

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 931

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

FEBRUARY 17, 2005

Mr. HAYWORTH (for himself, Mr. KING of Iowa, Mr. OTTER, Mr. ENGLISH of Pennsylvania, and Mr. SIMPSON) 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 2005”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote compliance  
8 with Article I of the United States Constitution, which

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

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

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

20 (b) AGENCY REPORT.—Whenever an agency promul-  
21 gates a regulation, the agency shall submit to each House  
22 of Congress a report containing the text of the proposed  
23 regulation and an explanation of the proposed regulation.  
24 The explanation shall consist of the concise general state-  
25 ment of their basis and purpose required by section 553

1 of title 5, United States Code and such explanatory docu-  
2 ments as are mandated by other statutory requirements.

3 **SEC. 4. EXPEDITED CONGRESSIONAL PROCEDURES FOR**  
4 **AGENCY REGULATIONS.**

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

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

19 (c) REFERRAL AND CONSIDERATION.—(1) A bill de-  
20 scribed in subsection (b) shall not be referred to a com-  
21 mittee.

22 (2) It is in order for any Member of the respective  
23 House to move to proceed to the consideration of the bill.  
24 A Member may make the motion only on the day after  
25 the calendar day on which the Member announces to the

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

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

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

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

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

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

21               (A) the bill of the other House shall not be re-  
22 ferred to a committee and may not be considered in  
23 the House receiving it except in the case of final  
24 passage as provided in subparagraph (B)(ii); and

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 be  
4 the same as if no bill had been received from  
5 the other House; but

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

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

11 **SEC. 5. DEFINITIONS.**

12 For purposes of this Act:

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

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

20 (A) any regulation of particular applica-  
21 bility; or

22 (B) any interpretative rule, general state-  
23 ment of policy, or any regulation of agency or-  
24 ganization, personnel, procedure, or practice.

1 **SEC. 6. EFFECTIVE DATE.**

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

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

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

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