percent since 1960. In 1982, the tax share stood at 19.8 percent of GDP. By 1989, the tax share had declined slightly to 19.2 percent of GDP—much the same as it had been back in 1960.

In short, whether we have raised or lowered tax rates, the percentage of GDP in taxes has hovered at 19 percent. The issue, of course, is not whether the tax rate for most wage earners is a large and growing GDP, or of an anemic, stagnant one?

Here again, the real numbers destroy the myth. Let us go back to the story. According to the Federal Office of Management and Budget (OMB), in 1982, the year the tax cuts were implemented, tax receipts stood at $637.8 billion. By 1989, tax receipts had increased to $909.7 billion.

How did this come about? By lowering taxes, the government freed up capital and entrepreneurial spirit, creating jobs and wealth and expanding the size of the economic pie. From 1982 to 1989, GDP increased from $3.1 to $5.4 trillion. Therefore, while tax revenues as a share of GDP remained relatively constant at just over 19 percent, the dollar amount of tax revenues collected by the federal government rose dramatically, because of the increase in taxable income.

Tax cuts will increase economic growth and thereby reduce the deficit. The question is, by how much? Economists Bruce Bartlett, a former assistant secretary of the Treasury, and the above story. According to the OMB figures show that in real GDP significantly reduce the deficit. As of 1995, the deficit would be diminished by more than $150 billion if the economy grew just 1 percent faster than currently projected over the next five years.

Of course, Bartlett says, there is no guarantee that the Republican tax cuts will achieve a 1 percent faster growth rate. But there is no doubt they will increase growth above what it otherwise would have occurred. If growth is just 0.4 percent faster per year it would be enough to make the tax cut deficit-neutral, based on the OMB data.

Thus, a dispassionate review of the figures shatters the myth that the Reagan tax cuts increased the deficit. The problem was not our revenue stream, either in terms of the percentage of GDP paid in taxes, or in real tax dollars received. The problem was too much spending. From 1982 to 1989, government spending rose from $746 billion to $1.14 trillion, a 52 percent jump.

Tax cuts in the 1980s can help produce the same type of economic growth they generated in the 1980s. This growth in turn will help us pay the deficit. All we must do to reduce the rate at which government spending grows. CB0 figures show that, if we simply hold the rate at which federal spending grows to a little over 2 percent per year, we can cut taxes by $189 billion and balance the budget by the year 2002.

MYTH NO. 3

But this reference to tax cuts brings us face to face with another myth, namely that tax cuts disproportionately benefit the rich at the expense of the poor.

The myth explodes, however, on contact with the facts. Government figures show that lower income-tax rates actually increase the percentage of the total tax bill paid by the rich while decreasing the tax burden on the poor. The story is the same for all income levels. Indeed, it is the low-income category that paid by the most wealthy went down in the taxes paid by the lower 50 percent of income earners.

For example, by 1988, the share of income taxes paid by the bottom 50 percent of taxpayers assumed just 5.7 percent of the income tax burden. Also in 1988, the average tax payment of the top 1 percent of taxpayers amounted to 27.5 percent of the total. On the other hand, after the budget summit of 1981, the average marginal tax rate was increased from 28 to 31 percent. This produced a 3.5 percent decrease in the revenue share paid by the top 1 percent—down to 24.6 percent. As a result, the marginal tax rate paid by those earning $150,000 or more decreased, the rich paid more, and as marginal rates increased the rich paid less, leaving more for the middle class and poor to pay.

Clearly, then, if we want to help the middle class, the last thing we should do is increase marginal tax rates. Such an increase will increase the burden for those who are not rich.

The answer to our dilemma, then, is not to keep our current high taxes but to cut taxes while bringing spending under control.

By bringing together disparate kinds of tax cuts, from a $500-per-child tax credit to a reduction in the capital-gains tax rate that will strengthen small businesses and entrepreneurs, we can increase the well-being and productivity of America's middle-class families. By giving middle-class families the means to invest in skills, education and families to build a better future for their children.

The proposed $500-per-child tax credit directly benefits the middle class. The Joint Committee on Taxation has reported that this benefit from the tax cut will go to people with incomes less than $75,000. A capital-gains tax cut will accrue to the middle class as well. IRS data show that 55 percent of taxpayers reported long-term capital gains. Middle-class families will will help the economy and thereby help lower the deficit.

The 1980s teach us—if only we will examine their lessons properly—that a vibrant economy, spurred by low taxes and fewer regulations, will produce balanced budgets and economic well-being for the middle class. We need only trust Americans to spend and invest their own money as they see fit. We need only trust the people, rather than government, to make their own decisions about how to take care of their families and improve their lot in life.

CONGRESSIONAL REVIEW TITLE

H.R. 3136

Mr. NICKLES. Mr. President, I will submit for the Record a statement which serves to provide a detailed explanation and a legislative history for the congressional review title of H.R. 3136, the Small Business Regulatory Enforcement Fairness Act of 1996. H.R. 3136 was passed by the Senate on March 28, 1996, and was signed by the President the next day. Ironically, the President signed the legislation on the first anniversary of the passage of S. 219, the forerunner to the congressional review title. S. 219 passed the Senate by a vote of 100 to 0 on March 29, 1995. Because title III of H.R. 3136 was the product of negotiation and the President's signature, the legislation must be effective. In other words, enactment of a joint resolution of disapproval is the same as enactment.
for almost twenty years. Use of a simple (one-house), concurrent (two-house), or joint (two houses plus the President) resolution are among the options that have been debated in the past and are subject to legislative review on a case-by-case basis. In INS v. Chadha, 462 U.S. 919 (1983), the Supreme Court struck down as unconstitutional any procedure where Congress could be bypassed by resolution by less than the full process required under the Constitution to make laws—that is, approval by both houses of Congress and presentation to the President. That narrow reading of Congress’ options to use a joint resolution of disapproval of an agency action allows the legislature to respond to actions or policies that were not previously reviewed and, if approved by both houses of Congress, would become law.

Because Congress often is unable to anticipate the number of situations to which the laws it passes must apply, executive branch agencies sometimes develop regulatory schemes at odds with congressional expectations. Moreover, during the time lapse between passage of legislation and its implementation, the nature of the problem addressed, and its proper solution, can change. Rules can be surprisingly different from the expectation of Congress that led to their enactment. A joint resolution of disapproval gives the public the opportunity to call the attention of politically accountable officials to concerns about new agency rules. If these concerns are sufficiently serious, Congress can stop the rule.

In the 104th Congress, the congressional review legislation originated as S. 348, the “Regulatory Oversight Act,” which was introduced on February 2, 1995. The text of S. 348 was amended by several House and Senate subcommittees, Senator Nickles and Harry Reid, as a substitute amendment to S. 219, the “Regulatory Transportation Act of 1995.” As amended, S. 219 provided for a 60-day delay on the effectiveness of a major rule. S. 219 provided expedited procedures that Congress could use to pass resolutions disapproving the rule. On March 29, 1995, the Senate passed the amended version of S. 219 by a vote of 100-0. The Senate later substituted the text of S. 219 for the text of H.R. 450, the House “Regulatory Reform Act of 1995.” Although the Senate did not agree to a conference on H.R. 450 and S. 219, both Houses continued to incorporate the congressional review provisions of S. 348 into their respective legislative package. On April 25, the Senate Governmental Affairs Committee reported out S. 343, the “Comprehensive Regulatory Reform Act of 1995,” and S. 201, the “Regulatory Reform Act of 1995,” both with congressional review provisions. On May 26, 1995, the Senate Judiciary Committee reported out a different version of S. 343, the “Comprehensive Regulatory Reform Act of 1995,” which also included a congressional review provision. The congressional review provision in S. 343 that was debated by the House was similar to S. 219 except that the delay period in the effectiveness of a major rule was extended to 60 days and the legislation did not apply to rules issued prior to enactment. A filibuster of S. 343, unrelated to the congressional review provisions, led to the withdrawal of that bill.

The House next took up the congressional review legislation by attaching a version of it (as section 3006) to H.R. 2596, the first debt limit extension bill. The House made several changes in the legislation that was attached to H.R. 2596, including a provision that would allow the expedited procedures also to apply to resolutions disapproving proposed rules, and provisions that would have extended the effectiveness of a major rule for any period when the House or Senate was in recess for more than three days. On November 9, 1995 both the House and Senate passed this version of the congressional review legislation as part of the first debt limit extension bill. President Clinton vetoed H.R. 2596, for reasons unrelated to the congressional review provision.

On February 29, 1996, a House version of the congressional review legislation was published in the Congressional Record as title III of H.R. 942, which was similar to the legislation approved by both Houses in H.R. 2596. On March 19, 1996, the Senate adopted a congressional review amendment to S. 942, which bill passed the Senate 100-0. The congressional review legislation in S. 942 was similar to the original version of S. 219 that passed the Senate on March 29, 1995. Soon after passage of S. 942, representatives of the relevant House and Senate committee reviewed legislation by attaching a version of S. 343, unrelated to the congressional review provisions. On March 29, 1996, the House and Senate passed title III, the “Small Business Regulatory Enforcement Fairness Act of 1996,” as part of a bill entitled H.R. 3136. There was no separate vote in either body on title III of H.R. 3136. However, title III received wider floor support and the entire bill passed in the Senate by unanimous consent. The President signed H.R. 3136 into law on March 29, 1996, exactly one year after the first congressional review bill passed the Senate.

Submission of rules to Congress and to GAO Pursuant to subsection 801(a)(1)(A), a federal agency promulgating a rule must submit a copy of the rule and a brief report about it to each House of Congress and to the Comptroller General before the rule can take effect. In addition to a copy of the rule, the federal agency must submit a statement relating to the rule, including whether it is a major rule under the chapter, and the proposed effective date of the rule. Because the Comptroller General must be notified at least 30 calendar days prior to the effective date, the rule cannot take effect until at least 30 days after the later of the date on which the rule is submitted pursuant to subsection 801(a)(3)(B) until the earlier date on which either House of Congress votes to override the veto or 30 session days after the President receives the veto and objections from the President. By necessary implication, if the Congress passes a joint resolution of disapproval within the 60 calendar days provided in subsection 801(a)(3)(A), the delay period in the effectiveness of a major rule must be extended at least to the date on which the joint resolution is transmitted to the President for his action. In such a rare case, the federal agency may be required to provide contemporaneous notice to the Speaker of the House, the President of the Senate, and the Comptroller General. These legislative procedures have access to a rule, subject to the requirements of subsection 801(a)(1)(A).

Additional delay in the effectiveness of major rules Subsection 553(d) of the APA requires publication of the text of the rule to be effective at least 30 days prior to their effective date. Pursuant to subsection 801(a)(3)(A), a major rule (as defined in subsection 804(d)) shall not take effect until at least 30 days after the date on which the rule is submitted pursuant to subsection 801(a)(3)(B) until the earlier date on which either House of Congress votes to override the veto or 30 session days after the President receives the veto and objections from the President. By necessary implication, if the Congress passes a joint resolution of disapproval within the 60 calendar days provided in subsection 801(a)(3)(A), the delay period in the effectiveness of a major rule must be extended at least to the date on which the joint resolution is transmitted to the President for his action. Any other result would be inconsistent with subsection 801(a)(3)(A), which expresses the delay in the effectiveness of a major rule for a period of time after the President vetoes a resolution. Of course, if Congress fails to pass a joint resolution of disapproval within the 60-day period provided by subsection 801(a)(3)(A), subsection 801(a)(3)(B) would not apply and
would not further delay the effective date of the rule. Moreover, pursuant to subsection 803(a)(5), the effective date of a rule shall not be delayed by this chapter beyond the date on which the President affirms by executive order in the Federal Register his decision to reject a joint resolution of disapproval.

Although it is not expressly provided in the congressional review chapter, it is the authors' intent that a rule may take effect immediately if the President returns a veto and his objections to Congress but Congress does not act to override these vetoes during the time provided in subsection 803(a)(3). Like the situations described immediately above, no subsequent Congress could pass a joint resolution of disapproval, and the next Congress would have to begin anew, pass a second resolution of disapproval, and present it to the President in order for it to become law.

Purpose of and exceptions to the delay of major rules

The reason for the delay in the effectiveness of a major rule beyond that provided in APA sections 553 and 803 is to try to provide Congress with an opportunity to veto the rule or to pass resolutions of disapproval before regulated parties must invest the significant resources necessary to comply with a major rule. Congress may pass resolutions of disapproval to pass resolutions of disapproval for a period of time after a major rule takes effect, but it would be preferable for Congress to act during the delay period so that fewer resources would be wasted. To increase the likelihood that Congress would act before a major rule took effect, the authors decided that an approximately 60-day delay period in the effective date of a major rule, rather than an approximately 45-day delay period in some earlier versions, would be appropriate.

There are four exceptions to the required delay in the effectiveness of a major rule in the congressional review chapter. The first is in subsection 802(a), which excepts specified rules relating to commercial, recreational, or subsistence fishing, that are submitted to Congress before the end of the 60-day delay period specified in subsection 803(a)(1) and from the delay in the effective date of a major rule provided in subsection 803(a)(3). The third is in subsection 802(b), which excepts certain rules from the initial delay specified in subsection 803(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 803(a)(3). The third is in subsection 802(b), which excepts certain rules from the initial delay specified in subsection 803(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 803(a)(3) if the President determines in an executive order that one of four specified situations exist and notifies Congress of his determination. The second is in subsection 808(1), which excepts specified rules relating to commercial, recreational, or subsistence fishing, that are submitted to Congress during the initial period of time provided in subsection 803(a)(3)(B). The fourth is in subsection 804(2). Any rule promulgated under the Telecommunications Act of 1996 or any amendments made by that Act that otherwise could be classified as a “major rule” is exempt from that definition and from the delay provisions. However, such an issuance still would fall within the definition of “rule” and would be subject to the requirement of nonmajor rules. A determination under subsection 803(c), subsection 804(2), or section 808 shall have no effect on the procedures to enact joint resolutions of disapproval under other provisions of this chapter. A court may not stay or suspend the effectiveness of a rule beyond the period specified in section 803 simply because a resolution of disapproval is pending in Congress. The authors recognized that Congress could not often act immediately after a rule was issued because it may be issued during a recess of Congress, and that Congress generally cannot act during other periods when Congress cannot devote the time to complete prompt legislative action. Accordingly, courts may not stay or suspend the effectiveness of any rule beyond the periods specified in section 803 simply because a joint resolution of disapproval is pending. Such action would be contrary to the authors' intent because it would upset an important compromise on how long a delay there should be in the effectiveness of a rule. The first Congress was selected as a compromise between the period specified in the version that passed the Senate on March 30, 1980 which passed both Houses on November 9, 1980. It is also the authors’ belief that such court action would be inconsistent with the principles of and the language of the Constitution, art. I, § 7, cl. 2, in that courts may not act to prevent its Return” within the meaning of the Constitution, art. I, § 7, cl. 2, or when the President affirmatively vetoes a resolution during the delay period. The authors determined the relationship between the period of time that a major rule is delayed and the period of time during which Congress could use the expedited procedures in section 802 to pass a resolution of disapproval. Although it would be best for Congress to act pursuant to this chapter before any other action is taken, it was recognized that Congress could not often act immediately after a rule was issued because it may be issued during a recess of Congress, and that Congress generally cannot act during other periods when Congress cannot devote the time to complete prompt legislative action. Accordingly, courts may not stay or suspend the effectiveness of any rule beyond the periods specified in section 803 simply because a joint resolution of disapproval is pending for a period of time beyond that.

The second exception is that Congress may not stay or suspend the effectiveness of a rule beyond the period provided in subsection 803(c), which excepts specified rules relating to commercial, recreational, or subsistence fishing, that are submitted to Congress during the initial period of time provided in subsection 803(a)(3). The third is in subsection 802(b), which excepts certain rules from the initial delay specified in subsection 803(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 803(a)(3). The third is in subsection 802(b), which excepts certain rules from the initial delay specified in subsection 803(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 803(a)(3) if the President determines in an executive order that one of four specified situations exist and notifies Congress of his determination. The second is in subsection 808(1), which excepts specified rules relating to commercial, recreational, or subsistence fishing, that are submitted to Congress during the initial period of time provided in subsection 803(a)(3)(B). The fourth is in subsection 804(2). Any rule promulgated under the Telecommunications Act of 1996 or any amendments made by that Act that otherwise could be classified as a “major rule” is exempt from that definition and from the delay provisions. However, such an issuance still would fall within the definition of “rule” and would be subject to the requirement of nonmajor rules. A determination under subsection 803(c), subsection 804(2), or section 808 shall have no effect on the procedures to enact joint resolutions of disapproval under other provisions of this chapter. A court may not stay or suspend the effectiveness of a rule beyond the period specified in section 803 simply because a resolution of disapproval is pending in Congress. The authors recognized that Congress could not often act immediately after a rule was issued because it may be issued during a recess of Congress, and that Congress generally cannot act during other periods when Congress cannot devote the time to complete prompt legislative action. Accordingly, courts may not stay or suspend the effectiveness of any rule beyond the periods specified in section 803 simply because a joint resolution of disapproval is pending for a period of time beyond that.
normal rules of either House—-with one exception. Subsection 802(f) sets forth a unique provision that does not expire in either House. Subsection 802(f) provides procedures for a joint resolution of disapproval when one House passes a joint resolution and transmits it to the other House that has not yet completed action. In both Houses, a resolution of disapproval is considered directly only under normal Senate procedures, regardless of when it is received by the Senate. A resolution of disapproval is passed in the Senate as a joint resolution only after the Senate confirms because subsection 802(a) sets forth the required language of a joint resolution in each House. Subsection 802(f) is just one of the unique provisions that do not expire in either House. A resolution of disapproval may be considered directly only under normal Senate procedures, regardless of when it is received by the Senate. A resolution of disapproval is passed in the Senate as a joint resolution only after the Senate confirms because subsection 802(a) sets forth the required language of a joint resolution in each House. The final vote of the second House shall be on the joint resolution of the first House (no matter when that vote takes place). If the second House passes the resolution, no conference is necessary and the joint resolution will be presented to the President for his signature. Subsection 802(f) is justified because subsection 802(a) sets forth the required language of a joint resolution in each House, and thus, permits little variance in the joint resolutions that could be introduced in each House.

Effect of enactment of a joint resolution of disapproval

Subsection 801(b)(1) provides that: "A rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule." Subsection 801(b)(2) provides that such a disapproved rule "may not be reissued in substantially the same form, and any rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule." Subsection 803(b)(2) is necessary to prevent circumvention of a resolution disapproved. Nevertheless, it may have a different impact on the issuing agencies depending on the nature of the underlying law that authorized the rule. If the law that authorized the disapproved rule provides broad discretion to the issuing agency regarding the substance of such rule, the agency may exercise its broad discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The agency may exercise its discretion to issue a different rule. The law that authorized the disapproved rule did not mandate the promulcation of any rule, the issuing agency may exercise its discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The agency may exercise its discretion to issue a different rule. The law that authorized the disapproved rule did not mandate the promulcation of any rule, the issuing agency may exercise its discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The agency may exercise its discretion to issue a different rule. The law that authorized the disapproved rule did not mandate the promulcation of any rule, the issuing agency may exercise its discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The agency may exercise its discretion to issue a different rule. The law that authorized the disapproved rule did not mandate the promulcation of any rule, the issuing agency may exercise its discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The agency may exercise its discretion to issue a different rule. The law that authorized the disapproved rule did not mandate the promulcation of any rule, the issuing agency may exercise its discretion to issue a substantially different rule. Depending on the law that authorized the rule, the issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrow...
chapter, in large part, as an exercise of its oversight and legislative responsibility. Regardless of the justification for excluding or granting independence to some entities from the coverage of other laws, that justification does not apply to this chapter, where Congress has an interest in exercising its constitutional oversight and legislative responsibility as broadly as possible over agencies and entities within its legislative jurisdiction.

In some instances, federal entities and agencies issue rules that are not subject to the traditional 5 U.S.C. §553(c) rulemaking process. However, the authors intend the comprehensive chapter to cover federal agency, authority, or entity covered by subsection 551(1) that establishes policies affecting any segment of the general public. Where it was necessary, a few special exceptions were provided, such as the exclusion for the monetary policy activities of the Board of Governors of the Federal Reserve System, rules of agency management and personnel. Where it was not necessary, no exemption was provided and no exemption should be inferred from the fact that those rules are not made clear by the provision of section 806 which states that the Act applies notwithstanding any other provision of law.

Definition of a ‘major rule’

The definition of a “major rule” in subsection 804(1) is taken from President Reagan’s Executive Order 12291. Although President Clinton’s Executive Order 12866 contains a definition of a “significant regulatory action” that is seemingly as broad, several of the Administration’s significant rule determinations under Executive Order 12866 contain a definition of a “major rule.” The authors intend the term “major rule” in this chapter to be broadly construed, including the non-numerical factors contained in the subsection (C).

Pursuant to subsection 804(2), the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget (the Administrator) must make the major rule determination. The authors intend that centralizing this function in the Administrator will make it easier to comply with the requirements of this section. The Administrator has interpreted that this section is to exclude matters of purely internal agency management and organization, and to include matters that substantially affect the rights or obligations of outside parties. The essential focus of this inquiry is the making of major rule determinations by the Administrator that must make the final major rule determination.

Scope of rules covered

The authors intend this chapter to be interpreted broadly with regard to the type and substance of rules subject to the regulatory review process. The term “rule” in subsection 804(3) begins with the definition of a ‘rule’ in subsection 551(4) and excludes three subsets of rules that are modeled on APA sections 551 and 553. This definition of a rule does not turn on whether a given agency title 2 of the Code and notice-and-comment provisions of the APA, or whether the rule at issue is subject to any other notice-and-comment procedures. The definition therefore covers a wide spectrum of activities. First, there is formal rulemaking under subsection 553 that must adhere to procedures of sections 556 and 557 of the APA, that is, notice-and-comment rulemaking, which must comply with the notice-and-comment requirements of subsection 553(c). Third, there are rules subject to the notice-and-comment requirements of subsection 804(3). This category of rules normally either must be published in the Federal Register before they can adversely affect a person, or must be indexed and made available for inspection and copying or purchase before they can be used as precedent by an agency against a non-agency party. The cases covered by subsection 553(a) include statements of general policy, interpretations of general applicability, and administrative staff manuals and instructions to state that affect a member of the public. A rule is also a final disposition of a matter of a distinctly federal nature.

The different types of rules issued pursuant to the internal revenue laws of the United States are good examples of the distinction between rules of general and particular applicability. IRS private letter rulings and Customs Service rulings are classic examples of rules of particular applicability. Revenue rulings, revenue procedures, and circular letters are also classic examples of rules of general applicability. IRS notices and, and IRS announcements. It does not normally comply with the notice-and-comment rulemaking procedures or that they are accorded less deference by the courts than notice-and-comment rules. In fact, some courts have described the courts as the “classic example of an interpretive rule” within the meaning of the APA. See Wing v. Commissioner, 81 T.C. 17, 26 (1983). The test is whether such rules announce a general statement of policy or an interpretation of law of general applicability.

Most agency actions that grant an approval, license, registration, or similar authority to a particular person or particular entities, or grant or recognize an exemption or relieve a restriction for a particular person or particular entities, or permit new or improved applications of technology for a particular person or particular entities, or allow the manufacture, distribution, sale, or use of a substance or product are exempted from subsection 804(3)(A) from the definition of a rule. This is probably the largest category of activities to which the authors intend that centralizing this function in the Administrator that must make the final major rule determination. The authors admonish the agencies that the APA’s broad definition of “rule” was adopted by the authors of this legislation to discourage circumvention of the requirements of chapter 8.

The definition of a rule in subsection 551(4) covers most agency statements of general applicability and future effect. Subsection 804(3)(A) excludes “any rule of particular applicability, including a rule that approves or authorizes persons, programs, institutions, or activities” for purposes of this section. The term “rule” in subsection 804(3)(A) includes “any rule that substantially affects the rights or obligations of outside parties.” The authors’ intent in these subsections is to exclude matters of purely internal agency management and organization, but to include matters that substantially affect the rights or obligations of outside parties.

The explosion took an enormous toll on the people directly exposed to the radiation emitted from the plant. Shortly after the explosion, Soviet officials announced that 31 people, including operators and the team attempting to contain the damage. Thousands of workers were eventually exposed at the site.

However, children have been the first agents of a general situation to suffer from the effects of the explosion at Chernobyl. Children are most susceptible to the radioactive iodine emitted from Chernobyl because of their active