

105TH CONGRESS  
1ST SESSION

# H. R. 1036

To require Congress and the President to fulfill their constitutional duty  
to take personal responsibility for Federal laws.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1997

Mr. HAYWORTH (for himself, Mr. BACHUS, Mr. BAKER, Mr. CHABOT, Mr. COBURN, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. GRAHAM, Mr. HANSEN, Mr. HERGER, Mr. HOSTETTLER, Mr. KIM, Mr. KINGSTON, Mr. MCINTOSH, Mr. McKEON, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PITTS, Mr. RADANOVICH, Mr. ROYCE, Mr. SALMON, Mr. BOB SCHAFER of Colorado, Mr. STUMP, Mr. TALENT, Mr. TIAHRT, Mr. TRAFICANT, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws.

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 “Congressional Respon-  
5 sibility Act of 1997”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to promote compliance  
3 with Article I of the United States Constitution, which  
4 grants legislative powers solely to Congress. Article I en-  
5 sures that Federal regulations will not take effect unless  
6 passed by a majority of the members of the Senate and  
7 House of Representatives and signed by the President, or  
8 that the members of the Senate and House of Representa-  
9 tives override the President's veto. This Act ends the prac-  
10 tice whereby Congress delegates its responsibility for mak-  
11 ing laws to unelected, unaccountable officials of the execu-  
12 tive branch and requires that regulations proposed by  
13 agencies of the executive branch be affirmatively enacted  
14 by Congress before they become effective. The Act will re-  
15 sult in a more democratic and accountable Congress and  
16 protect the public from regulations for which elected, ac-  
17 countable officials are unwilling to take responsibility.

18 **SEC. 3. ENACTMENT OF AGENCY REGULATIONS.**

19       (a) CONGRESSIONAL APPROVAL.—A regulation shall  
20 not take effect before the date of the enactment of a bill  
21 described in section 4(a) comprised solely of the text of  
22 the regulation.

23       (b) AGENCY REPORT.—Whenever an agency promul-  
24 gates a regulation, the agency shall submit to each House  
25 of Congress a report containing the text of the proposed  
26 regulation and an explanation of the proposed regulation.

1 The explanation shall consist of the concise general state-  
2 ment of their basis and purpose required by section 553  
3 of title 5, United States Code and such explanatory docu-  
4 ments as are mandated by other statutory requirements.

5 **SEC. 4. EXPEDITED CONGRESSIONAL PROCEDURES FOR**  
6 **AGENCY REGULATIONS.**

7 (a) INTRODUCTION.—Not later than three legislative  
8 days after the date on which an agency submits a report  
9 under section 3(b), the Majority Leader of each House of  
10 Congress shall introduce (by request) a bill comprised sole-  
11 ly of the text of the regulation contained in the report.  
12 If such a bill is not introduced in a House of Congress  
13 as provided in the preceding sentence, then any Member  
14 of that House may introduce such a bill.

15 (b) BILL.—For purposes of this section, the term  
16 “bill” means a bill of the two Houses of Congress, the  
17 matter after the enacting clause of which is as follows:  
18 “The following agency regulations are hereby approved  
19 and shall have the force and effect of law:” (the text of  
20 the regulations being set forth after the semicolon).

21 (c) REFERRAL AND CONSIDERATION.—(1) A bill de-  
22 scribed in subsection (b) shall not be referred to a commit-  
23 tee.

24 (2) It is in order for any Member of the respective  
25 House to move to proceed to the consideration of the bill.

1 A Member may make the motion only on the day after  
2 the calendar day on which the Member announces to the  
3 House concerned the Member's intention to make the mo-  
4 tion. All points of order against the bill (and against con-  
5 sideration of the bill) are waived. The motion is highly  
6 privileged in the House of Representatives and is privi-  
7 leged in the Senate and is not debatable. The motion is  
8 not subject to amendment, or to a motion to postpone,  
9 or to a motion to proceed to the consideration of other  
10 business. A motion to reconsider the vote by which the  
11 motion is agreed to or disagreed to shall not be in order.  
12 If a motion to proceed to the consideration of the bill is  
13 agreed to, the respective House shall immediately proceed  
14 to consideration of the bill without intervening motion,  
15 order, or other business, and the bill shall remain the un-  
16 finished business of the respective House until disposed  
17 of.

18 (3) Debate on the bill, and on all debatable motions  
19 and appeals in connection therewith, shall be limited to  
20 not more than one hour, which shall be divided equally  
21 between those favoring and those opposing the bill. An  
22 amendment to the bill is not in order. A motion further  
23 to limit debate is in order and not debatable. A motion  
24 to postpone, or a motion to proceed to the consideration  
25 of other business, or a motion to recommit the bill is not

1 in order. A motion to reconsider the vote by which the  
2 bill is agreed to or disagreed to is not in order.

3 (4) Appeals from the decisions of the Chair relating  
4 to the application of the regulations of the Senate or the  
5 House of Representatives, as the case may be, to the pro-  
6 cedure relating to the bill shall be decided without debate.

7 (d) FINAL PASSAGE.—A vote on final passage of a  
8 bill described in subsection (b) shall be taken in a House  
9 of Congress on or before the close of the 60th calendar  
10 day after the date of the introduction of the bill in that  
11 House.

12 (e) EXCEPTION.—A motion to suspend the applica-  
13 tion of subsections (c) and (d) is in order in either House  
14 of Congress and shall be considered as passed or agreed  
15 to by a vote of a majority of the Members voting. Upon  
16 the passage of such a motion, the bill shall be considered  
17 in the same manner as other bills.

18 (f) TREATMENT IF THE OTHER HOUSE HAS  
19 ACTED.—(1) If, before the passage by one House of a bill  
20 introduced in that House described in subsection (b), that  
21 House receives from the other House a bill described in  
22 subsection (b) comprised of the same text, then:

23 (A) The bill of the other House shall not be re-  
24 ferred to a committee and may not be considered in

1 the House receiving it except in the case of final  
2 passage as provided in subparagraph (B)(ii).

3 (B) With respect to a bill described in sub-  
4 section (b) of the House receiving the bill—

5 (i) the procedure in that House shall be  
6 the same as if no bill had been received from  
7 the other House; but

8 (ii) the vote on final passage shall be on  
9 the bill of the other House.

10 (2) Upon disposition of the bill received from the  
11 other House, it shall no longer be in order to consider the  
12 bill that originated in the receiving House.

13 **SEC. 5. DEFINITIONS.**

14 For purposes of this Act:

15 (1) AGENCY.—The term “agency” has the  
16 meaning given the term in section 551(1) of title 5,  
17 United States Code.

18 (2) REGULATION.—The term “regulation” has  
19 the meaning given the term “rule” in section 551(4)  
20 of title 5, United States Code, except that such term  
21 does not include—

22 (A) any regulation of particular applicabil-  
23 ity; or

1 (B) any interpretative rule, general state-  
2 ment of policy, or any regulation of agency or-  
3 ganization, personnel, procedure, or practice.

4 **SEC. 6. EFFECTIVE DATE.**

5 This Act shall apply to agency regulations promul-  
6 gated after the date of the enactment of this Act.

7 **SEC. 7. JUDICIAL REVIEW.**

8 A regulation contained in a bill enacted pursuant to  
9 this Act is not an agency action for the purpose of Judicial  
10 review under chapter 7 of title 5, United States Code.

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