
§ 258

SEC. 258.¹⁶⁸⁵ SUSPENSION IN THE EVENT OF WAR OR LOW GROWTH.

§ 258(a)

(a) PROCEDURES IN THE EVENT OF A LOW GROWTH REPORT. —

§ 258(a)(1)

(1) TRIGGER. — Whenever CBO issues a low-growth report under section 254(j), the Majority Leader of the House of Representatives may, and the Majority Leader of the Senate shall, introduce a joint resolution¹⁶⁸⁶ (in the

¹⁶⁸⁵ Section 258 is codified as amended at 2 U.S.C. § 907a (Supp. IV 1992). Section 13101(f) of the Budget Enforcement Act added this section 258 as it reads now. *See infra* p. 705. In a drafting error, however, section 13101(f) of the Budget Enforcement Act failed to repeal the section 258 of Gramm-Rudman-Hollings that existed before the enactment of the Budget Enforcement Act. *See id.* That Congress intended to repeal the old section 258 is evident from the subject matter of that section — modification of the President's sequester order. Section 13101(f) of the Budget Enforcement Act also adds a new section 258A of Gramm-Rudman-Hollings that deals with the same subject in nearly the same language. (Compare the language of the new section 258A (*see infra* pp. 635-639) with the language of the old section 258. *See infra* note 1710.) To the extent that provisions of the new section 258A conflict with those of the old section 258, the provisions of the later-enacted section 258A would control. Consequently, to avoid confusion, this volume sets forth the old section 258 *infra* note 1710, even though Congress has not explicitly repealed it. For additional legislative history on the matter now covered by section 258, *see infra* note 630 (at the end of this section).

¹⁶⁸⁶ On January 23, 1991, the Majority Leader introduced such a resolution, S.J. Res. 44, 102d Cong., 1st Sess., 137 CONG. REC. S1053, S1097-98 (daily ed. Jan. 23, 1991). The Committee on the Budget reported it unfavorably the next day. 137 CONG. REC. S1158, D93 (daily ed. Jan. 24, 1991). The Senate rejected the joint resolution by a vote of 97 to 2. *Id.* at S1359 (daily ed. Jan. 31, 1991). For the debate on that joint resolution, *see id.* at S1346-59.

On May 6, 1991, the Majority Leader introduced a second such resolution, S.J. Res. 137, 102d Cong., 1st Sess., 137 CONG. REC. S5352 (daily ed. May 6, 1991). The Committee on the Budget reported it unfavorably the next day. 137 CONG. REC. S5406, D538 (daily ed. May 7, 1991). On May 9, 1991, the Senate rejected the resolution by a vote of 92 to 5. *Id.* at S5601 (daily ed. May 9, 1991). For the debate on that joint resolution, *see id.* at S5591-601.

On July 31, 1991, the Majority Leader introduced a third such resolution, S.J. Res. (continued...)

form set forth in paragraph (2)) declaring that the conditions specified in section 254(j) are met and suspending the relevant provisions of this title, titles III and VI of the Congressional Budget Act of 1974, and section 1103¹⁶⁸⁷ of title 31, United States Code.¹⁶⁸⁸

¹⁶⁸⁴(...continued)

186, 102d Cong., 1st Sess., 137 CONG. REC. S11,550, S11,580 (daily ed. July 31, 1991). Following the August Senate recess, the Committee on the Budget reported it unfavorably. 137 CONG. REC. S12,921, D1079 (daily ed. Sept. 12, 1991). On September 19, 1991, the Senate rejected the joint resolution by a vote of 88 to 8. *Id.* at S13,308 (daily ed. Sept. 19, 1991). For the debate on that joint resolution, see *id.* at S13,225-29 (daily ed. Sept. 18, 1991); *id.* at S13,294-308 (daily ed. Sept. 19, 1991).

¹⁶⁸⁷ This is so in the original; it should be 1105(f). See *infra* note 1701.

¹⁶⁸⁸ The Chairman of the Budget Committee has likened this trigger procedure to a circuit breaker:

Mr. President, the issue before the body today is, simply stated, whether to suspend the provisions of the Gramm-Rudman-Hollings law. In essence, what we are doing today is dealing with a circuit-breaker concept.

As the body knows, a circuit breaker is a mechanical device that automatically interrupts the flow of electric current under an infrequent abnormal condition. The circuit breaker turns off the power to a circuit, or path of electrical energy, whenever too much current surges through the system for it to operate safely. Circuit breakers, as we all know, provide important protection for the home and for the office. Without a circuit breaker, a short circuit could cause extremely high temperatures in the wiring and that could set a house on fire.

The drafters of the Gramm-Rudman-Hollings law prudently built two circuit breakers into that system. One of these circuit breakers is tripped by a Congressional declaration of war. As much as the events of the Middle East weigh heavily on all our minds, here today and indeed on the minds of our countrymen all across this land, we are not here today to address the issue of a declaration of war.

The second circuit breaker in the Gramm-Rudman-Hollings statute is tripped by a forecast of an economic recession or, in the alternative, actual results showing low economic growth for two successive quarters. Specifically, this circuit breaker device is triggered if either the Office of Management and Budget or the Congressional Budget Office projects that real economic growth will be negative for two consecutive quarters during the year-and-a-half starting with the quarter just ended. . . .

(continued...)

100(...continued)

I might note, Mr. President, that this circuit breaker can also be triggered by the Department of Commerce which can report that actual real economic growth for the last two quarters came in at less than 1 percent. So there is a distinction. Projected growth has to be negative, but actual growth, as certified by the department of commerce, may also trip the circuit if it is less than 1-percent real growth.

Tripping the Gramm-Rudman-Hollings recession circuit breaker forces the majority leader to introduce a joint resolution, a joint resolution stating that the Gramm-Rudman-Hollings law shall be suspended. The Budget Committee must report on this joint resolution within 5 session days or be discharged. . . .

Following the action of the Senate Budget Committee, the Senate as a whole must vote on this resolution within 5 session days. If the Senate has not voted on it by midnight of the fifth day, then under a 1986 precedent, the presiding officer must automatically put the question before the body at that time.

The substance of the joint resolution is simple and it is prescribed by statute. If Congress adopts the joint resolution and the President signs it —or if Congress enacts the joint resolution over the President's veto — then it will suspend Gramm-Rudman-Hollings's system of reports and orders for fiscal years 1991 and 1992. It would also suspend points of order on spending bills for the same period. All Gramm-Rudman-Hollings procedures would then come back automatically in fiscal year 1993.

When a circuit breaker shuts off power in our home, it can mean one of two things[.]

One of these conditions is normal; one is not. The first condition may mean we have turned on too many appliances at the same time on the same circuit, that we have connected too many devices to a circuit. Or it may mean that we have a short circuit, which can be very dangerous.

If we just turned on too many appliances at the same time, we go downstairs to the panel of switches and turn the circuit breaker back on. If we have a short circuit, however, we have to call an electrician to troubleshoot and perhaps rework the system.

With the Gramm-Rudman-Hollings recession circuit breaker, the Senate must examine the economic system and vote. If the economic system is basically sound, we should vote to leave the Gramm-Rudman-Hollings structure in place. But, if instead we find the economic system to be in great peril at the moment, then we should vote to suspend the Gramm-Rudman-

(continued...)

§ 258(a)(2)

(2) FORM OF JOINT RESOLUTION. —

§ 258(a)(2)(A)

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows: "That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C¹⁶⁸⁹ of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b)¹⁶⁹⁰ of the Balanced Budget and Emergency Deficit Control Act of 1985."

§ 258(a)(2)(B)

(B) The title of the joint resolution shall be "Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.;" and the joint resolution shall not contain any preamble.

§ 258(a)(3)

(3) COMMITTEE ACTION. — Each joint resolution introduced pursuant to paragraph (1)¹⁶⁹¹ shall be

¹⁶⁸⁸(...continued)

Hollings rules and take dramatic action to stimulate the economy.

We do not have to rework the system every time the circuit breaker trips. It is merely a device that operates automatically to force us, then, to exercise judgement. And that is precisely what the Senate is being called upon to do this afternoon; to exercise a judgment on the economy.

137 CONG. REC. S1346-47 (daily ed. Jan. 31, 1991) (remarks of Sen. Sasser).

¹⁶⁸⁹ See pp. 437-666.

¹⁶⁹⁰ See *infra* pp. 627-628.

¹⁶⁹¹ See *supra* pp. 619-620.

referred to the appropriate committees of the House of Representatives or the Committee on the Budget of the Senate,¹⁶⁹² as the case may be; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced.¹⁶⁹³ If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

§ 258(a)(4)

(4) CONSIDERATION OF JOINT RESOLUTION. —

§ 258(a)(4)(A)

(A) A vote on final passage of a joint resolution reported to the Senate or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session after the date on which the joint resolution is reported or after the Committee has been discharged from further consideration of the joint resolution.¹⁶⁹⁴ If

¹⁶⁹² See, e.g., 137 CONG. REC. S11,550, S11,580 (daily ed. July 31, 1991); *id.* at S5352 (daily ed. May 6, 1991); *id.* at S1053, S1097 (daily ed. Jan. 23, 1991).

¹⁶⁹³ See, e.g., 137 CONG. REC. S12,921, D1079 (daily ed. Sept. 12, 1991); *id.* at S5406, D538 (daily ed. May 7, 1991); *id.* at S1158, D93 (daily ed. Jan. 24, 1991).

¹⁶⁹⁴ If the Senate has not voted on the joint resolution by midnight of the fifth day, then the Chair of its own initiative will call for a vote on the joint resolution at that time. See 132 CONG. REC. S12,949-50 (1986); Senate Precedent PRL19860919-001 (Sept. 19, 1986) (LEGIS, Rules database) (inquiry of Democratic Leader Byrd regarding a sequester resolution pursuant to section 274(f)); 132 CONG. REC. S13,086-89 (1986); Senate Precedent PRL19860919-019 (Sept. 19, 1986) (LEGIS, Rules database) (the Chair put the vote). The Chair will call for a vote even if the Senate is on another privileged matter at midnight of the fifth day. See 132 CONG. REC. S12,949-50 (1986); Senate Precedent PRL19860919-001 (Sept. 19, 1986) (LEGIS, Rules database) (inquiry). If the Senate is taking a roll call vote at midnight, the Chair will merely delay calling for a vote on the joint resolution. See 132 CONG. REC. S13,086-89 (1986); Senate Precedent PRL19860919-019 (Sept. 19, 1986) (LEGIS, Rules database) (the Chair put the vote at about 12:10 a.m.). It
(continued...)

¹⁰⁴(...continued)

follows that the Chair should rule out of order of its own initiative a motion to adjourn or recess to a time after midnight of the fifth day if the Senate has not yet voted on the joint resolution.

The precedents cited here arose on September 19, 1986, in connection with a joint resolution to implement a sequester under section 274(f) of Gramm-Rudman-Hollings, which provides procedures in the event that a court has invalidated the sequestration procedures under Gramm-Rudman-Hollings. *See infra* pp. 687-688. Section 274(f)(4) (*see infra* p. 688) provides that the procedures that now appear at section 258(a)(4) shall govern such joint resolutions. That day, Democratic Leader Byrd propounded a parliamentary inquiry of the Chair:

Mr. BYRD. Mr. President, while the distinguished majority leader [Senator Dole] is still on the floor, with respect to the sequester resolution, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. What will occur at midnight this day in the event a reconciliation resolution has not been passed by that time or by the close of business today?

The PRESIDING OFFICER. The Chair will put the question on the passage of the sequester resolution.

Mr. BYRD. Would that occur precisely at the hour of midnight?

The PRESIDING OFFICER. If the Senate is in session, yes.

Mr. BYRD. And if the reconciliation measure has not been disposed of or has been disposed of, in either case?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Does the distinguished majority leader have any question?

Mr. DOLE. I agree with that.

132 CONG. REC. S12,949-50 (daily ed. Sept. 19, 1986).

Soon after midnight later that day, the following occurred:

The PRESIDING OFFICER. Under the provisions of Public Law 99-177 [Gramm-Rudman-Hollings], the hour of 12 midnight having arrived, the Senate will now turn to the consideration of Senate Joint Resolution 412
(continued...)

prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then —

¹⁰⁷(...continued)
[the sequester resolution].

The clerk will report

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 412) complying with the requirements of section 274(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, the joint resolution is no longer debatable, nor may it be amended.

The joint resolution will be read for a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The question is on final passage of the joint resolution.

The Senator from Florida.

Mr. CHILES. Mr. President, how much time is available now?

Mr. DOLE. None.

The PRESIDING OFFICER. No time is available. All time has expired.

The question is on the passage.

§ 258(a)(4)(A)(i)

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

§ 258(a)(4)(A)(ii)

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

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

§ 258(a)(4)(B)(i)

(B)(i) In the Senate, a joint resolution under this paragraph shall be privileged. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

§ 258(a)(4)(B)(ii)

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

§ 258(a)(4)(B)(iii)

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

§ 258(a)(4)(B)(iv) (iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

§ 258(a)(4)(C) (C) No amendment to a joint resolution considered under this paragraph shall be in order in the Senate.

§ 258(b) (b) SUSPENSION OF SEQUESTRATION¹⁶⁹⁵ PROCEDURES.
— Upon the enactment of a declaration of war or a joint resolution described in subsection (a) —

§ 258(b)(1) (1) the subsequent issuance of any sequestration¹⁶⁹⁶ report or any sequestration order is precluded;

§ 258(b)(2) (2) sections 302(f),¹⁶⁹⁷ 310(d),¹⁶⁹⁸ 311(a),¹⁶⁹⁹ and title VI¹⁷⁰⁰ of the Congressional Budget Act of 1974 are suspended; and

§ 258(b)(3) (3) section 1103¹⁷⁰¹ of title 31, United States Code,

¹⁶⁹⁵ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

¹⁶⁹⁶ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

¹⁶⁹⁷ *See supra* pp. 95-104.

¹⁶⁹⁸ *See supra* p. 170.

¹⁶⁹⁹ *See supra* pp. 178-192.

¹⁷⁰⁰ *See supra* pp. 299-339.

¹⁷⁰¹ This is so in the original; it should be 1105(f). Section 1103 merely reaffirms a congressional commitment:

§ 1103. Budget ceiling

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the
(continued...)

is suspended.¹⁷⁰²

¹⁷⁰¹(...continued)
Government for that year.

31 U.S.C. § 1103 (1988).

Section 1105(f), on the other hand, provides:

(f) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.

31 U.S.C. § 1105(f) (Supp. III 1991) (as amended by section 13112(c)(2) of the Budget Enforcement Act, *see infra* p. 711).

Note that before enactment of the Budget Enforcement Act, section 254 deal with this subject matter and referred to section 1105(f) of title 31. *See infra* note 630 (at the end of this section).

¹⁷⁰² Note that this section does not suspend all points of order, or even all points of order requiring 60 votes to waive in the Senate.

The following table displays changes made in the law with regard to suspensions for war and recession. Note that the old law's treatment of war differed from its treatment of recession.

Suspension of 60-Vote Points of Order for War and Recessions			
Point of Order Section Number	Under the Old Law		Under the New Law
	Suspend for War	Suspend for Recession	Suspend for Either War or Recessions
301(i)	X	X	-
302(c)	-	-	-
302(f)	-	X	X
304(b)	X	X	-
305(b)(2)	-	-	-
305(c)(4)	-	-	-

Congressional Budget Act sections

301(i)	X	X	-
302(c)	-	-	-
302(f)	-	X	X
304(b)	X	X	-
305(b)(2)	-	-	-
305(c)(4)	-	-	-

(continued...)

§ 258(e)

(c) RESTORATION OF SEQUESTRATION¹⁷⁰³ PROCEDURES.¹⁷⁰³(...continued)

306	-	-	-
310(d)(2)	X	-	X
310(f)	-	-	-
310(g)	-	-	-
311(a)	X	X	X
313	-	-	-
601(b)	-	-	X
606(c)	-	-	X
904(c)	-	-	-
904(d)	-	-	-

Gramm-Rudman-Hollings sections

reports	X	X	X
orders	-	X	X
258(a)(4)(C)	-	X	-
258A(b)(3)(C)(i)	-	X	-
258B(f)(1)	-	X	-
258B(h)(1)	-	X	-
258B(h)(3)	-	X	-
258C(a)(5)	-	X	-
258C(b)(1)	-	X	-

Note that the Budget Enforcement Act changed the nature of the point of order provided by section 301(i) of the Congressional Budget Act, which has been on the list of sections requiring a supermajority to waive since the enactment of Gramm-Rudman-Hollings and remains on the list. Whereas section 301(i) used to provide a point of order against a budget resolution violating the maximum deficit amount (much as section 606(c) of the Congressional Budget Act does now), section 301(i) now provides the Social Security "fire wall" point of order in the Senate, which prohibits the Senate Budget Committee from reporting budget resolutions that would decrease the surplus in the Social Security trust funds.

Note also that section 13112(a)(8) of the Budget Enforcement Act (*see infra* p. 709) repealed what used to be section 304(b), which used to require that revisions of budget resolutions remain within the maximum deficit amount and is on the old list of points of order requiring 60 Senators to waive under section 271(b). Consequently, while violating the maximum deficit amount in this context used to require a supermajority, it no longer does.

¹⁷⁰³ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

§ 258(e)(1)

(1) In the event of a suspension of sequestration procedures due to a declaration of war, then, effective with the first fiscal year that begins in the session after the state of war is concluded by Senate ratification of the necessary treaties, the provisions of subsection (b) triggered by that declaration of war are no longer effective.

§ 258(e)(2)

(2) In the event of a suspension of sequestration¹⁷⁰⁴ procedures due to the enactment of a joint resolution described in subsection (a), then, effective with regard to the first fiscal year beginning at least 12 months after the enactment of that resolution, the provisions of subsection (b) triggered by that resolution are no longer effective.¹⁷⁰⁵

¹⁷⁰⁴ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

¹⁷⁰⁵ Gramm-Rudman-Hollings used to cover the subject matter of the new section 258 by the section 254(a) of Gramm-Rudman-Hollings that existed before the enactment of the Budget Enforcement Act. (Section 13101(a) of the Budget Enforcement Act repealed the old section 254(a). *See infra* p. 701.) The section 254(a) of Gramm-Rudman-Hollings that existed before the enactment of the Budget Enforcement Act read as follows:

(a) SPECIAL PROCEDURES IN THE EVENT OF A RECESSION. —

(1) IN GENERAL. — The Director of the Congressional Budget Office shall notify the Congress at any time if —

(A) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the four quarters following such notification, such Office or the Office of Management and Budget has determined that real economic growth is projected or estimated to be less than zero with respect to each of any two consecutive quarters within such period, or

(B) the Department of Commerce preliminary reports of actual real economic growth (or any subsequent revision thereof) indicate that the rate of real economic growth for each of the most recent reported quarter and the immediately preceding quarter is less than one percent.

Upon such notification the Majority Leader of each House shall introduce a joint resolution (in the form set forth in paragraph (2)) declaring that the conditions specified in this paragraph are met and

(continued...)

¹⁷⁸(...continued)

suspending the relevant provisions of this title for the remainder of the current fiscal year or for the following fiscal year or both.

(2) FORM OF JOINT RESOLUTION. —

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows:

"That the Congress declares that the conditions specified in section 254(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met; and —

"(1) the provisions of sections 3(7), 301(i), 302(f), 304(b), and 311(a) of the Congressional Budget and Impoundment Control Act of 1974, section 1106(c) of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are suspended for the remainder of the current fiscal year, and

"(2) the provisions of sections 3(7), 301(i), 304(b), and 311(a) (insofar as it relates to section 3(7)) of the Congressional Budget and Impoundment Control Act of 1974, sections 302(f) and 311(a) (except insofar as it relates to section 3(7)) of that Act (but only if a concurrent resolution on the budget under section 301 of that Act, for the fiscal year following the current fiscal year, has been agreed to prior to the introduction of this joint resolution), sections 1105(f) and 1106(c) of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are suspended for the fiscal year following the current

(continued...)

¹⁷²⁵(...continued)

fiscal year.

This joint resolution shall not have the effect of suspending any final order which was issued for the current fiscal year under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 if such order was issued before the date of the enactment of this joint resolution.".

(B) The title of the joint resolution shall be "Joint resolution suspending certain provisions of law pursuant to section 254(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.;" and the joint resolution shall not contain any preamble.

(3) COMMITTEE ACTION. — Each joint resolution introduced pursuant to paragraph (1) shall be referred to the Committee on the Budget of the House involved; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced. If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

(4) CONSIDERATION OF JOINT RESOLUTION. —

(A) A vote on final passage of a joint resolution reported to a House of the Congress or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session of such House after the date on which the joint resolution is reported to such House or after the Committee has been discharged from further consideration of the joint resolution. If prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then —

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

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

(continued...)

¹⁷⁰³(...continued)

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

(B)(i) A motion in the House of Representatives to proceed to the consideration of a joint resolution under this paragraph shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the House of Representatives on a joint resolution under this paragraph shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to postpone, made in the House of Representatives with respect to the consideration of a joint resolution under this paragraph, and a motion to proceed to the consideration of other business, shall not be in order. A motion further to limit debate shall not be debatable. It shall not be in order to move to table or to recommit a joint resolution under this paragraph or to move to reconsider the vote by which the joint resolution is agreed to or disagreed to.

(iii) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution under this paragraph shall be decided without debate.

(iv) Except to the extent specifically provided in the preceding provisions of this subsection or in subparagraph (D), consideration of a joint resolution under this subparagraph shall be governed by the Rules of the House of Representatives.

(C)(i) A motion in the Senate to proceed to the consideration of a joint resolution under this paragraph shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(continued...)

¹⁷⁰⁵(...continued)

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

(iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(D) No amendment to a joint resolution considered under this paragraph shall be in order in either the House of Representatives or the Senate.