

118TH CONGRESS
2D SESSION

S. 5220

To establish a process for expedited consideration of legislation relating to decisions by the Supreme Court of the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. WHITEHOUSE (for himself, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Mr. PADILLA, Ms. WARREN, Ms. HIRONO, Mr. WYDEN, Mr. WELCH, Mr. MERKLEY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a process for expedited consideration of legislation relating to decisions by the Supreme Court of the United States.

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 “Supreme Court Review
5 Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “covered joint resolution” means a
9 joint resolution that—

1 (A) is—

2 (i) reported by a committee of the
3 Senate not later than 30 days of session
4 after the date on which the joint resolution
5 is referred to committee;

6 (ii) placed on the calendar in the Sen-
7 ate in accordance with section 3(a); or

8 (iii) placed on the calendar in the
9 Senate in accordance with section 3(e);
10 and

11 (B) is germane to the covered Supreme
12 Court decision described in paragraph (3)(A)(i),
13 with respect to the joint resolution;

14 (2) the term “covered Supreme Court decision”
15 means a decision of the Supreme Court—

16 (A) which interprets a provision of Federal
17 statute; or

18 (B) which interprets or reinterprets the
19 Constitution of the United States in a manner
20 that diminishes an individual right or privilege
21 that is or was previously protected by the Con-
22 stitution of the United States;

23 (3) the term “joint resolution” means only a
24 joint resolution—

25 (A) that is introduced during the period—

1 (i) beginning on the date on which the
 2 Supreme Court issues a covered Supreme
 3 Court decision; and

4 (ii) ending on the date that is 10 days
 5 of session after the date described in
 6 clause (i);

7 (B) the title of which is as follows: “Joint
 8 resolution relating to _____”, the blank
 9 space being filled in with the name of the cov-
 10 ered Supreme Court decision described in sub-
 11 paragraph (A)(i); and

12 (C) which does not have a preamble; and

13 (4) the term “Supreme Court” means the Su-
 14 preme Court of the United States.

15 **SEC. 3. RECONSIDERATION OF COVERED SUPREME COURT**
 16 **DECISIONS.**

17 (a) DISCHARGE OF COMMITTEE IN THE SENATE.—

18 (1) MOTION TO DISCHARGE.—Upon a motion
 19 by the minority leader or the ranking member of a
 20 committee to which a joint resolution with respect to
 21 a covered Supreme Court decision has been referred,
 22 such committee shall be discharged from further
 23 consideration of such joint resolution and the joint
 24 resolution shall be placed on the calendar, if such

1 motion by the minority leader or the ranking mem-
2 ber of such committee is made during the period—

3 (A) beginning 30 days of session after the
4 date on which such joint resolution is referred
5 to such committee; and

6 (B) ending on the date that is 10 days of
7 session after the date described in subpara-
8 graph (A).

9 (2) LIMITATIONS.—Only 1 covered joint resolu-
10 tion with respect to a particular covered Supreme
11 Court decision may be placed on the calendar in the
12 Senate pursuant to this subsection.

13 (b) EXPEDITED CONSIDERATION IN THE SENATE.—

14 (1) PROCEEDING TO CONSIDERATION.—

15 (A) IN GENERAL.—Notwithstanding rule
16 XXII of the Standing Rules of the Senate, in
17 the Senate, it shall be in order to move to pro-
18 ceed to a covered joint resolution not later than
19 10 days of session after the date on which the
20 covered joint resolution is placed on the cal-
21 endar.

22 (B) PROCEDURE.—Subject to the limita-
23 tions under subparagraph (C), for a motion to
24 proceed to the consideration of a covered joint
25 resolution—

1 (i) all points of order against the mo-
2 tion are waived;

3 (ii) the motion is not debatable;

4 (iii) the motion is not subject to a mo-
5 tion to postpone;

6 (iv) a motion to reconsider the vote by
7 which the motion is agreed to or disagreed
8 to shall not be in order; and

9 (v) if the motion is agreed to, the cov-
10 ered joint resolution shall remain the un-
11 finished business until disposed of.

12 (C) LIMITATIONS ON MOTIONS TO PRO-
13 CEED.—The procedures set forth in subpara-
14 graph (B) shall apply only to—

15 (i) for a covered joint resolution re-
16 ported by a committee, a motion to pro-
17 ceed made by the majority leader, the chair
18 of such committee, or a designee;

19 (ii) for a covered joint resolution
20 placed on the calendar under subsection
21 (a)(1), a motion to proceed made by the
22 majority leader, the minority leader, the
23 ranking member described in subsection
24 (a)(1), or a designee; or

1 (iii) for a covered joint resolution re-
2 ceived from the House, a motion to pro-
3 ceed made by the majority leader, the chair
4 of the committee with jurisdiction of the
5 covered joint resolution, or a designee.

6 (2) FLOOR CONSIDERATION GENERALLY.—If
7 the Senate proceeds to the consideration of a cov-
8 ered joint resolution—

9 (A) all points of order against the covered
10 joint resolution (and against consideration of
11 the covered joint resolution) are waived, except
12 for points of order relating to non-germane
13 matters;

14 (B) consideration of the covered joint reso-
15 lution, and all amendments, debatable motions,
16 and appeals in connection therewith, shall be
17 limited to not more than 10 hours, which shall
18 be divided equally between the majority and mi-
19 nority leaders or their designees;

20 (C) a motion further to limit debate is in
21 order and not debatable;

22 (D) the only amendments in order to the
23 covered joint resolution are—

1 (i) germane amendments proposed by
2 a committee to which the joint resolution
3 was referred;

4 (ii) not more than 5 germane amend-
5 ments proposed by the majority leader, or
6 a designee; and

7 (iii) not more than 5 germane amend-
8 ments proposed by the minority leader, or
9 a designee;

10 (E) a motion to postpone or a motion to
11 recommit the covered joint resolution is not in
12 order; and

13 (F) a motion to proceed to the consider-
14 ation of other business is not in order.

15 (3) POINT OF ORDER AGAINST NON-GERMANE
16 MATTER.—

17 (A) POINT OF ORDER.—

18 (i) IN GENERAL.—In the Senate, it
19 shall not be in order to consider a provi-
20 sion in a covered joint resolution, or an
21 amendment thereto, that contains non-ger-
22 mane matter.

23 (ii) POINT OF ORDER SUSTAINED.—If
24 a point of order is made by a Senator
25 against a provision described in clause (i),

1 and the point of order is sustained by the
2 Chair, that provision shall be stricken from
3 the measure.

4 (B) CONSIDERATIONS.—In determining
5 whether a provision is germane under this para-
6 graph, the factors considered by the Chair shall
7 include—

8 (i) whether the provision amends a
9 provision of Federal statute that is not ref-
10 erenced in the opinion associated with the
11 covered Supreme Court decision at issue in
12 the covered joint resolution;

13 (ii) whether the provision amends a
14 provision of Federal statute that is not ref-
15 erenced in a Federal statute that is ref-
16 erenced in the opinion associated with the
17 covered Supreme Court decision at issue in
18 the covered joint resolution; and

19 (iii) whether the provision amends a
20 provision of Federal statute in a manner
21 that is not directly related to the decision
22 in the covered Supreme Court decision at
23 issue in the covered joint resolution.

24 (C) CONFERENCE REPORTS.—When the
25 Senate is considering a conference report on, or

1 an amendment between the Houses in relation
2 to, a covered joint resolution, upon a point of
3 order being made by any Senator pursuant to
4 subparagraph (A)(i), and such point of order
5 being sustained, such material contained in
6 such conference report or House amendment
7 shall be stricken, and the Senate shall proceed
8 to consider the question of whether the Senate
9 shall recede from its amendment and concur
10 with a further amendment, or concur in the
11 House amendment with a further amendment,
12 as the case may be, which further amendment
13 shall consist of only that portion of the con-
14 ference report or House amendment, as the
15 case may be, not so stricken. Any such motion
16 in the Senate shall not be debatable. In any
17 case in which such point of order is sustained
18 against a conference report (or Senate amend-
19 ment derived from such conference report by
20 operation of this subparagraph), no further
21 amendment shall be in order.

22 (D) SUPERMAJORITY WAIVER AND AP-
23 PEAL.—In the Senate, this paragraph may be
24 waived or suspended only by an affirmative vote
25 of three-fifths of the Members, duly chose and

1 sworn. An affirmative vote of three-fifths of
2 Members of the Senate, duly chosen and sworn
3 shall be required to sustain an appeal of the
4 ruling of the Chair on a point of order raised
5 under this paragraph.

6 (4) VOTE ON PASSAGE.—The vote on passage
7 of a covered joint resolution shall occur immediately
8 following the conclusion of the consideration of the
9 covered joint resolution, and a single quorum call at
10 the conclusion of the debate if requested in accord-
11 ance with the rules of the Senate.

12 (5) LIMITATION ON MULTIPLE MEASURES.—If
13 a covered joint resolution with respect to a covered
14 Supreme Court decision is agreed to in the Senate,
15 except as provided in subsection (c)(1), it shall not
16 be in order in the Senate to move to proceed to any
17 other covered joint resolution that is placed on the
18 calendar in the Senate with respect to the covered
19 Supreme Court decision.

20 (6) RULINGS OF THE CHAIR ON PROCEDURE.—
21 Appeals from the decisions of the Chair relating to
22 the application of this subsection or the rules of the
23 Senate, as the case may be, to the procedure relat-
24 ing to a covered joint resolution shall be decided
25 without debate.

1 (c) ADDITIONAL PROCEDURES.—

2 (1) TREATMENT OF COVERED JOINT RESOLU-
3 TION OF OTHER HOUSE.—

4 (A) IN GENERAL.—If the Senate receives
5 from the House of Representatives a joint reso-
6 lution with respect to a covered Supreme Court
7 decision within 40 days of session after the date
8 on which the Supreme Court issues such cov-
9 ered Supreme Court decision, the joint resolu-
10 tion of the House of Representatives shall not
11 be referred to a committee, shall immediately be
12 placed on the appropriate calendar, and shall be
13 entitled to expedited floor procedures under this
14 section, without regard to whether the Senate
15 introduced a joint resolution or considered a
16 covered joint resolution relating to the applica-
17 ble covered Supreme Court decision.

18 (B) LIMITATION ON MULTIPLE MEAS-
19 URES.—If a joint resolution with respect to a
20 covered Supreme Court decision received from
21 the House of Representatives is considered in
22 the Senate under the procedures under this sec-
23 tion, it shall not be in order in the Senate to
24 move to proceed to any other joint resolution
25 with respect to the covered Supreme Court deci-

1 sion that is received from the House of Rep-
2 resentatives.

3 (2) VETOES.—If the President vetoes a covered
4 joint resolution, consideration of a veto message in
5 the Senate under this section shall be not more than
6 2 hours equally divided between the majority and
7 minority leaders or their designees.

8 (d) RULES OF THE SENATE.—Subsections (a), (b),
9 and (c) are enacted by Congress—

10 (1) as an exercise of the rulemaking power of
11 the Senate, and as such are deemed a part of the
12 rules of the Senate, but applicable only with respect
13 to the procedure to be followed in the Senate in the
14 case of a covered joint resolution, and supersede
15 other rules only to the extent that they are incon-
16 sistent with such rules; and

17 (2) with full recognition of the constitutional
18 right of the Senate to change the rules (so far as re-
19 lating to the procedure of the Senate) at any time,
20 in the same manner, and to the same extent as in
21 the case of any other rule of the Senate.

22 **SEC. 4. RULE OF CONSTRUCTION.**

23 Nothing in this Act shall be construed to limit the
24 authority of the Senate or the House of Representatives
25 to consider and enact legislation relating to a provision

1 of Federal statute interpreted for the first time or reinter-
2 preted by a covered Supreme Court decision or rights
3 under the Constitution of the United States under other
4 applicable procedures.

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