

105TH CONGRESS
1ST SESSION

S. 433

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

IN THE SENATE OF THE UNITED STATES

MARCH 12, 1997

Mr. BROWNBACK (for himself, Mr. KYL, Mr. ALLARD, Mr. COATS, Mr. ENZI,
Mr. HAGEL, and Mr. SESSIONS) introduced the following bill; which was
read twice and referred to the Committee on Governmental Affairs

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”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are to—

8 (1) promote compliance with Article I of the
9 United States Constitution, which—

1 (A) grants legislative powers solely to Con-
2 gress; and

3 (B) ensures that Federal regulations will
4 not take effect unless passed by a majority of
5 the members of the Senate and House of Rep-
6 resentatives and signed by the President, or
7 that the members of the Senate and House of
8 Representatives override the President's veto;

9 (2) end the practice whereby Congress delegates
10 its responsibility for making laws to unelected, unac-
11 countable officials of the executive branch;

12 (3) require that regulations proposed by agen-
13 cies of the executive branch be affirmatively enacted
14 by Congress before becoming effective; and

15 (4) provide a more democratic and accountable
16 Congress and protect the public from regulations for
17 which elected, accountable officials are unwilling to
18 take responsibility.

19 **SEC. 3. DEFINITIONS.**

20 For purposes of this Act:

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

24 (2) REGULATION.—The term “regulation” has
25 the meaning given the term “rule” in section 551(4)

1 of title 5, United States Code, except that such term
2 does not include—

3 (A) any regulation of particular applicabil-
4 ity; or

5 (B) any interpretative rule, general state-
6 ment of policy, or any regulation of agency or-
7 ganization, personnel, procedure, or practice.

8 **SEC. 4. ENACTMENT OF AGENCY REGULATIONS.**

9 (a) CONGRESSIONAL APPROVAL.—A regulation shall
10 not take effect before the date of the enactment of a bill
11 described in section 5(a) comprised solely of the text of
12 the regulation.

13 (b) AGENCY REPORT.—Whenever an agency promul-
14 gates a regulation, the agency shall submit to each House
15 of Congress a report containing the text of the proposed
16 regulation and an explanation of the proposed regulation.
17 The explanation shall consist of the concise general state-
18 ment of the basis and purpose of the regulation required
19 by section 553 of title 5, United States Code and such
20 explanatory documents as are mandated by other statu-
21 tory requirements.

22 **SEC. 5. EXPEDITED CONGRESSIONAL PROCEDURES FOR**
23 **AGENCY REGULATIONS.**

24 (a) INTRODUCTION.—Not later than three legislative
25 days after the date on which an agency submits a report

1 under section 4(b), the Majority Leader of each House of
2 Congress shall introduce (by request) a bill comprised sole-
3 ly of the text of the regulation contained in the report.
4 If such a bill is not introduced in a House of Congress
5 as provided in the preceding sentence, then any Member
6 of that House may introduce such a bill.

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

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

16 (2) It is in order for any Member of the respective
17 House to move to proceed to the consideration of the bill.
18 A Member may make the motion only on the day after
19 the calendar day on which the Member announces to the
20 House concerned the Member’s intention to make the mo-
21 tion. All points of order against the bill (and against con-
22 sideration of the bill) are waived. The motion is highly
23 privileged in the House of Representatives and is privi-
24 leged in the Senate and is not debatable. The motion is
25 not subject to amendment, or to a motion to postpone,

1 or to a motion to proceed to the consideration of other
2 business. A motion to reconsider the vote by which the
3 motion is agreed to or disagreed to shall not be in order.
4 If a motion to proceed to the consideration of the bill is
5 agreed to, the respective House shall immediately proceed
6 to consideration of the bill without intervening motion,
7 order, or other business, and the bill shall remain the un-
8 finished business of the respective House until disposed
9 of.

10 (3) Debate on the bill, and on all debatable motions
11 and appeals in connection therewith, shall be limited to
12 not more than one hour, which shall be divided equally
13 between those favoring and those opposing the bill. An
14 amendment to the bill is not in order. A motion further
15 to limit debate is in order and not debatable. A motion
16 to postpone, or a motion to proceed to the consideration
17 of other business, or a motion to recommit the bill is not
18 in order. A motion to reconsider the vote by which the
19 bill is agreed to or disagreed to is not in order.

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

24 (d) FINAL PASSAGE.—A vote on final passage of a
25 bill described in subsection (b) shall be taken in a House

1 of Congress on or before the close of the 60th calendar
 2 day after the date of the introduction of the bill in that
 3 House.

4 (e) EXCEPTION.—A motion to suspend the applica-
 5 tion of subsections (c) and (d) is in order in either House
 6 of Congress and shall be considered as passed or agreed
 7 to by a vote of a majority of the Members voting. Upon
 8 the passage of such a motion, the bill shall be considered
 9 in the same manner as other bills.

10 (f) TREATMENT IF THE OTHER HOUSE HAS
 11 ACTED.—(1) If, before the passage by one House of a bill
 12 introduced in that House described in subsection (b), that
 13 House receives from the other House a bill described in
 14 subsection (b) comprised of the same text, then:

15 (A) The bill of the other House shall not be re-
 16 ferred to a committee and may not be considered in
 17 the House receiving it except in the case of final
 18 passage as provided in subparagraph (B)(ii).

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

21 (i) the procedure in that House shall be
 22 the same as if no bill had been received from
 23 the other House; but

24 (ii) the vote on final passage shall be on
 25 the bill of the other House.

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

4 (g) RULES OF SENATE AND HOUSE OF REPRESENT-
 5 ATIVES.—This section is enacted by Congress—

6 (1) as an exercise of the rulemaking power of
 7 the Senate and House of Representatives, respec-
 8 tively, and as such it is deemed a part of the rules
 9 of each House, respectively, but applicable only with
 10 respect to the procedure to be followed in that
 11 House in the case of a bill, and it supersedes other
 12 rules only to the extent that it is inconsistent with
 13 such rules; and

14 (2) with full recognition of the constitutional
 15 right of either House to change the rules (so far as
 16 relating to the procedure of that House) at any time,
 17 in the same manner and to the same extent as in
 18 the case of any other rule of that House.

19 **SEC. 6. JUDICIAL REVIEW.**

20 A regulation contained in a bill enacted pursuant to
 21 this Act is not an agency action for the purpose of judicial
 22 review under chapter 7 of title 5, United States Code.

1 **SEC. 7. EFFECTIVE DATE.**

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

○