

116TH CONGRESS
1ST SESSION

S. 2378

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

JULY 31, 2019

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 2019” 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 consider, in accordance with the rules
12 under subsection (e), legislation eliminating rules that re-
13 sults in a reduction of the direct cost of Federal regulation
14 during the 10-fiscal-year period beginning with the next
15 full fiscal year by not less than 15 percent of the amount
16 of the increase in the debt limit.

17 (c) ACTION BY AGENCIES.—

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

(2) CERTIFICATION BY GAO.—After receipt of all reports required under paragraph (1), the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report evaluating whether agencies appropriately identified major rules under paragraph (1), including whether the agencies identified major rules in accordance with Office of Management and Budget Circular A–4, or any successor thereto.

(d) ACTION BY COMMITTEES.—

(1) IN GENERAL.—Each committee of the Senate and the House of Representatives shall submit to the Committee on the Budget of its House a list of the major rules that—

(A) are within the jurisdiction of the committee, which may include major rules identified in the report of an agency under subsection (c)(1); and

(B) the committee recommends should be repealed.

(2) CONSIDERATIONS.—In determining whether to recommend repealing major rules within its jurisdiction, a committee of the Senate or the House of Representatives shall consider—

1 (A) whether the major rule achieved, or
 2 has been ineffective in achieving, the original
 3 purpose of the major rule;

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 5 rialize if the major rule is repealed, in par-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 7 the major rule was originally enacted;

8 (C) whether the costs of the major rule
 9 outweigh any benefits of the major rule to the
 10 United States;

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

15 (E) whether the major rule overlaps with
 16 another rule.

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

25 (e) EXPEDITED PROCEDURES.—

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

3 (A) PLACEMENT ON CALENDAR.—Upon a
4 joint resolution being reported by the Com-
5 mittee on the Budget of the House of Rep-
6 resentatives, or upon receipt of a joint resolu-
7 tion from the Senate, the joint resolution shall
8 be placed immediately on the calendar.

9 (B) PROCEEDING TO CONSIDERATION.—

10 (i) IN GENERAL.—It shall be in order,
11 not later than 60 days after the date on
12 which the debt limit is increased or a sus-
13 pension of the debt limit takes effect, to
14 move to proceed to consider a joint resolu-
15 tion in the House of Representatives.

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

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

20 (II) such a motion shall not be in
21 order after the House of Representa-
22 tives has disposed of a motion to pro-
23 ceed to the joint resolution;

24 (III) the previous question shall
25 be considered as ordered on the mo-

1 tion to its adoption without inter-
2 vening motion;

3 (IV) the motion shall not be de-
4 batable; and

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

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

12 (2) EXPEDITED CONSIDERATION IN SENATE.—
13 In the Senate:

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

20 (B) MOTION TO PROCEED.—

21 (i) TIMING.—A motion to proceed to a
22 joint resolution is in order at any time
23 after the resolution is placed on the cal-
24 endar.

1 (ii) MOTION BY ANY SENATOR.—Any
2 Senator may move to proceed to a joint
3 resolution.

4 (iii) PRIVILEGE.—A motion to proceed
5 to the consideration of the joint resolution
6 is privileged, except that this clause shall
7 apply only to a motion to proceed to a
8 joint resolution reported by the Committee
9 on the Budget under subsection (d) or to
10 the first joint resolution placed on the cal-
11 endar after passage in the House of Rep-
12 resentatives.

13 (iv) DEBATE.—Debate on a motion to
14 proceed to a joint resolution is limited to
15 not more than 5 hours, equally divided be-
16 tween Senators favoring and Senators op-
17 posing the resolution.

18 (v) MOTION NOT AMENDABLE.—The
19 motion to proceed to the joint resolution is
20 not amendable. A motion to reconsider is
21 not in order. A motion to table is not in
22 order.

23 (vi) OTHER MOTIONS NOT IN
24 ORDER.—After a motion to proceed to a
25 joint resolution is agreed to, motions to

1 postpone or to consider other business are
2 not in order.

3 (C) MOTIONS AND APPEALS.—All motions
4 and appeals relating to a joint resolution shall
5 be decided by the Senate without debate.

6 (D) FLOOR CONSIDERATION GEN-
7 ERALLY.—If the Senate proceeds to consider-
8 ation of a joint resolution—

9 (i) all points of order against the joint
10 resolution (and against consideration of
11 the joint resolution) are waived;

12 (ii) consideration of the joint resolu-
13 tion, and all amendments thereto and de-
14 batable motions and appeals in connection
15 therewith, shall be limited to not more
16 than 10 hours, which shall be divided
17 equally between the majority and minority
18 leaders or their designees;

19 (iii) a motion to postpone or a motion
20 to commit the joint resolution is not in
21 order; and

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

24 (E) REQUIREMENTS FOR AMENDMENTS.—

1 (i) IN GENERAL.—No amendment
2 that is not germane to the provisions of a
3 joint resolution shall be considered.

4 (ii) REPEAL OF MAJOR RULES.—Not-
5 withstanding clause (i) or any other rule,
6 an amendment or series of amendments to
7 a joint resolution shall always be in order
8 if such amendment or series of amend-
9 ments proposes to repeal a major rule that
10 would result in a decrease in the direct
11 cost of Federal regulation during the 10-
12 fiscal-year period beginning with the next
13 full fiscal year.

14 (F) VOTE ON PASSAGE.—The vote on pas-
15 sage shall occur immediately following the con-
16 clusion of the consideration of a joint resolu-
17 tion, and a single quorum call at the conclusion
18 of the debate if requested in accordance with
19 the rules of the Senate.

20 (G) RULINGS OF THE CHAIR ON PROCE-
21 DURE.—Appeals from the decisions of the Chair
22 relating to the application of this subsection or
23 the rules of the Senate, as the case may be, to
24 the procedure relating to a joint resolution shall
25 be decided without debate.

1 (3) CONSIDERATION AFTER PASSAGE.—

2 (A) IN GENERAL.—If Congress passes a
3 joint resolution, the period beginning on the
4 date the President is presented with the joint
5 resolution and ending on the date the President
6 takes action with respect to the joint resolution
7 shall be disregarded in computing the period
8 described in subsection (g).

9 (B) VETOES.—If the President vetoes the
10 joint resolution—

11 (i) the period beginning on the date
12 the President vetoes the joint resolution
13 and ending on the date Congress receives
14 the veto message with respect to the joint
15 resolution shall be disregarded in com-
16 puting the period described in subsection
17 (g); and

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

23 (4) RULES OF HOUSE OF REPRESENTATIVES
24 AND SENATE.—This subsection is enacted by Con-
25 gress—

1 (A) as an exercise of the rulemaking power
 2 of the Senate and House of Representatives, re-
 3 spectively, and as such is deemed a part of the
 4 rules of each House, respectively, but applicable
 5 only with respect to the procedure to be fol-
 6 lowed in that House in the case of a joint reso-
 7 lution, and supersede other rules only to the ex-
 8 tent that they are inconsistent with such rules;
 9 and

10 (B) with full recognition of the constitu-
 11 tional right of either House to change the rules
 12 (so far as relating to the procedure of that
 13 House) at any time, in the same manner, and
 14 to the same extent as in the case of any other
 15 rule of that House.

16 (f) EFFECT OF JOINT RESOLUTION.—

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

20 (2) LIMITATION ON SUBSEQUENT RULE-
 21 MAKING.—A rule that ceases to have force or effect
 22 under paragraph (1) may not be reissued in substan-
 23 tially the same form, and a new rule that is substan-
 24 tially the same as such a rule may not be issued, un-
 25 less the reissued or new rule is specifically author-

1 ized by a law enacted after the date of enactment of
 2 the joint resolution repealing the original rule.

3 (g) FAILURE TO ENACT REDUCTIONS IN SPEND-
 4 ING.—

5 (1) DETERMINATION.—On the date that is 61
 6 days after the date on which the debt limit is in-
 7 creased or a suspension of the debt limit takes ef-
 8 fect, the Director of the Office of Management and
 9 Budget shall determine whether legislation has been
 10 enacted eliminating rules that reduces the direct cost
 11 of Federal regulation during the 10-fiscal-year pe-
 12 riod described in subsection (b)(1) by not less than
 13 15 percent of the amount of the increase in the debt
 14 limit.

15 (2) INSUFFICIENT REDUCTIONS.—If the Direc-
 16 tor of the Office of Management and Budget deter-
 17 mines that legislation has not been enacted that
 18 eliminates rules that reduces the direct cost of Fed-
 19 eral regulation during the 10-fiscal-year period de-
 20 scribed in subsection (b)(1) by not less than 15 per-
 21 cent of the amount of the increase in the debt limit,
 22 effective on the date of the determination, the limi-
 23 tation in section 3101(b) of title 31, United States
 24 Code, shall be equal to the sum of the face amount
 25 of obligations issued under chapter 31 of title 31,

1 United States Code, and the face amount of obliga-
2 tions whose principal and interest are guaranteed by
3 the United States Government (except guaranteed
4 obligations held by the Secretary of the Treasury)
5 outstanding on the date of the determination.

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