

115TH CONGRESS
1ST SESSION

H. R. 4537

To preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2017

Mr. DUFFY (for himself, Mr. HECK, Mr. SHERMAN, Mr. ROSS, Mr. BUDD, Mr. CAPUANO, Mr. ROTHFUS, and Ms. TENNEY) introduced the following bill; which was referred to the Committee on Financial Services, 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

A BILL

To preserve the State-based system of insurance regulation and provide greater oversight of and transparency on international insurance standards setting processes, 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 “International Insur-
5 ance Standards Act of 2017”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 The Congress finds the following:

3 (1) The State-based system for insurance regu-
4 lation in the United States has served American con-
5 sumers well for more than 150 years and has fos-
6 tered an open and competitive marketplace with a
7 diversity of insurance products to the benefit of pol-
8 icyholders and consumers.

9 (2) Protecting policyholders by regulating to en-
10 sure an insurer's ability to pay claims has been the
11 hallmark of the successful United States system and
12 should be the paramount objective of domestic pru-
13 dential regulation and emerging international stand-
14 ards.

15 (3) The Dodd-Frank Wall Street Reform and
16 Consumer Protection Act (Public Law 111–203) re-
17 affirmed the State-based insurance regulatory sys-
18 tem.

19 **SEC. 3. REQUIREMENT THAT INSURANCE STANDARDS RE-**
20 **FLECT UNITED STATES POLICY.**

21 (a) REQUIREMENT.—Parties representing the Fed-
22 eral Government in any international regulatory, stand-
23 ard-setting, or supervisory forum or in any negotiations
24 of any international agreements relating to the prudential
25 aspects of insurance shall not agree to, accede to, accept,
26 or establish, and shall use their voice and shall vote to

1 oppose, any proposed agreement or standard, including
2 proposals developed by the International Association of In-
3 surance Supervisors (or a successor entity), unless such
4 proposed agreement or standard—

5 (1) is consistent with and reflective of existing
6 Federal and State laws, regulations, and policies on
7 regulation of insurance, including the primacy of
8 policyholder protection in solvency regulation; and

9 (2) recognizes existing Federal and State laws,
10 regulations, and policies on the regulation of insur-
11 ance as satisfying such proposals.

12 (b) FEDERAL INSURANCE OFFICE FUNCTIONS.—
13 Subparagraph (E) of section 313(c)(1) of title 31, United
14 States Code, is amended by inserting “Department of the
15 Treasury of the” before “United States”.

16 (c) NEGOTIATIONS.—Nothing in this section shall be
17 construed to prevent participation in negotiations of any
18 proposed agreement or standard.

19 **SEC. 4. STATE INSURANCE REGULATOR INVOLVEMENT IN**
20 **INTERNATIONAL STANDARD SETTING.**

21 In developing international insurance standards pur-
22 suant to section 3, and throughout the negotiations of
23 such standards, parties representing the Federal Govern-
24 ment shall, on matters related to insurance, closely con-
25 sult, coordinate with and include in such meetings, State

1 insurance commissioners or, at the option of the State in-
2 surance commissioners, designees of the insurance com-
3 missioners acting at their direction.

4 **SEC. 5. CONSULTATION WITH CONGRESS.**

5 (a) CONSULTATION.—Before initiating negotiations
6 to enter into an agreement under section 3, during such
7 negotiations, and before entering into any such agreement,
8 parties representing the Federal Government shall provide
9 written notice to and consult with the Committee on Fi-
10 nancial Services of the House of Representatives and the
11 Committee on Banking, Housing, and Urban Affairs of
12 the Senate, and any other relevant committees of jurisdic-
13 tion, regarding—

14 (1) the intention of the United States to par-
15 ticipate or enter into such negotiations;

16 (2) the nature and objectives of the negotia-
17 tions;

18 (3) the implementation of the agreement, in-
19 cluding how it is consistent with and does not mate-
20 rially differ from or otherwise affect Federal or
21 State laws or regulations;

22 (4) the impact on the competitiveness of United
23 States insurers; and

24 (5) the impact on United States consumers.

1 (b) SUBMISSION AND LAYOVER PROVISIONS.—Par-
2 ties representing the Federal Government may not sign
3 the final text or otherwise agree to, accept, or establish
4 an agreement under section 3 that would not have the
5 force and effect of law before—

6 (1) such parties submit to the committees speci-
7 fied in subsection (a), on a day in which both
8 Houses of Congress are in session, a copy of the
9 final legal text of the agreement; and

10 (2) the later of—

11 (A) the expiration of 90-day period begin-
12 ning on the date on which the copy of the final
13 legal text of the agreement is submitted to the
14 congressional committees under paragraph (1);

15 or

16 (B) if the President has vetoed a joint res-
17 olution described in section 6(b) relating to the
18 agreement, the expiration of the 15-day period
19 described in section 6(a)(2).

20 (c) DELIVERY OF DOCUMENTS TO BOTH HOUSES.—

21 Whenever, pursuant to this section, written notice or a
22 document is required to be transmitted to the Congress,
23 copies of such notice or document shall be delivered to
24 both Houses of Congress on the same day and shall be
25 delivered to the Clerk of the House of Representatives if

1 the House is not in session and to the Secretary of the
2 Senate if the Senate is not in session.

3 **SEC. 6. CONGRESSIONAL REVIEW.**

4 (a) DISAPPROVAL.—

5 (1) IN GENERAL.—In the case of any agree-
6 ment under section 3 that would not have the force
7 and effect of law, the United States shall not be con-
8 sidered a party to such agreement if, before the ex-
9 piration of the 90-day period beginning on the day
10 that the final legal text of the agreement is sub-
11 mitted to the Congress pursuant to section 5(b)(1),
12 a joint resolution described in subsection (b) is en-
13 acted into law.

14 (2) VETO.—If the President vetoes the joint
15 resolution, the joint resolution shall be treated as en-
16 acted into law before the end of the 90-day period
17 under paragraph (1) if both Houses of Congress
18 vote to override such veto on or before the later of—

19 (A) the last day of such 90-day period; or

20 (B) the last day of the 15-day period (ex-
21 cluding any day described in subsection (h)) be-
22 ginning on the date the Congress receives the
23 veto message from the President.

24 (b) CONTENTS OF RESOLUTION.—For purposes of
25 this section, the term “resolution” means only a joint reso-

1 lution of the two Houses of the Congress, that is intro-
2 duced during the 60-day period beginning upon the sub-
3 mission to the Congress pursuant to section 5(b)(1) of the
4 agreement to which such resolution relates, and the matter
5 after the resolving clause of which is as follows: “That
6 the Congress does not approve the agreement transmitted
7 to the Congress pursuant to section 5(b)(1) of the Inter-
8 national Insurance Standards Act of 2017, on
9 _____.”, the blank space being filled with the ap-
10 propriate date.

11 (c) REFERENCE TO COMMITTEES.—All resolutions
12 introduced in the House of Representatives shall be re-
13 ferred to the Committee on Financial Services and all res-
14 olutions introduced in the Senate shall be referred to the
15 Committee on Banking Housing and Urban Affairs.

16 (d) DISCHARGE OF COMMITTEES.—

17 (1) IN GENERAL.—If the committee of either
18 House to which a resolution has been referred has
19 not reported it at the end of 30 days after its intro-
20 duction, not counting any day which is excluded
21 under subsection (h), it is in order to move either to
22 discharge the committee from further consideration
23 of the resolution or to discharge the committee from
24 further consideration of any other resolution intro-

1 duced with respect to the same matter, except that
2 a motion to discharge—

3 (A) may only be made on the second legis-
4 lative day after the calendar day on which the
5 Member making the motion announces to the
6 House his intention to do so; and

7 (B) is not in order after the committee has
8 reported a resolution with respect to the same
9 matter.

10 (2) PRIVILEGE.—A motion to discharge under
11 paragraph (1) may be made only by an individual fa-
12 voring the resolution, and is highly privileged in the
13 House and privileged in the Senate; and debate
14 thereon shall be limited to not more than 1 hour, the
15 time to be divided in the House equally between
16 those favoring and those opposing the resolution,
17 and to be divided in the Senate equally between, and
18 controlled by, the majority leader and the minority
19 leader or their designees. An amendment to the mo-
20 tion is not in order, and it is not in order to move
21 to reconsider the vote by which the motion is agreed
22 to or disagreed to.

23 (e) FLOOR CONSIDERATION IN THE HOUSE.—

24 (1) IN GENERAL.—A motion in the House of
25 Representatives to proceed to the consideration of a

1 resolution shall be highly privileged and not debat-
2 able. An amendment to the motion shall not be in
3 order, nor shall it be in order to move to reconsider
4 the vote by which the motion is agreed to or dis-
5 agreed to.

6 (2) DEBATE; NO RECONSIDERATION.—Debate
7 in the House of Representatives on a resolution shall
8 be limited to not more than 20 hours, which shall
9 be divided equally between those favoring and those
10 opposing the resolution. A motion further to limit
11 debate shall not be debatable. No amendment to, or
12 motion to recommit, the resolution shall be in order.
13 It shall not be in order to move to reconsider the
14 vote by which a resolution is agreed to or disagreed
15 to.

16 (3) CONSIDERATION OF OTHER MOTIONS.—Mo-
17 tions to postpone, made in the House of Representa-
18 tives with respect to the consideration of a resolu-
19 tion, and motions to proceed to the consideration of
20 other business, shall be decided without debate.

21 (4) APPEALS TO DECISIONS OF CHAIR.—All ap-
22 peals from the decisions of the Chair relating to the
23 application of the Rules of the House of Representa-
24 tives to the procedure relating to a resolution shall
25 be decided without debate.

1 (5) APPLICABILITY OF RULES.—Except to the
2 extent specifically provided in the preceding provi-
3 sions of this subsection, consideration of a resolution
4 in the House of Representatives shall be governed by
5 the Rules of the House of Representatives applicable
6 to other resolutions in similar circumstances.

7 (f) FLOOR CONSIDERATION IN THE SENATE.—

8 (1) MOTION TO PROCEED.—A motion in the
9 Senate to proceed to the consideration of a resolu-
10 tion shall be privileged. An amendment to the mo-
11 tion shall not be in order, nor shall it be in order
12 to move to reconsider the vote by which the motion
13 is agreed to or disagreed to.

14 (2) DEBATE ON RESOLUTION.—Debate in the
15 Senate on a resolution, and all debatable motions
16 and appeals in connection therewith, shall be limited
17 to not more than 20 hours, to be equally divided be-
18 tween, and controlled by, the majority leader and the
19 minority leader or their designees.

20 (3) DEBATE ON MOTION OR APPEAL.—Debate
21 in the Senate on any debatable motion or appeal in
22 connection with a resolution shall be limited to not
23 more than 1 hour, to be equally divided between,
24 and controlled by, the mover and the manager of the
25 resolution, except that in the event the manager of

1 the resolution is in favor of any such motion or ap-
2 peal, the time in opposition thereto, shall be con-
3 trolled by the minority leader or his designee. Such
4 leaders, or either of them, may, from time under
5 their control on the passage of a resolution, allot ad-
6 ditional time to any Senator during the consider-
7 ation of any debatable motion or appeal.

8 (4) MOTION TO LIMIT DEBATE.—A motion in
9 the Senate to further limit debate on a resolution,
10 debatable motion, or appeal is not debatable. No
11 amendment to, or motion to recommit, a resolution
12 is in order in the Senate.

13 (g) PROCEDURES IN THE SENATE.—

14 (1) PROCEDURES.—Except as otherwise pro-
15 vided in this section, the following procedures shall
16 apply in the Senate to a resolution to which this sec-
17 tion applies:

18 (A)(i) Except as provided in clause (ii), a
19 resolution that has passed the House of Rep-
20 resentatives shall, when received in the Senate,
21 be referred to the Committee on Banking,
22 Housing, and Urban Affairs for consideration
23 in accordance with this section.

24 (ii) If a resolution to which this section ap-
25 plies was introduced in the Senate before re-

1 ceipt of a resolution that has passed the House
2 of Representatives, the resolution from the
3 House of Representatives shall, when received
4 in the Senate, be placed on the calendar. If this
5 clause applies, the procedures in the Senate
6 with respect to a resolution introduced in the
7 Senate that contains the identical matter as the
8 resolution that passed the House of Representa-
9 tives shall be the same as if no resolution had
10 been received from the House of Representa-
11 tives, except that the vote on passage in the
12 Senate shall be on the resolution that passed
13 the House of Representatives.

14 (B) If the Senate passes a resolution be-
15 fore receiving from the House of Representa-
16 tives a joint resolution that contains the iden-
17 tical matter, the joint resolution shall be held at
18 the desk pending receipt of the joint resolution
19 from the House of Representatives. Upon re-
20 ceipt of the joint resolution from the House of
21 Representatives, such joint resolution shall be
22 deemed to be read twice, considered, read the
23 third time, and passed.

1 (2) NON-IDENTICAL RESOLUTIONS.—If the
2 texts of joint resolutions described in this section
3 concerning any matter are not identical—

4 (A) the Senate shall vote passage on the
5 resolution introduced in the Senate; and

6 (B) the text of the joint resolution passed
7 by the Senate shall, immediately upon its pas-
8 sage (or, if later, upon receipt of the joint reso-
9 lution passed by the House), be substituted for
10 the text of the joint resolution passed by the
11 House of Representatives, and such resolution,
12 as amended, shall be returned with a request
13 for a conference between the two Houses.

14 (3) CONSIDERATION OF VETO MESSAGE.—Con-
15 sideration in the Senate of any veto message with
16 respect to a joint resolution described in subsection
17 (b), including consideration of all debatable motions
18 and appeals in connection therewith, shall be limited
19 to 10 hours, to be equally divided between, and con-
20 trolled by, the majority leader and the minority lead-
21 er or their designees.

22 (h) COMPUTATION OF PERIOD.—For purposes of
23 subsection (a)(1) of this section and subsection (b)(2) of
24 section 5, the 90-day period referred to in such sub-
25 sections shall be computed by excluding—

1 (1) the days on which either House is not in
2 session because of an adjournment of more than 3
3 days to a day certain or an adjournment of the Con-
4 gress sine die; and

5 (2) any Saturday and Sunday, not excluded
6 under paragraph (1), when either House is not in
7 session.

8 (i) EXERCISE OF RULEMAKING POWER.—This sec-
9 tion is enacted by the Congress—

10 (1) as an exercise of the rulemaking power of
11 the House of Representatives and the Senate, re-
12 spectively, and as such they are deemed a part of
13 the rules of each House, respectively, but applicable
14 only with respect to the procedure to be followed in
15 that House in the case of resolutions described in
16 subsection (b); and they supersede other rules only
17 to the extent that they are inconsistent therewith;
18 and

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

24 (j) RULE OF CONSTRUCTION.—This section, and any
25 failure to enact a resolution under this section, shall not

1 be construed to be an endorsement of or to establish or
2 expand any authority to enter into or implement an agree-
3 ment described in section 3 that is not otherwise provided
4 for under Federal law.

5 **SEC. 7. COVERED AGREEMENTS.**

6 (a) **PREEMPTION OF STATE INSURANCE MEAS-**
7 **URES.**—Subsection (f) of section 313 of title 31, United
8 States Code, is amended by striking “Director” each place
9 such term appears and inserting “Secretary”.

10 (b) **DEFINITION.**—Paragraph (2) of section 313(r) of
11 title 31, United States Code, is amended—

12 (1) in subparagraph (A), by striking “and” at
13 the end;

14 (2) in subparagraph (B), by striking the period
15 at the end and inserting “; and”; and

16 (3) by adding at the end the following new sub-
17 paragraph:

18 “(C) applies only on a prospective basis.”.

19 (c) **CONSULTATION; SUBMISSION AND LAYOVER;**
20 **CONGRESSIONAL REVIEW.**—Section 314 of title 31,
21 United States Code is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (2)(C), by striking
24 “laws” and inserting the following: “and Fed-
25 eral law, and the nature of any changes in the

1 laws of the United States or the administration
2 of such laws that would be required to carry out
3 a covered agreement”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(3) ACCESS TO NEGOTIATING TEXTS AND
7 OTHER DOCUMENTS.—Congressional Committees
8 and staff with proper security clearances shall be
9 given access to United States negotiating proposals,
10 consolidated draft texts, and other pertinent docu-
11 ments related to the negotiations, including classi-
12 fied materials.”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “only if—” and inserting the fol-
16 lowing: “only if, before signing the final legal
17 text or otherwise entering into the agreement—
18 ”;

19 (B) in paragraph (1), by striking “congres-
20 sional committees specified in subsection
21 (b)(1)” and inserting “congressional committees
22 and to staff with proper security clearances”;
23 and

24 (C) by striking paragraph (2) and insert-
25 ing the following new paragraph:

1 “(2)(A) the 90-day period beginning on the
2 date on which the copy of the final legal text of the
3 agreement is submitted under paragraph (1) to the
4 congressional committees and staff has expired; and

5 “(B) if the President has vetoed a joint resolu-
6 tion described in subsection (d)(2) relating to the
7 agreement, the 15-day period described in subsection
8 (d)(1)(B)(ii) has expired.”; and

9 (3) by adding at the end the following new sub-
10 sections:

11 “(d) CONGRESSIONAL REVIEW.—

12 “(1) DISAPPROVAL.—

13 “(A) IN GENERAL.—A covered agreement
14 shall have no force and effect in the United
15 States if, before the expiration of the 90-day
16 period beginning on the day that the final legal
17 text of the agreement is submitted to the Con-
18 gress pursuant to subsection (c), a joint resolu-
19 tion described in paragraph (2) is enacted into
20 law.

21 “(B) VETO.—If the President vetoes the
22 joint resolution, the joint resolution shall be
23 treated as enacted into law before the end of
24 the 90-day period under subparagraph (A) if

1 both Houses of Congress vote to override such
2 veto on or before the later of—

3 “(i) the last day of such 90-day pe-
4 riod; or

5 “(ii) the last day of the 15-day period
6 (excluding any day described in paragraph
7 (8)) beginning on the date the Congress
8 receives the veto message from the Presi-
9 dent.

10 “(2) CONTENTS OF RESOLUTIONS.—For pur-
11 poses of this subsection, the term ‘resolution’ means
12 only a joint resolution of the two Houses of the Con-
13 gress, that is introduced during the 60-day period
14 beginning upon the submission to the Congress pur-
15 suant to subsection (c) of the covered agreement to
16 which such resolution relates, and the matter after
17 the resolving clause of which is as follows: ‘That the
18 Congress does not approve the covered agreement
19 transmitted to the Congress pursuant to section
20 314(c) of title 31, United States Code, on
21 _____.’, the blank space being filled with
22 the appropriate date.

23 “(3) REFERENCE TO COMMITTEES.—All resolu-
24 tions introduced in the House of Representatives
25 shall be referred to the Committee on Financial

1 Services and all resolutions introduced in the Senate
2 shall be referred to the Committee on Banking
3 Housing and Urban Affairs.

4 “(4) DISCHARGE OF COMMITTEES.—

5 “(A) IN GENERAL.—If the committee of ei-
6 ther House to which a resolution has been re-
7 ferred has not reported it at the end of 30 days
8 after its introduction, not counting any day
9 which is excluded under paragraph (8), it is in
10 order to move either to discharge the committee
11 from further consideration of the resolution or
12 to discharge the committee from further consid-
13 eration of any other resolution introduced with
14 respect to the same matter, except that a mo-
15 tion to discharge—

16 “(i) may only be made on the second
17 legislative day after the calendar day on
18 which the Member making the motion an-
19 nounces to the House his intention to do
20 so; and

21 “(ii) is not in order after the com-
22 mittee has reported a resolution with re-
23 spect to the same matter.

24 “(B) PRIVILEGE.—A motion to discharge
25 under subparagraph (A) may be made only by

1 an individual favoring the resolution, and is
2 highly privileged in the House and privileged in
3 the Senate; and debate thereon shall be limited
4 to not more than 1 hour, the time to be divided
5 in the House equally between those favoring
6 and those opposing the resolution, and to be di-
7 vided in the Senate equally between, and con-
8 trolled by, the majority leader and the minority
9 leader or their designees. An amendment to the
10 motion is not in order, and it is not in order
11 to move to reconsider the vote by which the mo-
12 tion is agreed to or disagreed to.

13 “(5) FLOOR CONSIDERATION IN THE HOUSE.—

14 “(A) IN GENERAL.—A motion in the
15 House of Representatives to proceed to the con-
16 sideration of a resolution shall be highly privi-
17 leged and not debatable. An amendment to the
18 motion shall not be in order, nor shall it be in
19 order to move to reconsider the vote by which
20 the motion is agreed to or disagreed to.

21 “(B) DEBATE; NO RECONSIDERATION.—

22 Debate in the House of Representatives on a
23 resolution shall be limited to not more than 20
24 hours, which shall be divided equally between
25 those favoring and those opposing the resolu-

1 tion. A motion further to limit debate shall not
2 be debatable. No amendment to, or motion to
3 recommit, the resolution shall be in order. It
4 shall not be in order to move to reconsider the
5 vote by which a resolution is agreed to or dis-
6 agreed to.

7 “(C) CONSIDERATION OF OTHER MO-
8 TIONS.—Motions to postpone, made in the
9 House of Representatives with respect to the
10 consideration of a resolution, and motions to
11 proceed to the consideration of other business,
12 shall be decided without debate.

13 “(D) APPEALS TO DECISIONS OF CHAIR.—
14 All appeals from the decisions of the Chair re-
15 lating to the application of the Rules of the
16 House of Representatives to the procedure re-
17 lating to a resolution shall be decided without
18 debate.

19 “(E) APPLICABILITY OF RULES.—Except
20 to the extent specifically provided in the pre-
21 ceding provisions of this paragraph, consider-
22 ation of a resolution in the House of Represent-
23 atives shall be governed by the Rules of the
24 House of Representatives applicable to other
25 resolutions in similar circumstances.

1 “(6) FLOOR CONSIDERATION IN THE SEN-
2 ATE.—

3 “(A) MOTION TO PROCEED.—A motion in
4 the Senate to proceed to the consideration of a
5 resolution shall be privileged. An amendment to
6 the motion shall not be in order, nor shall it be
7 in order to move to reconsider the vote by
8 which the motion is agreed to or disagreed to.

9 “(B) DEBATE ON RESOLUTION.—Debate
10 in the Senate on a resolution, and all debatable
11 motions and appeals in connection therewith,
12 shall be limited to not more than 20 hours, to
13 be equally divided between, and controlled by,
14 the majority leader and the minority leader or
15 their designees.

16 “(C) DEBATE ON MOTION OR APPEAL.—
17 Debate in the Senate on any debatable motion
18 or appeal in connection with a resolution shall
19 be limited to not more than 1 hour, to be equal-
20 ly divided between, and controlled by, the mover
21 and the manager of the resolution, except that
22 in the event the manager of the resolution is in
23 favor of any such motion or appeal, the time in
24 opposition thereto, shall be controlled by the
25 minority leader or his designee. Such leaders, or

1 either of them, may, from time under their con-
2 trol on the passage of a resolution, allot addi-
3 tional time to any Senator during the consider-
4 ation of any debatable motion or appeal.

5 “(D) MOTION TO LIMIT DEBATE.—A mo-
6 tion in the Senate to further limit debate on a
7 resolution, debatable motion, or appeal is not
8 debatable. No amendment to, or motion to re-
9 commit, a resolution is in order in the Senate.

10 “(7) PROCEDURES IN THE SENATE.—

11 “(A) PROCEDURES.—Except as otherwise
12 provided in this section, the following proce-
13 dures shall apply in the Senate to a resolution
14 to which this subsection applies:

15 “(i)(I) Except as provided in sub-
16 clause (II), a resolution that has passed
17 the House of Representatives shall, when
18 received in the Senate, be referred to the
19 Committee on Banking, Housing, and
20 Urban Affairs for consideration in accord-
21 ance with this subsection.

22 “(II) If a resolution to which this sub-
23 section applies was introduced in the Sen-
24 ate before receipt of a resolution that has
25 passed the House of Representatives, the

1 resolution from the House of Representa-
2 tives shall, when received in the Senate, be
3 placed on the calendar. If this subclause
4 applies, the procedures in the Senate with
5 respect to a resolution introduced in the
6 Senate that contains the identical matter
7 as the resolution that passed the House of
8 Representatives shall be the same as if no
9 resolution had been received from the
10 House of Representatives, except that the
11 vote on passage in the Senate shall be on
12 the resolution that passed the House of
13 Representatives.

14 “(ii) If the Senate passes a resolution
15 before receiving from the House of Rep-
16 resentatives a joint resolution that contains
17 the identical matter, the joint resolution
18 shall be held at the desk pending receipt of
19 the joint resolution from the House of
20 Representatives. Upon receipt of the joint
21 resolution from the House of Representa-
22 tives, such joint resolution shall be deemed
23 to be read twice, considered, read the third
24 time, and passed.

1 “(B) NON-IDENTICAL RESOLUTIONS.—If
2 the texts of joint resolutions described in this
3 subsection concerning any matter are not iden-
4 tical—

5 “(i) the Senate shall vote passage on
6 the resolution introduced in the Senate;
7 and

8 “(ii) the text of the joint resolution
9 passed by the Senate shall, immediately
10 upon its passage (or, if later, upon receipt
11 of the joint resolution passed by the
12 House), be substituted for the text of the
13 joint resolution passed by the House of
14 Representatives, and such resolution, as
15 amended, shall be returned with a request
16 for a conference between the two Houses.

17 “(C) CONSIDERATION OF VETO MES-
18 SAGE.—Consideration in the Senate of any veto
19 message with respect to a joint resolution de-
20 scribed in paragraph (2), including consider-
21 ation of all debatable motions and appeals in
22 connection therewith, shall be limited to 10
23 hours, to be equally divided between, and con-
24 trolled by, the majority leader and the minority
25 leader or their designees.

1 “(8) COMPUTATION OF PERIOD.—For purposes
2 of paragraph (1)(A) of this subsection and para-
3 graph (2)(A) of subsection (c), the 90-day period re-
4 ferred to in such paragraph shall be computed by ex-
5 cluding—

6 “(A) the days on which either House is not
7 in session because of an adjournment of more
8 than 3 days to a day certain or an adjournment
9 of the Congress sine die; and

10 “(B) any Saturday and Sunday, not ex-
11 cluded under subparagraph (A), when either
12 House is not in session.

13 “(9) EXERCISE OF RULEMAKING POWER.—This
14 subsection is enacted by the Congress—

15 “(A) as an exercise of the rulemaking
16 power of the House of Representatives and the
17 Senate, respectively, and as such they are
18 deemed a part of the rules of each House, re-
19 spectively, but applicable only with respect to
20 the procedure to be followed in that House in
21 the case of resolutions described in paragraph
22 (2); and they supersede other rules only to the
23 extent that they are inconsistent therewith; and

24 “(B) with full recognition of the constitu-
25 tional right of either House to change the rules

1 (so far as relating to the procedure of that
2 House) at any time, in the same manner and
3 to the same extent as in the case of any other
4 rule of that House.

5 “(e) REQUIREMENTS FOR CONSULTATIONS.—

6 Throughout the negotiations of a covered agreement, par-
7 ties representing the Federal Government shall—

8 “(1) closely consult and coordinate with, and
9 include in such meetings, State insurance commis-
10 sioners or, at the option of the State insurance com-
11 missioners, designees of the insurance commissioners
12 acting at their direction; and

13 “(2) closely consult with State and local govern-
14 ments, consumer organizations, and representatives
15 of the insurance industry and policyholders”.

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