

Inside the Bell

Bill of Responsibilities – Legislative Clarity, Transparency, Scope and Duration

This is the second posting expanding on the Bill of Responsibilities proposed in a posting on April 4, 2012.

Legislative Clarity

The third proposed amendment in the Bill of Responsibilities deals with the obscure nature of much of Congressional legislation.

Amendment C – Clarity of Legislation

Section 1

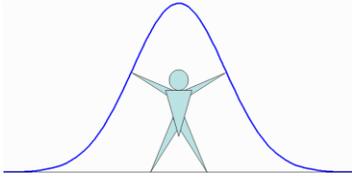
Every proposed tax or spending proposal must be separately proposed and voted by the Congress and may not be grouped together for a vote unless the members of the proposed grouping address the identical subject. The votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each branch of Congress respectively.

Section 2

Congress shall not amend any bill or law unless the proposed amendment is specifically related to the original subject of the bill or law amended. The votes of both Houses on amendments to any bill or law shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each branch of Congress respectively.

Congress has obscured the nature of much of the legislation passed in Washington for a long time. Recently, the practice has gotten out of control. Members of both the Senate and House of Representatives have resorted to legislative stunts to avoid their own rules, fund personal projects and hide the intent of legislative initiatives from the public.

Entire bills have been introduced as amendments to an existing bill, completely replacing the original legislation, in order to avoid Congressional rules requiring proper examination and consideration of the proposal by the members and the public. Other bills have reached thousands of pages in length discouraging anyone from reading them before voting and virtually every bill is festooned with language funding personal projects of the members or their supporters. Much of the language in current legislation has nothing to do with the title or the original intent of the bill. The best recent example of such deception is the Patient Protection and Affordable Care Act in 2010 and the best example of Congressional loss of integrity is the infamous quote from then Speaker of the House of Representatives, Nancy Pelosi, that, "we have to pass the bill so you can find out what is in it."



Inside the Bell

Its time to place limits on these Congressional deceptions.

Legislative Transparency

The fourth amendment in the proposed Bill of Responsibilities deals with giving everyone, including the members of Congress, enough time to read and comment on proposed legislation.

Amendment D – Transparency of Legislation

Section 1.

All tax and spending bills originating in the Congress shall be posted in a generally available public forum or publication for review by the citizens of the United States no later than ten (10) days prior to the first vote by either branch of the Congress on the bill.

Section 2.

Amendments to tax and spending bills must be posted in a generally available public forum or publication for review by the citizens of the United States no later than five (5) days prior to the first vote by either branch of the Congress on the amendment.

How is it possible to disagree with any attempt to make legislation proposed by public officials public? Every citizen of the United States should have the ability to review the work product of the politicians they elected to act honorably and in the best interests of the country. The requirement to publicize legislation also serves to reduce the brinksmanship prevalent today with the introduction of time sensitive legislation such as debt limitation and expiring benefits. Forcing earlier consideration of these bills will reduce the emotionally charged rush to passage and allow calm discussion to occur.

Legislative Scope

The fifth amendment to the proposed Bill of Responsibilities deals with predilection of Congress to pass legislation that is not apply uniformly to all citizens and specifically to Congress' exemption of themselves from legislation.

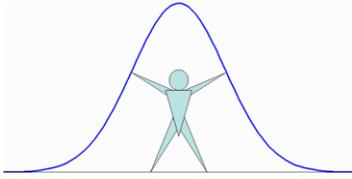
Amendment E – Scope of Legislation

Section 1.

The Congress of the United States may not exempt itself, or any other branch of the Government of the United States, from any legislation that affects the lives, places requirements on, or levies taxes on either the citizens or States of the United States.

Section 2.

The Congress of the United States may not pass legislation that favors or punishes any industry, corporation, individual or State unless that industry, corporation, individual or State has been found to be in violation of the laws of the United States, its States, territories or communities.



Inside the Bell

The ability of Congress to enact legislation that effects the citizens of the United States while exempting themselves, usually providing a superior position for themselves, borders on criminal activity. If Congress feels that Social Security and 401(k) style pension savings is sufficient to provide retirement security then Congress should enroll in those programs and not enhanced programs designed exclusively for Congress. Few members of Congress actually retire. Most are defeated at the polls ^(fired?) and yet, even expelled members of Congress, are entitled to a full pension after only five (5) years of service and reaching age 62. Serving in Congress was never intended to be a career with lifelong benefits. Congressmen/women were expected to return to their previous occupations and become indistinguishable from ordinary citizens.

Congress also has a penchant to pass legislation that favors industries, corporations or individuals, usually political allies or campaign contributors. It is not difficult to imagine scenarios where favored entities engage in quid pro quo activities in favor of the legislators. Similarly, Congress currently feels free to punish industries and corporations that displease them or engage in activities not currently in political favor. The oil industry is a frequent target of Congressional ire without proof of industrial or corporate malfeasance. Constitutionally Congress is limited to defining legality and regulation and it is the Judicial branch that is charged with determining the whether entities are in violation and apply appropriate penalties.

Legislative Duration

The sixth amendment of the Bill of Responsibilities deals with how long legislation remains in effect.

Amendment F – Duration of Legislation

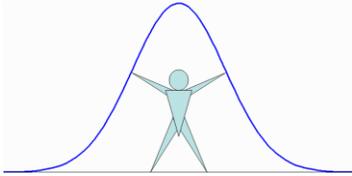
Section 1.

Legislation imposing taxes, instituting spending or placing requirements on the citizens or the States, of the United States shall not have a duration in excess of five (5) years from the date of acceptance by the Executive or from an effective date contained in the legislation.

Section 2.

At any time following the effective date of tax, spending or requirement legislation and prior to the expiration of said legislation, the Congress of the United States may vote to continue the legislation for an additional five-year period, effective with the date of acceptance by Executive or from an effective date contained in the reauthorization of the legislation. Legislative reauthorization may be repeated without limit. Reauthorization shall be by a majority of the members each branch of Congress and, unless modified by amendment during the reauthorization process, may not be subjected to any Congressional rule or procedure that requires a vote greater than a majority.

Section 3.



Inside the Bell

The votes of both Houses to reauthorize tax, spending or requirement legislation shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each branch of Congress respectively.

Section 4.

All tax, spending or requirement legislation in effect on the date of acceptance of this amendment as a valid part of the Constitution shall have a five-year duration beginning with that date.

Section 5.

Legislation not reauthorized by Congress shall expire on the fifth anniversary of its adoption, or latest reauthorization, without additional Congressional action.

Section 6.

No act of Congress shall override or replace the provisions of this amendment.

Legislative sunset provisions have proven to be effective in allowing legislators to correct or remove onerous legislation enacted by earlier, sometimes politically motivated, Congresses. Periodic review allows views and suggestions by minority members of an earlier Congress dominated by a single political agenda to be expressed and enacted as the political views of the Nation and Congress evolve.

Russ

Inside the Bell

Copyright 2012, Russ Dobbins
(1370)