

115TH CONGRESS 1ST SESSION

H. R. 978

To establish an independent advisory committee to review certain regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 7, 2017

Ms. Sinema (for herself, Mr. Curbelo of Florida, Mr. Rodney Davis of Illinois, Mr. Kind, Mr. Gottheimer, Mr. Peters, Ms. Kuster of New Hampshire, and Mr. Yoho) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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 establish an independent advisory committee to review certain regulations, and for other purposes.

- 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 "Regulatory Improve-
- 5 ment Act of 2017".
- 6 SEC. 2. DEFINITIONS.
- 7 In this Act—

1	(1) the term "Commission" means the Regu-
2	latory Improvement Commission established under
3	section 3;
4	(2) the term "commission bill" means a bill
5	consisting of the proposed legislative language of the
6	Commission recommended under section 4(h)(2)(C)
7	and introduced under section 4(i)(1); and
8	(3) the term "covered regulation" means a reg-
9	ulation that has been finalized not later than 10
10	years before the date on which the Commission is es-
11	tablished.
12	SEC. 3. ESTABLISHMENT OF COMMISSION.
13	(a) Establishment.—There is established in the
14	legislative branch a commission to be known as the "Regu-
15	latory Improvement Commission".
16	(b) Membership.—
17	(1) Composition.—The Commission shall be
18	composed of 9 members, of whom—
19	(A) 1 member shall be appointed by the
20	President, and shall serve as the Chairperson of
21	the Commission;
22	(B) 2 members shall be appointed by the
23	majority leader of the Senate;
24	(C) 2 members shall be appointed by the
25	minority leader of the Senate:

1	(D) 2 members shall be appointed by the
2	Speaker of the House of Representatives; and
3	(E) 2 members shall be appointed by the
4	minority leader of the House of Representa-
5	tives.
6	(2) Date.—The appointment of the members
7	of the Commission shall be made not later than 60
8	days after the date of enactment of this Act.
9	(3) Qualifications.—
10	(A) Chair.—The Chair of the Commission
11	shall be an individual with expertise and experi-
12	ence in rulemaking, such as past Administra-
13	tors of the Office of Information and Regu-
14	latory Affairs, past chairmen of the Administra-
15	tive Conference of the United States, and other
16	individuals with similar expertise and experi-
17	ence in rulemaking affairs and the administra-
18	tion of regulatory reviews.
19	(B) Members.—Members appointed to the
20	Commission shall be prominent citizens of the
21	United States with national recognition and a
22	significant depth of experience and responsibil-
23	ities in matters relating to government service,
24	regulatory policy, economics, Federal agency

management, public administration, and law.

- 1 (4) LIMITATION.—Not more than 5 members
- 2 appointed to the Commission may be from the same
- 3 political party.
- 4 (c) Period of Appointment; Vacancies.—Mem-
- 5 bers shall be appointed for the life of the Commission. Any
- 6 vacancy in the Commission shall not affect its powers, but
- 7 shall be filled in the same manner as the original appoint-
- 8 ment.
- 9 (d) Initial Meeting.—Not later than 30 days after
- 10 the date on which all members of the Commission have
- 11 been appointed, the Commission shall hold its first meet-
- 12 ing.
- 13 (e) Meetings.—The Commission shall meet at the
- 14 call of the Chairman.
- 15 (f) Open to the Public.—Each meeting of the
- 16 Commission shall be open to the public, unless a member
- 17 objects.
- 18 (g) Quorum.—Five members of the Commission
- 19 shall constitute a quorum, but a lesser number of members
- 20 may hold hearings.
- 21 (h) Nonapplicability of the Federal Advisory
- 22 Committee Act.—The Federal Advisory Committee Act
- 23 (5 U.S.C. App.) shall not apply to the Commission.

1 SEC. 4. DUTIES OF THE COMMISSION.

2	(a) Purpose.—The purpose of the Commission is to
3	evaluate and provide recommendations for modification,
4	consolidation, or repeal of covered regulations with the
5	aim of reducing compliance costs, encouraging growth and
6	innovation, and improving competitiveness, all while pro-
7	tecting public health and safety.
8	(b) Requirements.—In carrying out subsection (a),
9	the Commission shall—
10	(1) give priority in its analysis of covered regu-
11	lations to those that—
12	(A) impose disproportionately high costs
13	on a small entity (as defined in section 601 of
14	title 5, United States Code);
15	(B) impose substantial paperwork burdens;
16	or
17	(C) could be strengthened in their effec-
18	tiveness while reducing regulatory costs;
19	(2) solicit and review comments from the public
20	on the covered regulations described this section;
21	and
22	(3) develop a set of covered regulations to mod-
23	ify, consolidate, or repeal to be submitted to Con-
24	gress for an up-or-down vote.
25	(c) Public Comments.—

- 1 (1) IN GENERAL.—Not later than 60 days after
 2 the date of the initial meeting of the Commission,
 3 the Commission shall initiate a process to solicit and
 4 collect written recommendations from the general
 5 public, interested parties, Federal agencies, and
 6 other relevant entities regarding which covered regulations should be examined.
 - (2) Submission of Public Comments.—The Commission shall ensure that the process initiated under paragraph (1) allows for recommendations to be submitted to the Commission through the Web site of the Commission or by mail.
 - (3) Length of Public Comment Period.—
 The period for the submission of recommendations under this subsection shall end 120 days after the date on which the process is initiated under paragraph (1).
 - (4) Publication.—At the end of the period for the submission of recommendations under this subsection, all submitted recommendations shall be published in the Federal Register and on the Web site of the Commission.
- 23 (d) Commission Outreach.—
- 24 (1) IN GENERAL.—During the public comment 25 period described in subsection (c), the Commission

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- shall conduct public outreach and convene focus groups to better inform the commissioners of the public's interest and possible contributions to the work of the Commission.
- (2) Focus groups.—The focus groups re-6 quired under paragraph (1) shall include individuals 7 affiliated with the Office of Information and Regu-8 latory Affairs, the Administrative Conference of the 9 United States, the offices within Federal agencies 10 responsible for small business affairs and regulatory 11 compliance, and, at the discretion of the Commis-12 sion, other relevant stakeholders from within or out-13 side the regulatory entities.
- (e) Commission Review of Public Comments.—

 Not later than 45 days after the date on which the period

 for the submission of recommendations ends under sub
 section (c), the Commission shall convene to review sub
 mitted recommendations and to identify covered regula
 tions to modify, consolidate, or eliminate.

(f) Examination of Regulations.—

21 (1) PROCESS FOR EXAMINATION.—In examining covered regulations under this section, the Commission shall determine the effectiveness of individual covered regulations, by using multiple resources, including quantitative metrics, testimony

- from industry and agency experts, and research
 from the staff of the Commission.
 (2) DEADLINE.—Not later than 1 year after
 - (2) DEADLINE.—Not later than 1 year after the date on which the Commission convenes under subsection (e), the Commission shall complete a substantial examination of covered regulations.

(g) Initial Report.—

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- (1) In General.—Not later than 1 year after the date on which the Commission convenes under subsection (e), the Commission shall publish, and make available to the public for comment, a report, which shall include—
 - (A) the findings and conclusions of the Commission for the improvement of covered regulations examined by the Commission; and
 - (B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations.
- (2) REQUIREMENT.—The report required under paragraph (1) shall be approved by not fewer than 5 members of the Commission.
- 24 (3) AVAILABILITY OF REPORT.—The Commis-25 sion shall make the report required under paragraph

1	(1) available through the Web site of the Commis-
2	sion and in printed form.
3	(4) Public comment period.—During the
4	90-day period beginning on the date on which the
5	report required under paragraph (1) is published,
6	the Commission shall—
7	(A) solicit comments from the public on
8	such report, using the same process established
9	under subsection (c); and
10	(B) publish any comments received under
11	subparagraph (A) in the Federal Register and
12	the website of the Commission.
13	(5) Consultation.—
14	(A) In general.—Not later than 90 days
15	after the date on which the report required
16	under paragraph (1) is published, the Commis-
17	sion shall complete a consultation with the
18	chairman and ranking member of the commit-
19	tees of jurisdiction in the House of Representa-
20	tives and Senate regarding the contents of the
21	report.
22	(B) Requirements.—The consultation re-
23	quired under subparagraph (A) shall provide—
24	(i) the opportunity for the chair and
25	ranking member of the committees of ju-

1	risdiction to provide substantive feedback
2	or recommendations related to the regu-
3	latory changes contained in the report re-
4	quired under paragraph (1); and
5	(ii) the opportunity for the chair and
6	ranking member of the committees of ju-
7	risdiction to provide recommendations for
8	alternative means of achieving a reduction
9	in regulatory costs while maintaining the
10	same level of benefits to society.
11	(h) Report to Congress.—
12	(1) In general.—Not later than 90 days after
13	the date on which the 90-day period described in
14	subsection (g)(4) ends, the Commission shall—
15	(A) review any comments received under
16	subsection $(g)(4)$;
17	(B) incorporate any relevant comments re-
18	ceived under subsection (g)(4) into the report
19	required under subsection (g)(1); and
20	(C) submit the revised report to Congress.
21	(2) Contents.—The revised report required to
22	be submitted to Congress under paragraph (1) shall
23	include—

1	(A) the findings and conclusions of the
2	Commission for the improvement of covered
3	regulations examined by the Commission;

- (B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations; and
- 9 (C) recommended legislative language to 10 implement the recommendations in subpara-11 graph (B).
- 12 (i) Congressional Consideration of Commis-13 sion Report.—

(1) Introduction.—If approved by 5 members of the Commission, as required under subsection (g)(2), the Commission bill shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate and shall be introduced in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a Member of the House designated by the majority leader of the House.

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L	(2)	Consideration	IN	THE	HOUSE	OF	REP-
)	RESENTA	ATIVES —					

 (\mathbf{A}) Referral and REPORTING.—Any committee of the House of Representatives to which the commission bill is referred shall report it to the House without amendment not later than 30 days after the date on which the commission bill is introduced under paragraph (1). If a committee fails to report the commission bill within that period, it shall be in order to move that the House discharge the committee from further consideration of the commission bill. Such a motion shall not be in order after the last committee authorized to consider the commission bill reports it to the House or after the House has disposed of a motion to discharge the commission bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 3 hours of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by

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which the motion is disposed of shall not be in order.

- After the last committee authorized to consider the commission bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the commission bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the commission bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.
- (C) Considered as read. All points of order against the commission bill and against its consideration are waived. The previous question shall be considered as ordered on the commission bill to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the

commission bill. A motion to reconsider the vote on passage of the commission bill shall not be in order.

(D) Vote on Passage.—The vote on passage of the commission bill shall occur not later than 60 days after the date on which the commission bill is discharged from the last committee authorized to consider the commission bill.

(3) Consideration in the senate.—

(A) Committee consideration.—A commission bill introduced in the Senate under paragraph (1) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 30 days after the date on which the commission bill is introduced. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

1 (B) MOTION TO PROCEED.—Notwith-2 standing Rule XXII of the Standing Rules of 3 the Senate, it is in order, not later than 2 days 4 of session after the date on which a commission bill is reported or discharged from all commit-6 tees to which it was referred, for the majority 7 leader of the Senate or the majority leader's 8 designee to move to proceed to the consider-9 ation of the commission bill. It shall also be in 10 order for any Member of the Senate to move to 11 proceed to the consideration of the commission 12 bill at any time after the conclusion of such 2-13 day period. A motion to proceed is in order 14 even though a previous motion to the same ef-15 fect has been disagreed to. All points of order 16 against the motion to proceed to the commis-17 sion bill are waived. The motion to proceed is 18 not debatable. The motion is not subject to a 19 motion to postpone. A motion to reconsider the 20 vote by which the motion is agreed to or dis-21 agreed to shall not be in order. If a motion to 22 proceed to the consideration of the commission 23 bill is agreed to, the commission bill shall re-24 main the unfinished business until disposed of.

1 (C) Consideration.—All points of order 2 against the commission bill and against consid-3 eration of the commission bill are waived. Con-4 sideration of the commission bill and of all debatable motions and appeals in connection 6 therewith shall not exceed a total of 10 hours 7 which shall be divided equally between the ma-8 jority and minority leaders or their designees. A 9 motion further to limit debate on the commis-10 sion bill is in order, shall require an affirmative 11 vote of a majority of the Members duly chosen 12 and sworn, and is not debatable. Any debatable 13 motion or appeal is debatable for not to exceed 14 1 hour, to be divided equally between those fa-15 voring and those opposing the motion or appeal. 16 All time used for consideration of the commis-17 sion bill, including time used for quorum calls 18 and voting, shall be counted against the total 19 10 hours of consideration.

(D) NO AMENDMENTS.—An amendment to the commission bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the commission bill, is not in order.

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- 1 (E) VOTE ON PASSAGE.—If the Senate has 2 voted to proceed to the commission bill, the vote 3 on passage of the commission bill shall occur 4 immediately following the conclusion of the debate on a commission bill, and a single quorum 6 call at the conclusion of the debate if requested. 7 The vote on passage of the commission bill shall 8 occur not later than 60 days after the date on 9 which the commission bill is discharged from all 10 committees to which the commission bill was re-11 ferred.
 - (F) RULINGS OF THE CHAIR ON PROCE-DURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a commission bill shall be decided without debate.
 - (4) AMENDMENT.—The commission bill shall not be subject to amendment in either the House of Representatives or the Senate.
 - (5) Consideration by the other house.—
 - (A) IN GENERAL.—If, before passing the commission bill, one House receives from the other a commission bill—

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1	(i) the commission bill of the other
2	House shall not be referred to a com-
3	mittee; and
4	(ii) the procedure in the receiving
5	House shall be the same as if no commis-
6	sion bill had been received from the other
7	House until the vote on passage, when the
8	commission bill received from the other
9	House shall supplant the commission bill
10	of the receiving House.
11	(B) REVENUE MEASURE.—This subsection
12	shall not apply to the House of Representatives
13	if the commission bill received from the Senate
14	is a revenue measure.
15	(6) Rules to coordinate action with
16	OTHER HOUSE.—
17	(A) Treatment of commission bill of
18	OTHER HOUSE.—If the Senate fails to introduce
19	or consider a commission bill under this section,
20	the commission bill of the House shall be enti-
21	tled to expedited floor procedures under this
22	section.
23	(B) TREATMENT OF COMPANION MEAS-
24	URES IN THE SENATE.—If following passage of
25	the commission bill in the Senate, the Senate

1	then receives the commission bill from the
2	House of Representatives, the House-passed
3	commission bill shall not be debatable. The vote
4	on passage of the commission bill in the Senate
5	shall be considered to be the vote on passage of
6	the commission bill received from the House of
7	Representatives.
8	(C) Vetoes.—If the President vetoes the
9	commission bill, debate on a veto message in
10	the Senate under this section shall be 1 hour
11	equally divided between the majority and minor-
12	ity leaders or their designees.
13	(j) Notice to Regulatory Agencies.—
14	(1) ENACTMENT OF COMMISSION BILL.—If the
15	commission bill is enacted into law, the President
16	shall—
17	(A) not later than 7 days after the date on
18	which the commission bill is enacted into law—
19	(i) provide notice to the affected regu-
20	latory agencies; and
21	(ii) publish notice of enactment in the
22	Federal Register and online;
23	(B) require affected regulatory agencies to
24	implement the commission bill not later than

1	180 days after the date on which the commis-
2	sion bill is enacted into law.
3	(2) Failure to enact commission bill.—If
4	the commission bill is not enacted into law, the
5	President shall provide notice of such failure to
6	enact the commission bill in the Federal Register.
7	(k) Adjournment of Congress.—If the commis-
8	sion bill is introduced less than 60 session days or 60 leg-
9	islative days before the date on which Congress adjourns
10	sine die—
11	(1) the commission bill shall be introduced in
12	both Houses on the date on which the succeeding
13	Congress first convenes its next session; and
14	(2) subsection (i) shall apply to the commission
15	bill during the succeeding Congress.
16	SEC. 5. POWERS OF THE COMMISSION.
17	(a) Hearings.—The Commission may hold such
18	hearings, sit and act at such times and places, take such
19	testimony, and receive such evidence as the Commission
20	considers advisable to carry out this Act.
21	(b) Information From Federal Agencies.—
22	(1) In General.—The Commission is author-
23	ized to secure directly from any executive depart-
24	ment, bureau, agency, board, commission, office,
25	independent establishment, or instrumentality of the

- 1 Government, information, suggestions, estimates,
- 2 and statistics for the purpose of this Act. Each de-
- 3 partment, bureau, agency, board, commission, office,
- 4 independent establishment, or instrumentality shall,
- 5 to the extent authorized by law, furnish such infor-
- 6 mation, suggestions, estimates, and statistics di-
- 7 rectly to the Commission, upon request made by the
- 8 chairman, the chairman of any subcommittee cre-
- 9 ated by the Commission, or any member designated
- by a majority of the Commission.
- 11 (2) Receipt, handling, storage, and dis-
- 12 SEMINATION.—Information shall only be received,
- handled, stored, and disseminated by members of
- the Commission and its staff consistent with all ap-
- 15 plicable statutes, regulations, and Executive orders.
- 16 (c) Postal Services.—The Commission may use
- 17 the United States mails in the same manner and under
- 18 the same conditions as other departments and agencies of
- 19 the Federal Government.
- 20 (d) Gifts.—The Commission may accept, use, and
- 21 dispose of gifts or donations of services or property.
- (e) Space for Use of Commission.—Not later
- 23 than 60 days after the date of enactment of this Act, the
- 24 Administrator of General Services shall support on a reim-
- 25 bursable basis the operations of the Commission, including

- 1 the identification of suitable space to house the Commis-
- 2 sion. If the Administrator is not able to make such suit-
- 3 able space available within the 60-day period, the Commis-
- 4 sion shall lease space to the extent that funds are avail-
- 5 able.

6 SEC. 6. COMMISSION PERSONNEL MATTERS.

- 7 (a) Compensation of Members.—Each member of
- 8 the Commission shall be compensated at a rate equal to
- 9 the daily equivalent of the annual rate of basic pay pre-
- 10 scribed for level IV of the Executive Schedule under sec-
- 11 tion 5315 of title 5, United States Code, for each day (in-
- 12 cluding travel time) during which such member is engaged
- 13 in the performance of the duties of the Commission.
- 14 (b) Travel Expenses.—The members of the Com-
- 15 mission shall be allowed travel expenses, including per
- 16 diem in lieu of subsistence, at rates authorized for employ-
- 17 ees of agencies under subchapter I of chapter 57 of title
- 18 5, United States Code, while away from their homes or
- 19 regular places of business in the performance of services
- 20 for the Commission.
- 21 (c) Staff.—
- 22 (1) In General.—The Chairman of the Com-
- 23 mission may, without regard to the civil service laws
- and regulations, appoint and terminate an executive
- director and such other additional personnel as may

- be necessary to enable the Commission to perform
 its duties. The employment of an executive director
 shall be subject to confirmation by the Commission.
 - (2) Compensation.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.
 - (3) AGENCY ASSISTANCE.—Following consultation with and upon the request of the Chairman of the Commission, the head of any agency may detail an employee of the agency to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.
 - (4) GAO AND OIRA ASSISTANCE.—The Comptroller General of the United States and the Administrator of the Office of Information and Regulatory Affairs shall provide assistance, including the detailing of employees, to the Commission in accordance

- 1 with an agreement entered into with the Commis-
- 2 sion.
- 3 (d) Procurement of Temporary and Intermit-
- 4 TENT SERVICES.—The Chairman of the Commission may
- 5 procure temporary and intermittent services under section
- 6 3109(b) of title 5, United States Code, at rates for individ-
- 7 uals which do not exceed the daily equivalent of the annual
- 8 rate of basic pay prescribed for level V of the Executive
- 9 Schedule under section 5316 of such title.
- 10 (e) Contracting Authority.—The Commission
- 11 may acquire administrative supplies and equipment for
- 12 Commission use to the extent funds are available.
- 13 (f) Administrative Support.—Upon the request of
- 14 the Commission, the Administrator of General Services
- 15 shall provide to the Commission, on a reimbursable basis,
- 16 the administrative support services necessary for the Com-
- 17 mission to carry out its responsibilities under this Act.
- 18 SEC. 7. TERMINATION OF THE COMMISSION.
- 19 The Commission shall terminate 90 days after the
- 20 date on which the Commission submits its report under
- 21 section 4.
- 22 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
- 23 (a) In General.—There are authorized to be appro-
- 24 priated such sums as may be necessary to the Commission
- 25 to carry out this Act.

- 1 (b) AVAILABILITY.—Any sums appropriated under
- 2 the authorization contained in this section shall remain

3 available, without fiscal year limitation, until expended.

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