

115TH CONGRESS
1ST SESSION

S. 634

To require reductions in the direct cost of Federal regulations that are proportional to the amount of increases in the debt ceiling.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

Mr. GARDNER (for himself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require reductions in the direct cost of Federal regulations that are proportional to the amount of increases in the debt ceiling.

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 “Reducing Excessive
5 Government Act of 2017” or the “REG Act”.

6 **SEC. 2. REDUCING EXCESSIVE GOVERNMENT.**

7 (a) DEFINITIONS.—In this section—

1 (1) the term “agency” has the meaning given
2 the term “Executive agency” under section 105 of
3 title 5, United States Code;

4 (2) the term “amount of the increase in the
5 debt limit” means—

6 (A) the dollar amount of the increase in
7 the debt limit specified in the Act increasing
8 the debt limit; or

9 (B) in the case of an Act that provides
10 that the debt limit shall not apply for a period
11 and that the amount of the debt limit is in-
12 creased at the end of such period, the amount
13 by which the Secretary of the Treasury esti-
14 mates the debt limit shall be increased at the
15 end of the period of the suspension, which the
16 Secretary shall submit to Congress on the date
17 of enactment of such an Act;

18 (3) the term “debt limit” means the limitation
19 imposed by section 3101(b) of title 31, United
20 States Code;

21 (4) the term “direct cost of Federal regulation”
22 means all costs incurred by, and expenditures re-
23 quired of, the Federal Government in issuing and
24 enforcing Federal regulations, rules, statements, and
25 legislation;

1 (5) the term “joint resolution” means a joint
2 resolution—

3 (A) reported by the Committee on the
4 Budget of the Senate or the House of Rep-
5 resentatives in accordance with subsection
6 (d)(3);

7 (B) which does not have a preamble;

8 (C) the title of which is as follows: “Joint
9 resolution relating to repeal of costly rules.”;
10 and

11 (D) the matter after the resolving clause of
12 which is as follows: “That the following rules
13 shall have no force or effect:
14 _____.”, the blank space being filled
15 in with the list of major rules recommended to
16 be repealed under subsection (d) by the commit-
17 tees of the House in which the joint resolution
18 is reported; and

19 (6) the term “major rule” means any rule that
20 has resulted in or is likely to result in—

21 (A) an annual effect on the economy of
22 \$100,000,000 or more;

23 (B) a major increase in costs or prices for
24 consumers, individual industries, Federal,

1 State, or local government agencies, or geo-
2 graphic regions; or

3 (C) significant adverse effects on competi-
4 tion, employment, investment, productivity, in-
5 novation, or on the ability of United States-
6 based enterprises to compete with foreign-based
7 enterprises in domestic and export markets.

8 (b) REDUCTIONS IN REGULATORY COST.—Not later
9 than 60 days after the date on which the debt limit is
10 increased or a suspension of the debt limit takes effect,
11 Congress shall enact legislation eliminating rules that re-
12 sults in a reduction of the direct cost of Federal regulation
13 during the 10-fiscal-year period beginning with the next
14 full fiscal year by not less than 15 percent of the amount
15 of the increase in the debt limit.

16 (c) ACTION BY AGENCIES.—

17 (1) IDENTIFICATION OF MAJOR RULES.—If the
18 amount of the debt limit is increased or a suspension
19 of the debt limit takes effect, each agency shall sub-
20 mit to the Senate, the House of Representatives,
21 and the Comptroller General of the United States a
22 report identifying each major rule of the agency, as
23 determined by the head of the agency.

24 (2) CERTIFICATION BY GAO.—After receipt of
25 all reports required under paragraph (1), the Comp-

1 troller General of the United States shall submit to
2 the Senate and the House of Representatives a re-
3 port evaluating whether agencies appropriately iden-
4 tified major rules under paragraph (1), including
5 whether the agencies identified major rules in ac-
6 cordance with Office of Management and Budget
7 Circular A-4, or any successor thereto.

8 (d) ACTION BY COMMITTEES.—

9 (1) IN GENERAL.—Each committee of the Sen-
10 ate and the House of Representatives shall submit
11 to the Committee on the Budget of its House a list
12 of the major rules that—

13 (A) are within the jurisdiction of the com-
14 mittee, which may include major rules identified
15 in the report of an agency under subsection
16 (c)(1); and

17 (B) the committee recommends should be
18 repealed.

19 (2) CONSIDERATIONS.—In determining whether
20 to recommend repealing major rules within its juris-
21 diction, a committee of the Senate or the House of
22 Representatives shall consider—

23 (A) whether the major rule achieved, or
24 has been ineffective in achieving, the original
25 purpose of the major rule;

1 (B) any adverse effects that could mate-
 2 rialize if the major rule is repealed, in par-
 3 ticular if those adverse effects are the reason
 4 the major rule was originally enacted;

5 (C) whether the costs of the major rule
 6 outweigh any benefits of the major rule to the
 7 United States;

8 (D) whether the major rule has become ob-
 9 solete due to changes in technology, economic
 10 conditions, market practices, or any other fac-
 11 tors; and

12 (E) whether the major rule overlaps with
 13 another rule.

14 (3) COMBINING OF RECOMMENDATIONS.—The
 15 Committee on the Budget of the Senate and the
 16 Committee on the Budget of the House of Rep-
 17 resentatives, upon receiving recommendations from
 18 all relevant committees under paragraph (1), shall
 19 report to its House a joint resolution carrying out all
 20 such recommendations without any substantive revi-
 21 sion.

22 (e) EXPEDITED PROCEDURES.—

23 (1) CONSIDERATION IN HOUSE OF REPRESENT-
 24 ATIVES.—

(A) PLACEMENT ON CALENDAR.—Upon a joint resolution being reported by the Committee on the Budget of the House of Representatives, or upon receipt of a joint resolution from the Senate, the joint resolution shall be placed immediately on the calendar.

(B) PROCEEDING TO CONSIDERATION.—

(i) IN GENERAL.—It shall be in order, not later than 60 days after the date on which the debt limit is increased or a suspension of the debt limit takes effect, to move to proceed to consider a joint resolution in the House of Representatives.

(ii) PROCEDURE.—For a motion to proceed to consider a joint resolution—

(I) all points of order against the motion are waived;

(II) such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed to the joint resolution;

(III) the previous question shall be considered as ordered on the motion to its adoption without intervening motion;

1 (IV) the motion shall not be de-
 2 batable; and

3 (V) a motion to reconsider the
 4 vote by which the motion is disposed
 5 of shall not be in order.

6 (C) CONSIDERATION.—The House of Rep-
 7 resentatives shall establish rules for consider-
 8 ation of a joint resolution in the House of Rep-
 9 resentatives.

10 (2) EXPEDITED CONSIDERATION IN SENATE.—

11 (A) PLACEMENT ON CALENDAR.—Upon a
 12 joint resolution being reported by the Com-
 13 mittee on the Budget of the Senate, or upon re-
 14 ceipt of a joint resolution from the House of
 15 Representatives, the joint resolution shall be
 16 placed immediately on the calendar.

17 (B) PROCEEDING TO CONSIDERATION.—

18 (i) IN GENERAL.—Notwithstanding
 19 rule XXII of the Standing Rules of the
 20 Senate, it is in order, not later than 60
 21 days after the date on which the debt limit
 22 is increased or a suspension of the debt
 23 limit takes effect (even though a previous
 24 motion to the same effect has been dis-

1 agreed to) to move to proceed to the con-
2 sideration of a joint resolution.

3 (ii) PROCEDURE.—For a motion to
4 proceed to the consideration of a joint res-
5 olution—

6 (I) all points of order against the
7 motion are waived;

8 (II) the motion is not debatable;

9 (III) the motion is not subject to
10 a motion to postpone;

11 (IV) a motion to reconsider the
12 vote by which the motion is agreed to
13 or disagreed to shall not be in order;
14 and

15 (V) if the motion is agreed to,
16 the joint resolution shall remain the
17 unfinished business until disposed of.

18 (C) FLOOR CONSIDERATION GEN-
19 ERALLY.—If the Senate proceeds to consider-
20 ation of a joint resolution—

21 (i) all points of order against the joint
22 resolution (and against consideration of
23 the joint resolution) are waived;

24 (ii) consideration of the joint resolu-
25 tion, and all amendments thereto and de-

1 batable motions and appeals in connection
2 therewith, shall be limited to not more
3 than 10 hours, which shall be divided
4 equally between the majority and minority
5 leaders or their designees;

6 (iii) a motion to postpone or a motion
7 to commit the joint resolution is not in
8 order; and

9 (iv) a motion to proceed to the consid-
10 eration of other business is not in order.

11 (D) REQUIREMENTS FOR AMENDMENTS.—

12 (i) IN GENERAL.—No amendment
13 that is not germane to the provisions of a
14 joint resolution shall be considered.

15 (ii) REPEAL OF MAJOR RULES.—Not-
16 withstanding clause (i) or any other rule,
17 an amendment or series of amendments to
18 a joint resolution shall always be in order
19 if such amendment or series of amend-
20 ments proposes to repeal a major rule that
21 would result in a decrease in the direct
22 cost of Federal regulation during the 10-
23 fiscal-year period beginning with the next
24 full fiscal year.

1 (E) VOTE ON PASSAGE.—The vote on pas-
 2 sage shall occur immediately following the con-
 3 clusion of the consideration of a joint resolu-
 4 tion, and a single quorum call at the conclusion
 5 of the debate if requested in accordance with
 6 the rules of the Senate.

7 (F) RULINGS OF THE CHAIR ON PROCE-
 8 DURE.—Appeals from the decisions of the Chair
 9 relating to the application of this subsection or
 10 the rules of the Senate, as the case may be, to
 11 the procedure relating to a joint resolution shall
 12 be decided without debate.

13 (3) CONSIDERATION AFTER PASSAGE.—

14 (A) IN GENERAL.—If Congress passes a
 15 joint resolution, the period beginning on the
 16 date the President is presented with the joint
 17 resolution and ending on the date the President
 18 takes action with respect to the joint resolution
 19 shall be disregarded in computing the period
 20 described in subsection (g).

21 (B) VETOES.—If the President vetoes the
 22 joint resolution—

23 (i) the period beginning on the date
 24 the President vetoes the joint resolution
 25 and ending on the date Congress receives

the veto message with respect to the joint resolution shall be disregarded in computing the period described in subsection (g); and

(ii) consideration of a veto message in the Senate under this section shall be not more than 2 hours equally divided between the majority and minority leaders or their designees.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and

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

3 (f) EFFECT OF JOINT RESOLUTION.—

4 (1) IN GENERAL.—A major rule shall cease to
5 have force or effect if Congress enacts a joint resolu-
6 tion repealing the major rule.

7 (2) LIMITATION ON SUBSEQUENT RULE-
8 MAKING.—A rule that ceases to have force or effect
9 under paragraph (1) may not be reissued in substan-
10 tially the same form, and a new rule that is substan-
11 tially the same as such a rule may not be issued, un-
12 less the reissued or new rule is specifically author-
13 ized by a law enacted after the date of enactment of
14 the joint resolution repealing the original rule.

15 (g) FAILURE TO ENACT REDUCTIONS IN SPEND-
16 ING.—

17 (1) DETERMINATION.—On the date that is 61
18 days after the date on which the debt limit is in-
19 creased or a suspension of the debt limit takes ef-
20 fect, the Director of the Office of Management and
21 Budget shall determine whether legislation has been
22 enacted eliminating rules that reduces the direct cost
23 of Federal regulation during the 10-fiscal-year pe-
24 riod described in subsection (b)(1) by not less than

1 15 percent of the amount of the increase in the debt
2 limit.

3 (2) INSUFFICIENT REDUCTIONS.—If the Direc-
4 tor of the Office of Management and Budget deter-
5 mines that legislation has not been enacted that
6 eliminates rules that reduces the direct cost of Fed-
7 eral regulation during the 10-fiscal-year period de-
8 scribed in subsection (b)(1) by not less than 15 per-
9 cent of the amount of the increase in the debt limit,
10 effective on the date of the determination, the limi-
11 tation in section 3101(b) of title 31, United States
12 Code, shall be equal to the sum of the face amount
13 of obligations issued under chapter 31 of title 31,
14 United States Code, and the face amount of obliga-
15 tions whose principal and interest are guaranteed by
16 the United States Government (except guaranteed
17 obligations held by the Secretary of the Treasury)
18 outstanding on the date of the determination.

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