To provide for congressional review of rules rescheduling marijuana.

IN THE SENATE OF THE UNITED STATES

Ms. Lummis (for herself and Mr. Daines) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for congressional review of rules rescheduling marijuana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deferring Executive Authority Act” or the “DEA Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED RULE.—The term “covered rule” means a rule transferring marijuana between schedules established by section 202 of the Controlled Substances Act (21 U.S.C. 812).
(2) MARIJUANA.—The term “marijuana” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(3) JOINT RESOLUTION.—The term “joint resolution” means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 3(a)(1) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: “That Congress disapproves the rule submitted by the Attorney General relating to transferring marijuana between schedules established by section 202 of the Controlled Substances Act (21 U.S.C. 812), and such rule shall have no force or effect.”.

(4) SUBMISSION OR PUBLICATION DATE.—The term “submission or publication date” means the later of the date on which—

(A) Congress receives the report submitted under section 3(a)(1); or

(B) the covered rule published in the Federal Register, if so published.
SEC. 3. CONGRESSIONAL REVIEW OF RULES RESCHEDULING MARIJUANA.

(a) Congressional Review.—

(1) Report.—Before a covered rule can take effect, the Attorney General shall submit to each House of Congress and to the Comptroller General a report containing—

(A) a copy of the covered rule;

(B) a concise general statement relating to the covered rule; and

(C) the proposed effective date of the covered rule.

(2) Joint Resolution of Disapproval.—A covered rule described in paragraph (1) shall not take effect (or continue) if Congress enacts a joint resolution.

(b) Referral.—A joint resolution shall be referred to the committees in each House of Congress with jurisdiction.

(c) Discharge.—In the Senate, if the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date, such committee may be discharged from further consideration of such joint resolution upon a petition sup-
ported in writing by 30 Members of the Senate, and such
joint resolution shall be placed on the calendar.

(d) **Floor Consideration.**—

(1) **In General.**—In the Senate, when the committee to which a joint resolution is referred has
reported, or when a committee is discharged (under
subsection (c)) from further consideration of a joint
resolution, it is at any time thereafter in order (even
though a previous motion to the same effect has
been disagreed to) for a motion to proceed to the
consideration of the joint resolution, and all points
of order against the joint resolution (and against
consideration of the joint resolution) are waived. The
motion is not subject to amendment, or to a motion
to postpone, or to a motion to proceed to the consid-
eration of other business. A motion to reconsider the
vote by which the motion is agreed to or disagreed
to shall not be in order. If a motion to proceed to
the consideration of the joint resolution is agreed to,
the joint resolution shall remain the unfinished busi-
ness of the Senate until disposed of.

(2) **Debate.**—In the Senate, debate on the
joint resolution, and on all debatable motions and
appeals in connection therewith, shall be limited to
not more than 10 hours, which shall be divided
equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to re-commit the joint resolution is not in order.

(3) Vote on Final Passage.—In the Senate, immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

(e) Applicability.—In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a covered rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

(2) if the report under subsection (a)(1) was submitted during the period beginning on the date
occuring, in the case of the Senate, 60 session days,
or in the case of the House of Representatives, 60 legislative days, before the date the Congress ad-
journs a session of Congress through the date on which the same or succeeding Congress first con-
venes its next session, after the expiration of the 60 session days beginning on the 15th session day after
the succeeding session of Congress first convenes.

(f) Coordination With Action by Other House.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following proce-
dures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been re-
ceived from the other House; but

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

(g) Rules of the Senate and House of Rep-
resentatives.—This section is enacted by Congress—
(1) as an exercise of the rulemaking power of
the Senate and House of Representatives, respec-
tively, and as such it is deemed a part of the rules
of each House, respectively, but applicable only with
respect to the procedure to be followed in that
House in the case of a joint resolution, and it super-
cedes other rules only to the extent that it is incon-
sistent with such rules; and

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