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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To establish the Constitutional Government Review Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Constitutional Government Review Commission, 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 “10th Amendment Res-
5 toration Act of 2024”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission, to be known as
8 the “Constitutional Government Review Commission”,
9 that shall review each agency in accordance with specified

1 criteria to determine if such agency should be repealed to
2 eliminate Federal powers not definitively delegated by the
3 Constitution.

4 **SEC. 3. MEMBERSHIP.**

5 (a) IN GENERAL.—The Commission shall be com-
6 posed of 9 members who shall be appointed by the Presi-
7 dent, not later than 180 days after the date of the enact-
8 ment of this Act, by and with the advice and consent of
9 the Senate.

10 (b) TERM.—The term of each member shall com-
11 mence upon the confirmation of the member by the Senate
12 and shall extend to the date that is 5 years and 180 days
13 after the date of the enactment of this Act or that is 5
14 years after the date on which all members have been con-
15 firmed by the Senate, whichever is later.

16 (c) APPOINTMENT.—The members of the Commis-
17 sion shall be appointed as follows:

18 (1) CHAIR.—The President shall appoint as the
19 Chair of the Commission an individual with expertise
20 and experience in the Constitution and the funda-
21 mental principles by which the authority of the Fed-
22 eral Government is exercised.

23 (2) CANDIDATE LIST OF MEMBERS.—The
24 Speaker of the House of Representatives, the minor-
25 ity leader of the House of Representatives, the ma-

1 jority leader of the Senate, and the minority leader
2 of the Senate shall each present to the President a
3 list of candidates to be members of the Commission.
4 Such candidates shall be individuals learned in the
5 original meaning of the Constitution. The President
6 shall appoint 2 members of the Commission from
7 each list provided under this paragraph, subject to
8 the provisions of paragraph (3).

9 (3) RESUBMISSION OF CANDIDATE.—The Presi-
10 dent may request from the presenter of a list under
11 paragraph (2) a new list of one or more candidates
12 if the President—

13 (A) determines that any candidate on a list
14 presented pursuant to paragraph (2) does not
15 meet the qualifications specified in such para-
16 graph to be a member of the Commission; and

17 (B) certifies that determination to the con-
18 gressional officials specified in paragraph (2).

19 (d) PAY AND TRAVEL EXPENSES.—

20 (1) PAY.—

21 (A) MEMBERS.—Each member, other than
22 the Chair of the Commission, shall be paid at
23 a rate equal to the daily equivalent of the min-
24 imum annual rate of basic pay payable for level
25 IV of the Executive Schedule under section

1 5315 of title 5, United States Code, for each
2 day (including travel time) during which the
3 member is engaged in the actual performance of
4 duties vested in the Commission.

5 (B) CHAIR.—The Chair shall be paid for
6 each day referred to in subparagraph (A) at a
7 rate equal to the daily equivalent of the min-
8 imum annual rate of basic pay payable for level
9 III of the Executive Schedule under section
10 5314 of title 5, United States Code.

11 (2) TRAVEL EXPENSES.—Members shall receive
12 travel expenses, including per diem in lieu of subsist-
13 ence, in accordance with sections 5702 and 5703 of
14 title 5, United States Code.

15 (e) MEETINGS.—The Commission may meet when,
16 where, and as often as the Commission determines appro-
17 priate, except that the Commission shall hold public meet-
18 ings not less than twice each year. All meetings of the
19 Commission shall be open to the public.

20 **SEC. 4. DUTIES.**

21 (a) IN GENERAL.—The Commission shall conduct a
22 review of the authorizing statute of each agency and the
23 statutory authority implemented by each such agency to
24 determine if any are not definitively delegated to the Fed-
25 eral Government by the Constitution. In any review con-

1 ducted by the Commission, the goal of the Commission
2 shall be to ensure that powers not delegated to the United
3 States by the Constitution, nor prohibited by it to the
4 States, are reserved to the States respectively, or to the
5 people.

6 (b) **METHODOLOGY FOR REVIEW.**—The Commission
7 shall establish a methodology for conducting the review
8 and shall publish the terms of the methodology in the Fed-
9 eral Register and on the website of the Commission. The
10 Commission may propose and seek public comment on the
11 methodology before the methodology is established.

12 (c) **REPEAL RECOMMENDATION.**—

13 (1) **IN GENERAL.**—After completion of any re-
14 view under subsection (a), the Commission shall rec-
15 ommend whether immediate action is appropriate to
16 repeal the authorizing statute of an agency and the
17 statutory authority implemented by such agency.

18 (2) **DECISIONS BY MAJORITY.**—Each decision
19 by the Commission to issue a repeal recommendation
20 under this subsection shall be made by a simple ma-
21 jority vote of the Commission. No such vote shall
22 take place until after all members of the Commission
23 have been confirmed by the Senate.

24 (d) **RECOMMENDATIONS FOR DISTRIBUTION OF SAV-**
25 **INGS AMONG THE STATES.**—

1 (1) IN GENERAL.—The Commission shall pre-
2 pare, in consultation with the Comptroller General
3 of the United States, an estimate of Federal spend-
4 ing or revenue changes resulting from the adoption
5 of a repeal recommendation under subsection (c).

6 (2) DISTRIBUTION RECOMMENDATIONS.—After
7 completion of the estimate under paragraph (1), the
8 Commission shall prepare a recommendation for dis-
9 tributing any Federal budget savings in lump sums
10 among the States for administration of powers re-
11 turned to the States as a result of the adoption of
12 a repeal recommendation under subsection (c).

13 (e) INITIATION OF REVIEW BY OTHER PERSONS.—

14 (1) IN GENERAL.—The Commission may also
15 conduct a review under subsection (a), and issue a
16 recommendation under subsection (c), of an author-
17 izing statute of an agency and the statutory author-
18 ity implemented by such agency which are submitted
19 for review to the Commission by—

20 (A) the President;

21 (B) a Member of Congress;

22 (C) any officer or employee of a Federal,
23 State, local, or regional governmental body; or

24 (D) any member of the public.

1 (2) FORM OF SUBMISSION.—A submission to
2 the Commission under this subsection shall—

3 (A) identify the specific agency for review;

4 (B) provide a statement of evidence to
5 demonstrate that the agency qualifies to be
6 identified for review under the criteria listed in
7 subsection (a); and

8 (C) include such other information as the
9 submitter believes may be helpful to the review
10 of the Commission.

11 (3) PUBLIC AVAILABILITY.—The Commission
12 shall make each submission received under this sub-
13 section available on the website of the Commission
14 as soon as possible, but not later than 1 week after
15 the date on which the submission was received.

16 (f) NOTICES AND REPORTS OF THE COMMISSION.—

17 (1) NOTICES OF AND REPORTS ON ACTIVI-
18 TIES.—The Commission shall publish in the Federal
19 Register and on the website of the Commission—

20 (A) notices in advance of all public meet-
21 ings, hearings, and recommendations informing
22 the public of the basis, purpose, and procedures
23 for the meeting, hearing, or classification; and

24 (B) reports after the conclusion of any
25 public meeting, hearing, or recommendation

1 summarizing in detail the basis, purpose, and
2 substance of the meeting, hearing, or rec-
3 ommendation.

4 (2) ANNUAL REPORTS TO CONGRESS.—Each
5 year, beginning on the date that is 1 year after the
6 date on which all Commission members have been
7 confirmed by the Senate, the Commission shall sub-
8 mit a report simultaneously to each House of Con-
9 gress detailing the activities of the Commission for
10 the previous year, and all recommendations of the
11 Commission for repeal and distribution of savings
12 among the States under this section, including (at
13 the option of the Commission) a proposed bill con-
14 sisting of legislative text to carry out the rec-
15 ommendations.

16 (3) FINAL REPORT.—Not later than the date
17 on which the appointments of the Commission mem-
18 bers expire, the Commission shall submit a final re-
19 port simultaneously to each House of Congress sum-
20 marizing all activities and recommendations of the
21 Commission, including a list of each statute for im-
22 mediate action to repeal, recommendations for dis-
23 tribution of savings among the States, and (at the
24 option of the Commission) a proposed bill consisting
25 of legislative text to carry out the recommendations.

1 This report may be included in the final annual re-
2 port of the Commission under paragraph (2) and
3 may include a recommendation on whether the Com-
4 mission should be reauthorized by Congress.

5 (g) WEBSITE.—

6 (1) IN GENERAL.—The Commission shall estab-
7 lish a public website that—

8 (A) uses current information technology to
9 make records available on the website;

10 (B) provides information in a standard
11 data format; and

12 (C) receives and publishes public com-
13 ments.

14 (2) PUBLISHING OF INFORMATION.—Any infor-
15 mation required to be made available on the website
16 established pursuant to this Act shall be published
17 in a timely manner and shall be accessible by the
18 public on the website at no cost.

19 (3) RECORD OF PUBLIC MEETINGS AND HEAR-
20 INGS.—All records of public meetings and hearings
21 shall be published on the website as soon as possible,
22 but not later than 1 week after the date on which
23 such public meeting or hearing occurred.

1 (4) PUBLIC COMMENTS.—The Commission shall
2 publish on the website all public comments and sub-
3 missions.

4 (5) NOTICES.—The Commission shall publish
5 on the website notices of all public meetings and
6 hearings at least 1 week before the date on which
7 such public meeting or hearing occurs.

8 **SEC. 5. EXPEDITED PROCEDURES FOR CONSIDERATION OF**
9 **COMMISSION RECOMMENDATIONS.**

10 (a) DESCRIPTION OF COMMISSION BILL.—In this
11 section, the “Commission bill” is a bill—

12 (1) which consists of the legislative text in-
13 cluded in an annual report submitted by the Com-
14 mission under paragraph (2) of section 4(f) and
15 which is introduced not later than 5 legislative days
16 after the date on which the Commission submits
17 such annual report by the majority leader of the
18 Senate or by a Member of the Senate designated by
19 the majority leader of the Senate (in the case of the
20 Senate) or by the Speaker of the House of Rep-
21 resentatives or by a Member of the House of Rep-
22 resentatives designated by the Speaker (in the case
23 of the House of Representatives); and

24 (2) which consists of the legislative text in-
25 cluded in the final report submitted by the Commis-

1 sion under paragraph (3) of section 4(f) and which
2 is introduced not later than 5 legislative days after
3 the date on which the Commission submits such
4 final report by the majority leader of the Senate or
5 by a Member of the Senate designated by the major-
6 ity leader of the Senate (in the case of the Senate)
7 or by the Speaker of the House of Representatives
8 or by a Member of the House of Representatives
9 designated by the Speaker (in the case of the House
10 of Representatives).

11 (b) EXPEDITED CONSIDERATION IN HOUSE OF REP-
12 RESENTATIVES.—

13 (1) PLACEMENT ON CALENDAR.—Upon intro-
14 duction in the House of Representatives, the Com-
15 mission bill shall be placed immediately on the ap-
16 propriate calendar.

17 (2) PROCEEDING TO CONSIDERATION.—

18 (A) IN GENERAL.—It shall be in order, not
19 later than 30 legislative days after the date the
20 Commission bill is introduced in the House of
21 Representatives, to move to proceed to consider
22 the Commission bill in the House of Represent-
23 atives.

24 (B) PROCEDURE.—For a motion to pro-
25 ceed to consider the Commission bill—

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

3 (ii) such a motion shall not be in
4 order after the House of Representatives
5 has disposed of a motion to proceed on the
6 Commission bill;

7 (iii) the previous question shall be
8 considered as ordered on the motion to its
9 adoption without intervening motion;

10 (iv) the motion shall not be debatable;
11 and

12 (v) a motion to reconsider the vote by
13 which the motion is disposed of shall not
14 be in order.

15 (3) CONSIDERATION.—When the House of Rep-
16 resentatives proceeds to consideration of the Com-
17 mission bill—

18 (A) the Commission bill shall be considered
19 as read;

20 (B) all points of order against the Com-
21 mission bill (and against consideration of the
22 Commission bill) are waived;

23 (C) the previous question shall be consid-
24 ered as ordered on the Commission bill to its
25 passage without intervening motion except 10

1 hours of debate equally divided and controlled
2 by the proponent and an opponent;

3 (D) an amendment to the Commission bill
4 shall not be in order; and

5 (E) a motion to reconsider the vote on pas-
6 sage of the Commission bill shall not be in
7 order.

8 (4) VOTE ON PASSAGE.—In the House of Rep-
9 resentatives, the Commission bill shall be agreed to
10 upon a vote of a majority of the Members present
11 and voting, a quorum being present.

12 (c) EXPEDITED CONSIDERATION IN SENATE.—

13 (1) PLACEMENT ON CALENDAR.—Upon intro-
14 duction in the Senate, the Commission bill shall be
15 placed immediately on the calendar.

16 (2) PROCEEDING TO CONSIDERATION.—

17 (A) IN GENERAL.—Notwithstanding rule
18 XXII of the Standing Rules of the Senate, it is
19 in order, not later than 30 legislative days after
20 the date the Commission bill is introduced in
21 the Senate (even though a previous motion to
22 the same effect has been disagreed to) to move
23 to proceed to consideration of the Commission
24 bill.

1 (B) PROCEDURE.—For a motion to pro-
2 ceed to consideration of the Commission bill—

3 (i) all points of order against the mo-
4 tion are waived;

5 (ii) the motion is not debatable;

6 (iii) the motion is not subject to a mo-
7 tion to postpone;

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

11 (v) if the motion is agreed to, the
12 Commission bill shall remain the unfin-
13 ished business of the Senate until disposed
14 of.

15 (3) FLOOR CONSIDERATION.—

16 (A) IN GENERAL.—If the Senate proceeds
17 to consideration of the Commission bill—

18 (i) all points of order against the
19 Commission bill (and against consideration
20 of the Commission bill) are waived;

21 (ii) consideration of the Commission
22 bill, and all debatable motions and appeals
23 in connection therewith, shall be limited to
24 not more than 30 hours, which shall be di-

1 vided equally between the majority and mi-
2 nority leaders or their designees;

3 (iii) a motion further to limit debate
4 is in order and not debatable;

5 (iv) an amendment to, a motion to
6 postpone, or a motion to commit the Com-
7 mission bill is not in order; and

8 (v) a motion to proceed to the consid-
9 eration of other business is not in order.

10 (B) VOTE ON PASSAGE.—In the Senate—

11 (i) the vote on passage shall occur im-
12 mediately following the conclusion of con-
13 sideration of the Commission bill, and a
14 single quorum call at the conclusion of the
15 debate if requested in accordance with the
16 rules of the Senate; and

17 (ii) the Commission bill shall be
18 agreed to upon a vote of a majority of the
19 Members present and voting, a quorum
20 being present.

21 (C) RULINGS OF THE CHAIR ON PROCE-
22 DURE.—Appeals from the decisions of the Chair
23 relating to the application of this subsection or
24 the rules of the Senate, as the case may be, to

1 the procedure relating to the Commission bill
2 shall be decided without debate.

3 (d) RULES RELATING TO SENATE AND HOUSE OF
4 REPRESENTATIVES.—

5 (1) CONSIDERATION BY OTHER HOUSE.—If, be-
6 fore the passage by one House of the Commission
7 bill of that House, that House receives from the
8 other House the Commission bill of the other
9 House—

10 (A) the Commission bill of the other House
11 shall not be referred to a committee and may
12 not be considered in the House receiving it ex-
13 cept in the case of final passage as provided in
14 subparagraph (B)(ii); and

15 (B) with respect to the Commission bill of
16 the House receiving the Commission bill of the
17 other House—

18 (i) the procedure in that House shall
19 be the same as if no Commission bill had
20 been received from the other House; but

21 (ii) the vote on final passage shall be
22 on the Commission bill of the other House.

23 (2) TREATMENT OF COMMISSION BILL ORIGI-
24 NATING IN RECEIVING HOUSE.—Upon disposition of
25 the Commission bill received from the other House,

1 it shall no longer be in order to consider the Com-
2 mission bill that originated in the receiving House.

3 (3) TREATMENT OF COMMISSION BILL RE-
4 CEIVED BY SENATE.—If, following passage of the
5 Commission bill in the Senate, the Senate receives
6 the Commission bill from the House of Representa-
7 tives, the Commission bill received from the House
8 of Representatives shall not be debatable.

9 (4) VETO MESSAGE IN SENATE.—If the Presi-
10 dent vetoes the Commission bill, consideration of a
11 veto message in the Senate under this section shall
12 be not more than 10 hours equally divided between
13 the majority and minority leaders or their designees.

14 (e) RULES OF HOUSE OF REPRESENTATIVES AND
15 SENATE.—This section is enacted by Congress—

16 (1) as an exercise of the rulemaking power of
17 the Senate and House of Representatives, respec-
18 tively, and as such is deemed a part of the rules of
19 each House, respectively, but applicable only with re-
20 spect to the procedure to be followed in that House
21 in the case of the Commission bill, and supersedes
22 other rules only to the extent that it is inconsistent
23 with such rules; and

24 (2) with full recognition of the constitutional
25 right of either House to change the rules (so far as

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

4 **SEC. 6. DIRECTOR, STAFF, AND EXPERTS AND CONSULT-**
5 **ANTS.**

6 (a) DIRECTOR.—

7 (1) IN GENERAL.—The Commission shall ap-
8 point a Director.

9 (2) PAY.—The Director shall be paid at the
10 rate of basic pay payable for level V of the Executive
11 Schedule under section 5316 of title 5, United
12 States Code.

13 (b) STAFF.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Director, with the approval of the Commission,
16 may appoint, fix the pay of, and terminate addi-
17 tional personnel.

18 (2) SCOPE OF APPOINTMENT AUTHORITY.—The
19 Director may make such appointments without re-
20 gard to the provisions of title 5, United States Code,
21 governing appointments in the competitive service,
22 and any personnel so appointed may be paid without
23 regard to the provisions of chapter 51 and sub-
24 chapter III of chapter 53 of that title relating to
25 classification and General Schedule pay rates, except

1 that an individual so appointed may not receive pay
2 in excess of the annual rate of basic pay payable for
3 GS-15 of the General Schedule.

4 (3) AGENCY ASSISTANCE.—Following consulta-
5 tion with, and upon request of, the Chair of the
6 Commission, the head of an agency may detail any
7 of the personnel of that agency to the Commission
8 to assist the Commission in carrying out the duties
9 of the Commission under this Act.

10 (4) GAO ASSISTANCE.—The Comptroller Gen-
11 eral of the United States shall provide assistance, in-
12 cluding the detailing of employees, to the Commis-
13 sion in accordance with an agreement entered into
14 with the Commission.

15 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
16 gress and the States may provide assistance, includ-
17 ing the detailing of employees, to the Commission in
18 accordance with an agreement entered into with the
19 Commission.

20 (c) EXPERTS AND CONSULTANTS.—The Commission
21 may procure by contract, to the extent funds are available,
22 the temporary or intermittent services of experts or con-
23 sultants pursuant to section 3109 of title 5, United States
24 Code.

1 **SEC. 7. POWERS AND AUTHORITIES.**

2 (a) HEARINGS.—The Commission may, for the pur-
3 pose of carrying out this Act, hold hearings to consider
4 issues of fact or law relevant to the work of the Commis-
5 sion. Any hearing held by the Commission shall be open
6 to the public.

7 (b) ACCESS TO INFORMATION.—The Commission
8 may secure directly from any agency information and doc-
9 uments necessary to enable the Commission to carry out
10 this Act. Upon request of the Chair of the Commission,
11 the head of that agency shall furnish the information or
12 documents to the Commission as soon as possible, but not
13 later than two weeks after the date on which the request
14 was made.

15 (c) SUBPOENA POWER.—

16 (1) IN GENERAL.—The Commission may issue
17 subpoenas requiring the attendance and testimony of
18 witnesses and the production of any evidence relat-
19 ing to the duties of the Commission. The attendance
20 of witnesses and the production of evidence may be
21 required from any place within the United States at
22 any designated place of hearing within the United
23 States.

24 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
25 son refuses to obey a subpoena issued under para-
26 graph (1), the Commission may apply to a United

1 States district court for an order requiring that per-
2 son to appear before the Commission to give testi-
3 mony, produce evidence, or both, relating to the
4 matter under investigation. The application may be
5 made within the judicial district where the hearing
6 is conducted or where that person is found, resides,
7 or transacts business. Any failure to obey the order
8 of the court may be punished by the court as civil
9 contempt.

10 (3) SERVICE OF SUBPOENAS.—The subpoenas
11 of the Commission shall be served in the manner
12 provided for subpoenas issued by a United States
13 district court under the Federal Rules of Civil Pro-
14 cedure for the United States district courts.

15 (4) SERVICE OF PROCESS.—All process of any
16 court to which application is made under paragraph
17 (2) may be served in the judicial district in which
18 the person required to be served resides or may be
19 found.

20 (d) PROPERTY.—The Commission may lease space
21 and acquire personal property to the extent funds are
22 available.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated such sums as may be necessary to the Commission
4 to carry out this Act, not to exceed \$30,000,000.

5 (b) AVAILABILITY.—Any sums appropriated under
6 the authorization contained in this section shall remain
7 available, without fiscal year limitation, until the earlier
8 of the date that such sums are expended or the date of
9 the termination of the Commission.

10 **SEC. 9. APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED**
11 **STATES CODE.**

12 (a) IN GENERAL.—Except as otherwise provided in
13 this Act, the Commission shall be subject to chapter 10
14 of title 5, United States Code.

15 (b) ADVISORY COMMITTEE MANAGEMENT OFFICE.—
16 The Commission shall not be subject to the control of any
17 Advisory Committee Management Officer designated
18 under section 1007(b)(1) of title 5, United States Code.

19 (c) SUBCOMMITTEE.—Any subcommittee of the Com-
20 mission shall be treated as the Commission for purposes
21 of chapter 10 of title 5, United States Code.

22 (d) CHARTER.—The enactment of this Act shall be
23 considered to meet the requirements of the Commission
24 under section 1008(c) of title 5, United States Code.

1 **SEC. 10. TERMINATION.**

2 The Commission shall terminate on the date that is
3 5 years and 180 days after the date of the enactment of
4 this Act or 5 years after the date on which the terms of
5 all Commission members have commenced, whichever is
6 later.

7 **SEC. 11. DEFINITIONS.**

8 In this Act:

9 (1) **AGENCY.**—The term “agency” has the
10 meaning given such term in section 551 of title 5,
11 United States Code.

12 (2) **STATE.**—The term “State” means each of
13 the several States, the District of Columbia, each
14 commonwealth, territory, or possession of the United
15 States, and each federally recognized Indian Tribe.

16 (3) **UNFUNDED MANDATE.**—The term “un-
17 funded mandate” has the meaning given the term
18 “Federal mandate” in section 421 of the Congres-
19 sional Budget Act of 1974 (2 U.S.C. 658).