

108TH CONGRESS
1ST SESSION

H. R. 1654

To amend chapter 8 of title 5, United States Code, to require congressional approval of proposed rules considered by the Congress to be significant rules.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2003

Mr. SMITH of Michigan 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 amend chapter 8 of title 5, United States Code, to require congressional approval of proposed rules considered by the Congress to be significant rules.

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 “Legislative Oversight
5 of Significant Regulations Act of 2003”.

6 **SEC. 2. FINDING AND PURPOSE.**

7 (a) FINDING.—The Congress finds that oversight of
8 significant rules will be enhanced if they are subject to

1 congressional review and approval after being proposed by
2 an agency.

3 (b) PURPOSE.—The purpose of this Act is to ensure
4 that before a significant rule takes effect—

5 (1) Congress is given an adequate opportunity
6 to review the rule and ensure that it is in accordance
7 with the intent of Congress in enacting the law
8 under which the rule is proposed; and

9 (2) Congress approves the rule in accordance
10 with the procedures established by this Act.

11 **SEC. 3. REVIEW OF SIGNIFICANT RULES BY CONGRESS.**

12 Chapter 8 of title 5, United States Code, is amended
13 to read as follows:

14 **“CHAPTER 8—CONGRESSIONAL REVIEW**
15 **OF AGENCY RULEMAKING**

“Sec.

“801. Review of significant rules by Congress.

“802. Congressional approval procedure for significant rules.

“803. Existing rules.

“804. Definitions.

“805. Exemption for monetary policy.

16 **“§ 801. Review of significant rules by Congress**

17 “(a) A significant rule shall not take effect before the
18 date of the enactment of a joint resolution described in
19 section 802(a) comprised solely of the text of the signifi-
20 cant rule.

1 “(b)(1) Before a proposed significant rule would take
2 effect as a final rule, the agency proposing the rule shall
3 submit to each House of Congress a report containing the
4 following:

5 “(A) A copy of the proposed significant rule.

6 “(B) A concise summary of the proposed sig-
7 nificant rule, its purpose, and anticipated effects.

8 “(C) A complete copy of any cost-benefit anal-
9 ysis report that has been prepared by the agency
10 with respect to the proposed significant rule.

11 “(D) An explanation of the specific statutory
12 interpretation under which a rule is proposed, in-
13 cluding an explanation of—

14 “(i) whether the interpretation is expressly
15 required by the text of the statute; or

16 “(ii) if the interpretation is not expressly
17 required by the text of the statute, an expla-
18 nation that the interpretation is within the
19 range of permissible interpretations of the stat-
20 ute as identified by the agency, and an expla-
21 nation why the interpretation selected by the
22 agency is the agency’s preferred interpretation.

23 “(E) Any other relevant information or require-
24 ments under any other Act and any relevant Execu-
25 tive order.

1 ommendation or with an adverse recommendation, or the
2 committee may vote not to report the joint resolution. If
3 the committee votes to order the joint resolution reported,
4 it shall be reported not later than the end of the period
5 (not to exceed 45 legislative days) established for consider-
6 ation of the joint resolution by the Speaker of the House
7 of Representatives or the majority leader of the Senate,
8 as the case may be. Except in the case of a joint resolution
9 which a committee votes not to report, a committee failing
10 to report a joint resolution within such period shall be
11 automatically discharged from consideration of the joint
12 resolution, and it shall be placed on the appropriate cal-
13 endar.

14 “(2) A vote on final passage of the joint resolution
15 shall be taken in that House on or before the close of the
16 90th legislative day after the date of the introduction of
17 the joint resolution in that House.

18 “(3)(A) A motion in the House of Representatives to
19 proceed to the consideration of a joint resolution under
20 this section shall be highly privileged and not debatable.
21 An amendment to the motion shall not be in order, nor
22 shall it be in order to move to reconsider the vote by which
23 the motion is agreed to or disagreed to.

24 “(B) Debate in the House of Representatives on a
25 joint resolution under this section shall be limited to not

1 more than 4 hours, which shall be divided equally between
2 those favoring and those opposing the joint resolution. A
3 motion further to limit debate shall not be debatable. It
4 shall not be in order to move to recommit a joint resolution
5 under this section or to move to reconsider the vote by
6 which the joint resolution is agreed to or disagreed to.

7 “(C) All appeals from the decisions of the chair relat-
8 ing to the application of the Rules of the House of Rep-
9 resentatives to the procedure relating to a joint resolution
10 under this section shall be decided without debate.

11 “(D) Except to the extent specifically provided in the
12 preceding provisions of this subsection, consideration of a
13 joint resolution under this section shall be governed by the
14 Rules of the House of Representatives applicable to other
15 joint resolutions in similar circumstances.

16 “(4)(A) A motion in the Senate to proceed to the con-
17 sideration of a joint resolution under this section shall be
18 privileged and not debatable. An amendment to the motion
19 shall not be in order, nor shall it be in order to move to
20 reconsider the vote by which the motion is agreed to or
21 disagreed to.

22 “(B) Debate in the Senate on a joint resolution under
23 this section, and all debatable motions and appeals in con-
24 nection therewith, shall be limited to not more than 10
25 hours. The time shall be equally divided between, and con-

1 trolled by, the majority leader and the minority leader or
2 their designees.

3 “(C) Debate in the Senate on any debatable motion
4 or appeal in connection with a joint resolution under this
5 section shall be limited to not more than 1 hour, to be
6 equally divided between, and controlled by, the mover and
7 the manager of the joint resolution, except that in the
8 event the manager of the joint resolution is in favor of
9 any such motion or appeal, the time in opposition thereto,
10 shall be controlled by the minority leader or his designee.
11 Such leaders, or either of them, may, from time under
12 their control on the passage of a joint resolution, allot ad-
13 ditional time to any Senator during the consideration of
14 any debatable motion or appeal.

15 “(D) A motion in the Senate to further limit debate
16 on a joint resolution under this section is not debatable.
17 A motion to recommit a joint resolution under this section
18 is not in order.

19 “(c) No amendment to a joint resolution considered
20 under this section shall be in order in either the House
21 of Representatives or the Senate. No motion to suspend
22 the application of this subsection shall be in order in either
23 House, nor shall it be in order in either House for the
24 presiding officer to entertain a request to suspend the ap-
25 plication of this subsection by unanimous consent.

1 “(d) If, before the passage by one House of a joint
2 resolution of that House described in subsection (a), that
3 House receives from the other House a joint resolution
4 described in subsection (a) comprised of the same text,
5 then:

6 “(1) The procedure in that House shall be the
7 same as if no joint resolution had been received from
8 the other House.

9 “(2) The vote on final passage shall be on the
10 joint resolution of the other House.

11 “(e) This section is enacted by Congress—

12 “(1) as an exercise of the rulemaking power of
13 the Senate and the House of Representatives, re-
14 spectively, and as such it is deemed a part of the
15 rules of each House, respectively, but applicable only
16 with respect to the procedure to be followed in that
17 House in the case of a joint resolution described in
18 subsection (a), and it supersedes other rules only to
19 the extent that it is inconsistent with such rules; and

20 “(2) with full recognition of the constitutional
21 right of either House to change the rules (so far as
22 relating to the procedure of that House) at any time,
23 in the same manner, and to the same extent as in
24 the case of any other rule of that House.

1 **“§ 803. Existing rules**

2 “(a) Any existing rule may be revised or revoked in
3 accordance with this section if a petition for review so re-
4 quests.

5 “(b) If a petition for review is filed with the Clerk
6 of the House of Representatives or the Secretary of the
7 Senate, the Clerk or the Secretary shall determine whether
8 the petition meets the requirements of subsection (d). If
9 the Clerk or the Secretary determines that a petition
10 meets those requirements, he or she shall notify the major-
11 ity leader of that House. The majority leader so notified
12 shall, within 3 legislative days, introduce a joint resolution
13 (by request) that makes the revision or revocation of exist-
14 ing rules proposed by the petition upon the enactment of
15 that joint resolution. If the joint resolution is not intro-
16 duced as provided in the preceding sentence, then any
17 Member of that House may introduce the joint resolution.

18 “(c) Any joint resolution introduced under subsection
19 (b) shall be considered in the House of Representatives
20 and the Senate in accordance with the procedures respect-
21 ing a joint resolution set forth in section 802.

22 “(d) A petition for review under subsection (a) shall
23 contain the following:

24 “(1) Any rule affected by the petition and the
25 contents of that rule as it would exist if a joint reso-

1 lution revising or revoking that rule pursuant to the
2 petition were enacted.

3 “(2) For a petition in the Senate, the signa-
4 tures of 30 Senators, or for a petition in the House
5 of Representatives, the signatures of 120 Members.

6 **“§ 804. Definitions**

7 For purposes of this chapter:

8 “(1) The term ‘agency’ has the meaning given
9 that term in section 551 (relating to administrative
10 procedure).

11 “(2)(A) The term ‘rule’ has the meaning given
12 such term by section 551, except that such term
13 does not include—

14 “(i) any rule of particular applicability in-
15 cluding a rule that approves or prescribes—

16 “(I) future rates, wages, prices, serv-
17 ices, or allowances therefor,

18 “(II) corporate or financial structures,
19 reorganizations, mergers, or acquisitions
20 thereof, or

21 “(III) accounting practices or disclo-
22 sures bearing on any of the foregoing, or

23 “(ii) any rule of agency organization, per-
24 sonnel, procedure, practice, or any routine mat-
25 ter.

1 “(B) The term ‘final rule’ means any final rule
2 or interim final rule.

3 “(3) The term ‘significant rule’ means any rule
4 proposed by an agency that is specified or described
5 as such in the Act that authorizes the rule.

6 **“§ 805. Exemption for monetary policy**

7 Nothing in this chapter applies to any rule concerning
8 monetary policy proposed or implemented by the Board
9 of Governors of the Federal Reserve System or the Fed-
10 eral Open Market Committee.”.

11 **SEC. 4. EFFECTIVE DATE.**

12 The amendment made by this Act shall take effect
13 on the ninetieth day after the date of enactment of this
14 Act. The former chapter 8 of title 5, United States Code,
15 as in effect immediately before that day shall continue to
16 apply to rules submitted under that former chapter to
17 each House of Congress as if this amendment had not
18 been enacted.

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