

THE CONGRESSIONAL RESPONSIBILITY ACT

CAPSULE SUMMARY

The bill forces congressional compliance with Article I, Section 1 of the Constitution, which grants sole legislative power to Congress, by requiring all regulations to return to Congress for approval before they become effective. Under the bill, a regulation can be approved in one of two ways: (1) under expedited procedures designed to limit debate and amendment and allow for a quick vote on non-controversial regulations; and (2) under the normal legislative process, if a majority of members voting agree to remove the regulations from the expedited procedures. The bill is not retroactive; it only apply's to new regulations.

STANDARD SUMMARY

Section 1. Short Title

The act is cited as the "**Congressional Responsibility Act**"

Section 2. Purpose

This section sets forth that the purpose of the bill is to promote compliance with Article I, which grants legislative power solely to Congress and that federal regulations will not take effect unless passed by a majority of members of Congress.

Section 3. Enactment of Agency Regulations

(a) This subsection provides that a regulation shall not take effect until it goes through either the expedited legislative process (described in Section 4) or the normal legislative process.

(b) This subsection makes clear that when an agency promulgates a regulation, it must submit an explanatory statement of the proposed regulation. This requirement already exists under current law.

Section 4. Expedited Congressional Procedures for Agency Regulations

(a) This subsection provides that proposed agency regulations can be introduced within 3 days after agency submission by the Majority Leader of each House and, after that, by any member.

(b) This subsection makes clear that Congressional approval of an agency regulation will have the full force and effect of law.

(c) This subsection defines the terms of the expedited procedure.

(d) This subsection requires a vote under expedited consideration to occur within 60 days after introduction of the bill.

(e) This subsection provides that a majority of members can remove the bill from expedited consideration.

(f) This subsection is a technical requirement to describe how each body is to treat the other body if it acts first.

Section 5. Definitions

This section defines "agency" and "regulation" following long established procedures in the Administrative Procedures Act.

Section 6. Effective Date

This section provides that the act will apply only to regulations promulgated after the date of enactment.

Section 7. Judicial Review

This section makes clear that regulations enacted pursuant to this act are treated as congressionally enacted laws and not independent agency actions, subject to judicial review.

WHY THE ACT IS NECESSARY

It restores Democracy: Democracy requires that people be bound only by those laws enacted by lawmakers they elect. Since the New Deal, however, Congress and the White House have routinely passed statutes that transfer the power to make law to unelected, unaccountable bureaucrats.

It corrects a serious violation of the Constitution: Article I, Section 1 states that "All legislative powers herein granted shall be vested in a Congress" (emphasis added). The Section, moreover, makes clear that the legislative power includes the power to regulate.

It stops bad regulations: Delegation encourages Congress to enact statutes that promises to be everything to all people. Elected officials can claim credit for the promises while blaming bureaucrats for bad regulations.