

## AMENDMENTS

1984—Subsec. (a). Pub. L. 98-614, §3(a)(1), struck out “otherwise” before “provided under subsection (c)”, substituted “shall be” for “is” before “effective”, and substituted “upon approval by the President of a resolution (as defined in section 909) with respect to such plan, if such resolution is passed by the House of Representatives and the Senate, within the first period of 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution” for “at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor the reorganization plan.”

Subsec. (c). Pub. L. 98-614, §3(a)(2), struck out before period at end “or, if both Houses of Congress have defeated a resolution of disapproval, may be effective at a time earlier than the expiration of the sixty-day period required by subsection (a)”.

1977—Subsec. (a). Pub. L. 95-17 substituted “sixty” for “60” in two places.

Subsec. (b). Pub. L. 95-17 substituted in provisions preceding par. (1) “this chapter” for “subsection (a) of this section” and in par. (2) “any period of time in which Congress is in continuous session” for “the 60-day period”.

Subsec. (c). Pub. L. 95-17 inserted provision that if both Houses of Congress have defeated a resolution of disapproval, the provision of a reorganization plan may be effective at a time earlier than the expiration of the sixty-day period required by subsec. (a).

Subsec. (d). Pub. L. 95-17 reenacted subsec. (d) without change.

#### RATIFICATION AND AFFIRMATION OF PRIOR REORGANIZATION PLANS AS LAW; ACTIONS TAKEN PURSUANT TO SUCH PLANS

Pub. L. 98-532, Oct. 19, 1984, 98 Stat. 2705, provided that:

“SECTION 1. The Congress hereby ratifies and affirms as law each reorganization plan that has, prior to the date of enactment of this Act [Oct. 19, 1984], been implemented pursuant to the provisions of chapter 9 of title 5, United States Code, or any predecessor Federal reorganization statute.

“SEC. 2. Any actions taken prior to the date of enactment of this Act [Oct. 19, 1984] pursuant to a reorganization plan that is ratified and affirmed by section 1 shall be considered to have been taken pursuant to a reorganization expressly approved by Act of Congress.”

#### § 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, “regulation or other action” means a

regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of the chapter may not be used for any purpose, but shall revert to the Treasury.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 396; Pub. L. 95-17, §2, Apr. 6, 1977, 91 Stat. 32.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)-(c) .....	5 U.S.C. 133z-7.	June 20, 1949, ch. 226, §9, 63 Stat. 206.
(d) .....	5 U.S.C. 133z-8.	June 20, 1949, ch. 226, §10, 63 Stat. 206.

In subsections (a) and (c), the words “the provisions of” in the phrase “under this chapter” are omitted as unnecessary.

In subsection (c), the words “the suit, action, or other proceeding” are substituted for “the same”.

In subsection (d), the words “shall revert” are substituted for “shall be . . . returned”, and the words “impounded and” are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### AMENDMENTS

1977—Subsecs. (a), (b). Pub. L. 95-17 reenacted subsecs. (a) and (b) without change.

Subsec. (c). Pub. L. 95-17 substituted “twelve months” for “12 months”.

Subsec. (d). Pub. L. 95-17 reenacted subsec. (d) without change.

#### § 908. Rules of Senate and House of Representatives on reorganization plans

Sections 909 through 912 of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are 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 resolutions with respect to any reorganization plans transmitted to Congress (in accordance with section 903(b) of this chapter<sup>1</sup>) on or before December 31, 1984; and they supersede

<sup>1</sup> So in original. Probably should be “title”.

other rules only to the extent that they are inconsistent therewith; 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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 397; Pub. L. 95-17, §2, Apr. 6, 1977, 91 Stat. 33; Pub. L. 98-614, §2(b), Nov. 8, 1984, 98 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 133z-10.	June 20, 1949, ch. 226, §201, 63 Stat. 206.

The words “Sections 909-913 of this title” are substituted for “The following sections of this title” to reflect the codification of sections 202-206 of Title II of the Act of June 20, 1949.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1984—Par. (1). Pub. L. 98-614 substituted “with respect to any reorganization plans transmitted to Congress (in accordance with section 903(b) of this chapter) on or before December 31, 1984” for “described in section 909 of this title”.

1977—Pub. L. 95-17 substituted “Sections 909 through 912 of this title” for “Sections 909-913 of this title” in provisions preceding par. (1).

§ 909. Terms of resolution

For the purpose of sections 908 through 912 of this title, “resolution” means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: “That the Congress approves the reorganization plan numbered transmitted to the Congress by the President on , 19 .”, and includes such modifications and revisions as are submitted by the President under section 903(c) of this chapter. The blank spaces therein are to be filled appropriately. The term does not include a resolution which specifies more than one reorganization plan.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 397; Pub. L. 95-17, §2, Apr. 6, 1977, 91 Stat. 33; Pub. L. 98-614, §3(c), Nov. 8, 1984, 98 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 133z-11.	June 20, 1949, ch. 226, §202, 63 Stat. 207.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 903(c) of this chapter, referred to in text, means section 903(c) of this title.

AMENDMENTS

1984—Pub. L. 98-614 substituted “a joint resolution of the Congress” for “a resolution of either House of Congress”, and “the Congress approves” for “the does not favor”.

1977—Pub. L. 95-17 substituted “sections 908 through 912 of this title” for “sections 908-913 of this title” and provision that the blank spaces are to be appropriately filled for provision that the first blank space is to be filled with the name of the resolving House and the other blank spaces are to be appropriately filled and inserted provision that “resolution” includes such modifications and revisions as are submitted by the President under section 903(c) of this chapter.

§ 910. Introduction and reference of resolution

(a) No later than the first day of session following the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Governmental Affairs Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a reorganization plan shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within 75 calendar days of continuous session of Congress following the date of such resolution’s introduction.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 397; Pub. L. 95-17, §2, Apr. 6, 1977, 91 Stat. 33; Pub. L. 98-614, §3(b)(3), Nov. 8, 1984, 98 Stat. 3192.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 133z-12.	June 20, 1949, ch. 226, §203, 63 Stat. 207.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-614 substituted “75 calendar days” for “45 calendar days”.

1977—Pub. L. 95-17 substituted “Introduction and reference of resolution” for “Reference of resolution to committee” in section catchline, designated existing provisions as subsec. (b), substituted “the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House” for “a committee” and inserted requirement that the Committee shall make its recommendation to the House or Senate within 45 calendar days of continuous session of Congress following the date of a resolution’s introduction, and added subsec. (a).

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on