

118TH CONGRESS
1ST SESSION

S. 2909

To provide for congressional review of rules rescheduling marijuana.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

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

A BILL

To provide for congressional review of rules rescheduling marijuana.

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 “Deferring Executive
5 Authority Act” or the “DEA Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COVERED RULE.—The term “covered rule”
9 means a rule transferring marijuana between sched-
10 ules established by section 202 of the Controlled
11 Substances Act (21 U.S.C. 812).

1 (2) MARIJUANA.—The term “marijuana” has
2 the meaning given the term in section 102 of the
3 Controlled Substances Act (21 U.S.C. 802).

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

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

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

22 (B) the covered rule published in the Fed-
23 eral Register, if so published.

1 **SEC. 3. CONGRESSIONAL REVIEW OF RULES RESCHED-**
2 **ULING MARIJUANA.**

3 (a) CONGRESSIONAL REVIEW.—

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

8 (A) a copy of the covered rule;

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

11 (C) the proposed effective date of the cov-
12 ered rule.

13 (2) JOINT RESOLUTION OF DISAPPROVAL.—A
14 covered rule described in paragraph (1) shall not
15 take effect (or continue) if Congress enacts a joint
16 resolution.

17 (b) REFERRAL.—A joint resolution shall be referred
18 to the committees in each House of Congress with jurisdic-
19 tion.

20 (c) DISCHARGE.—In the Senate, if the committee to
21 which is referred a joint resolution has not reported such
22 joint resolution (or an identical joint resolution) at the end
23 of 20 calendar days after the submission or publication
24 date, such committee may be discharged from further con-
25 sideration of such joint resolution upon a petition sup-

1 ported in writing by 30 Members of the Senate, and such
2 joint resolution shall be placed on the calendar.

3 (d) FLOOR CONSIDERATION.—

4 (1) IN GENERAL.—In the Senate, when the
5 committee to which a joint resolution is referred has
6 reported, or when a committee is discharged (under
7 subsection (c)) from further consideration of a joint
8 resolution, it is at any time thereafter in order (even
9 though a previous motion to the same effect has
10 been disagreed to) for a motion to proceed to the
11 consideration of the joint resolution, and all points
12 of order against the joint resolution (and against
13 consideration of the joint resolution) are waived. The
14 motion is not subject to amendment, or to a motion
15 to postpone, or to a motion to proceed to the consid-
16 eration of other business. A motion to reconsider the
17 vote by which the motion is agreed to or disagreed
18 to shall not be in order. If a motion to proceed to
19 the consideration of the joint resolution is agreed to,
20 the joint resolution shall remain the unfinished busi-
21 ness of the Senate until disposed of.

22 (2) DEBATE.—In the Senate, debate on the
23 joint resolution, and on all debatable motions and
24 appeals in connection therewith, shall be limited to
25 not more than 10 hours, which shall be divided

1 equally between those favoring and those opposing
2 the joint resolution. A motion further to limit debate
3 is in order and not debatable. An amendment to, or
4 a motion to postpone, or a motion to proceed to the
5 consideration of other business, or a motion to re-
6 commit the joint resolution is not in order.

7 (3) VOTE ON FINAL PASSAGE.—In the Senate,
8 immediately following the conclusion of the debate
9 on a joint resolution, and a single quorum call at the
10 conclusion of the debate if requested in accordance
11 with the rules of the Senate, the vote on final pas-
12 sage of the joint resolution shall occur.

13 (4) APPEALS.—Appeals from the decisions of
14 the Chair relating to the application of the rules of
15 the Senate to the procedure relating to a joint reso-
16 lution shall be decided without debate.

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

21 (1) after the expiration of the 60 session days
22 beginning with the applicable submission or publica-
23 tion date; or

24 (2) if the report under subsection (a)(1) was
25 submitted during the period beginning on the date

1 occurring, in the case of the Senate, 60 session days,
2 or in the case of the House of Representatives, 60
3 legislative days, before the date the Congress ad-
4 journals a session of Congress through the date on
5 which the same or succeeding Congress first con-
6 venes its next session, after the expiration of the 60
7 session days beginning on the 15th session day after
8 the succeeding session of Congress first convenes.

9 (f) COORDINATION WITH ACTION BY OTHER
10 HOUSE.—If, before the passage by one House of a joint
11 resolution of that House, that House receives from the
12 other House a joint resolution, then the following proce-
13 dures shall apply:

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

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

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

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

23 (g) RULES OF THE SENATE AND HOUSE OF REP-
24 RESENTATIVES.—This section is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the Senate and House of Representatives, respec-
3 tively, and as such it is deemed a part of the rules
4 of each House, respectively, but applicable only with
5 respect to the procedure to be followed in that
6 House in the case of a joint resolution, and it super-
7 sedes other rules only to the extent that it is incon-
8 sistent with such rules; and

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

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