

106TH CONGRESS
1ST SESSION

S. 1348

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

JULY 12, 1999

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

A BILL

To require Congress and the President to fulfill their Con-
stitutional duty to take personal responsibility for Fed-
eral 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 1999”.

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 power 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 applica-
 4 bility; 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 purpose 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 follow:
 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.—

14 (1) REFERRAL.—A bill described in subsection
 15 (b) shall not be referred to a committee.

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

1 The motion is not subject to amendment, or to a
2 motion to postpone, or to a motion to proceed to the
3 consideration of other business. A motion to recon-
4 sider the vote by which the motion is agreed to or
5 disagreed to shall not be in order. If a motion to
6 proceed to the consideration of the bill is agreed to,
7 the respective House shall immediately proceed to
8 consideration of the bill without intervening motion,
9 order, or other business, and the bill shall remain
10 the unfinished business of the respective House until
11 disposed of.

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

23 (4) APPEALS.—Appeals from the decisions of
24 the Chair relating to the application of the rules of
25 the Senate or the House of Representatives, as the

1 case may be, to the procedure relating to the bill
2 shall be decided without debate.

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

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

14 (f) TREATMENT IF THE OTHER HOUSE HAS
15 ACTED.—

16 (1) IN GENERAL.—If, before the passage by one
17 House of a bill introduced in that House described
18 in subsection (b), that House receives from the other
19 House a bill described in subsection (b) comprised of
20 the same text, then:

21 (A) The bill of the other House shall not
22 be referred to a committee and may not be con-
23 sidered in the House receiving it except in the
24 case of final passage as provided in subpara-
25 graph (B)(ii).

1 (B) with respect to a bill described in sub-
 2 section (b) of the House receiving the bill—

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

6 (ii) the vote on final passage shall be
 7 on the bill of the other House.

8 (2) CONSIDERATION OF BILL FROM OTHER
 9 HOUSE.—Upon disposition of the bill received from
 10 the other House, it shall no longer be in order to
 11 consider the bill that originated in the receiving
 12 House.

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

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

23 (2) with full recognition of the constitutional
 24 right of either House to change the rules (so far as
 25 relating to the procedure of that House) at any time,

1 in the same manner and to the same extent as in
2 the case of any other rule of that House.

3 **SEC. 6. JUDICIAL REVIEW.**

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

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

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

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