respect to the joint resolution of
10 the House receiving the resolution, the proce-
11 dure in that House shall be the same as if no
12 joint resolution had been received from the
13 other House; and

14 “(C) with respect to the joint resolution re-
15 ceived from the other House (without regard to
16 whether a joint resolution of the receiving
17 House has been introduced or considered in the
18 receiving House)—

19 “(i) it shall be in order to move to
20 proceed to the joint resolution of the other
21 House in accordance with subsection (d)(2)
22 or (e)(2), as applicable;

23 “(ii) if the motion to proceed to the
24 joint resolution of the other House is
25 agreed to, the joint resolution shall remain

1 the unfinished business of that House until
2 disposed of and shall be considered in ac-
3 cordance with subsection (d) or (e), as ap-
4 plicable.

5 “(2) CONSIDERATION OF VETO MESSAGES.—If
6 the President vetoes the joint resolution debate on a
7 veto message in the Senate under this section shall
8 be 1 hour equally divided between the majority and
9 minority leaders or their designees.”.