

106TH CONGRESS
1ST SESSION

H. R. 2301

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1999

Mr. HAYWORTH (for himself, Mr. ADERHOLT, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BLILEY, Mr. BLUNT, Mr. CALVERT, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. COBLE, Mr. COLLINS, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH, Mr. GIBBONS, Mr. GOODE, Mr. GOODLING, Mr. GRAHAM, Mr. HILL of Montana, Mr. HILLEARY, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LARGENT, Mr. LUCAS of Oklahoma, Mr. METCALF, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mr. NETHERCUTT, Mr. NEY, Mr. PAUL, Mr. PITTS, Mr. RILEY, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALMON, Mr. SCHAFFER, Mr. SHAW, Mr. SIMPSON, Mr. STUMP, Mr. TALENT, Mr. TIAHRT, Mr. TRAFICANT, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WICKER, and Mr. YOUNG of Alaska) 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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Respon-
3 sibility Act of 1999”.

4 **SEC. 2. PURPOSE.**

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

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

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

1 (b) AGENCY REPORT.—Whenever an agency promul-
2 gates a regulation, the agency shall submit to each House
3 of Congress a report containing the text of the proposed
4 regulation and an explanation of the proposed regulation.
5 The explanation shall consist of the concise general state-
6 ment of their basis and purpose required by section 553
7 of title 5, United States Code and such explanatory docu-
8 ments as are mandated by other statutory requirements.

9 **SEC. 4. EXPEDITED CONGRESSIONAL PROCEDURES FOR**
10 **AGENCY REGULATIONS.**

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

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

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

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

22 (3) Debate on the bill, and on all debatable motions
23 and appeals in connection therewith, shall be limited to
24 not more than one hour, which shall be divided equally
25 between those favoring and those opposing the bill. An

1 amendment to the bill is not in order. A motion further
2 to limit debate is in order and not debatable. A motion
3 to postpone, a motion to proceed to the consideration of
4 other business, or a motion to recommit the bill is not
5 in order. A motion to reconsider the vote by which the
6 bill is agreed to or disagreed to is not in order.

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

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

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

22 (f) TREATMENT IF THE OTHER HOUSE HAS
23 ACTED.—(1) If, before the passage by one House of a bill
24 introduced in that House described in subsection (b), that

1 House receives from the other House a bill described in
2 subsection (b) comprised of the same text, then—

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

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

9 (i) the procedure in that House shall be
10 the same as if no bill had been received from
11 the other House; but

12 (ii) the vote on final passage shall be on
13 the bill of the other House.

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

17 **SEC. 5. DEFINITIONS.**

18 For purposes of this Act:

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

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

1 (A) any regulation of particular applica-
2 bility; or

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

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

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

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

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

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