

114TH CONGRESS  
1ST SESSION

# S. 708

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 11, 2015

Mr. KING (for himself, Mr. BLUNT, Mrs. SHAHEEN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Commission” means the Regu-  
9 latory Improvement Commission established under  
10 section 3;

1           (2) the term “commission bill” means a bill  
2 consisting of the proposed legislative language of the  
3 Commission recommended under section 4(h)(2)(C)  
4 and introduced under section 4(i)(1);

5           (3) the term “covered regulation” means a reg-  
6 ulation that has been in effect for not less than 10  
7 years before the date on which the Commission is es-  
8 tablished;

9           (4) the term “regulation” means a rule, as de-  
10 fined in section 551 of title 5, United States Code;  
11 and

12           (5) the term “regulatory agency” means an  
13 agency, as defined in section 3502 of title 44,  
14 United States Code, that has the authority to issue  
15 a regulation.

16 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

17           (a) **ESTABLISHMENT.**—There is established in the  
18 legislative branch a commission to be known as the “Regu-  
19 latory Improvement Commission”.

20           (b) **MEMBERSHIP.**—

21           (1) **COMPOSITION.**—The Commission shall be  
22 composed of 9 members, of whom—

23           (A) 1 member shall be appointed by the  
24 President, and shall serve as the Chairperson of  
25 the Commission;

1 (B) 2 members shall be appointed by the  
2 majority leader of the Senate;

3 (C) 2 members shall be appointed by the  
4 minority leader of the Senate;

5 (D) 2 members shall be appointed by the  
6 Speaker of the House of Representatives; and

7 (E) 2 members shall be appointed by the  
8 minority leader of the House of Representa-  
9 tives.

10 (2) DATE.—The appointment of the members  
11 of the Commission shall be made not later than 60  
12 days after the date of enactment of this Act.

13 (3) QUALIFICATIONS.—Members appointed to  
14 the Commission shall be prominent citizens of the  
15 United States with national recognition and a sig-  
16 nificant depth of experience and responsibilities in  
17 matters relating to government service, regulatory  
18 policy, economics, Federal agency management, pub-  
19 lic administration, and law. Members may include  
20 past Administrators of the Office of Information and  
21 Regulatory Affairs, past chairs of the Administrative  
22 Conference of the United States, and other individ-  
23 uals with expertise and experience in rulemaking af-  
24 fairs and the administration of regulatory reviews.

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 Chair.

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—

7 (1) protecting public health and safety; and

8 (2) giving full consideration to—

9 (A) the benefits and the costs of regulation  
10 to society; and

11 (B) the appropriate role of regulation with-  
12 in and costs associated with regulation to soci-  
13 ety.

14 (b) **REQUIREMENTS.**—In carrying out subsection (a),  
15 the Commission shall—

16 (1) give priority in its analysis of covered regu-  
17 lations to those that—

18 (A) impose disproportionately high costs  
19 on a small entity (as defined in section 601 of  
20 title 5, United States Code);

21 (B) create substantial recurring paperwork  
22 burdens or transaction costs; or

23 (C) could be strengthened in their effec-  
24 tiveness while reducing regulatory costs;

1           (2) solicit and review comments from the public  
2           on the covered regulations described in this section;  
3           and

4           (3) develop a set of covered regulations to mod-  
5           ify, consolidate, or repeal to be submitted to Con-  
6           gress for expedited consideration in accordance with  
7           subsection (i).

8           (c) PUBLIC COMMENTS.—

9           (1) IN GENERAL.—Not later than 60 days after  
10          the date of the initial meeting of the Commission,  
11          the Commission shall initiate a process to solicit and  
12          collect written recommendations from the general  
13          public, interested parties, Federal agencies, and  
14          other relevant entities regarding which covered regu-  
15          lations should be examined.

16          (2) SUBMISSION OF PUBLIC COMMENTS.—The  
17          Commission shall ensure that the process initiated  
18          under paragraph (1) allows for recommendations to  
19          be submitted to the Commission through the website  
20          of the Commission or by mail.

21          (3) LENGTH OF PUBLIC COMMENT PERIOD.—  
22          The period for the submission of recommendations  
23          under this subsection shall end 120 days after the  
24          date on which the process is initiated under para-  
25          graph (1).

1           (4) PUBLICATION.—At the end of the period for  
2 the submission of recommendations under this sub-  
3 section, all submitted recommendations shall be pub-  
4 lished on the website of the Commission and summa-  
5 rized in the Federal Register.

6           (d) COMMISSION OUTREACH.—

7           (1) IN GENERAL.—During the public comment  
8 period described in subsection (c), the Commission  
9 shall conduct public outreach and convene focus  
10 groups to better inform the Commissioners of the  
11 public’s interest and possible contributions to the  
12 work of the Commission.

13           (2) FOCUS GROUPS.—The focus groups re-  
14 quired under paragraph (1) shall include individuals  
15 affiliated with the Office of Information and Regu-  
16 latory Affairs, the Administrative Conference of the  
17 United States, the offices within Federal agencies  
18 responsible for small business affairs and regulatory  
19 compliance, non-governmental organizations, trade  
20 associations, and, at the discretion of the Commis-  
21 sion, other relevant stakeholders from within or out-  
22 side the regulated entities.

23           (e) COMMISSION REVIEW OF PUBLIC COMMENTS.—  
24 Not later than 45 days after the date on which the period  
25 for the submission of recommendations ends under sub-

1 section (e), the Commission shall convene to review sub-  
2 mitted recommendations and to identify covered regula-  
3 tions to modify, consolidate, or eliminate.

4 (f) EXAMINATION OF REGULATIONS.—

5 (1) PROCESS FOR EXAMINATION.—In exam-  
6 ining covered regulations under this section, the  
7 Commission shall determine the effectiveness of indi-  
8 vidual covered regulations, by using multiple re-  
9 sources, including quantitative metrics, testimony  
10 from industry and agency experts, and research  
11 from the staff of the Commission.

12 (2) DEADLINE.—Not later than 1 year after  
13 the date on which the Commission convenes under  
14 subsection (e), the Commission shall complete a sub-  
15 stantial examination of covered regulations.

16 (g) INITIAL REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date on which the Commission convenes under  
19 subsection (e), the Commission shall publish, and  
20 make available to the public for comment, a report,  
21 which shall include—

22 (A) the findings and conclusions of the  
23 Commission for the improvement of covered  
24 regulations examined by the Commission; and



1 (B) a list of recommendations for changes  
2 to the covered regulations examined by the  
3 Commission, which may include recommenda-  
4 tions for modification, consolidation, or repeal  
5 of such covered regulations.

6 (2) REQUIREMENT.—The report required under  
7 paragraph (1) shall be approved by not fewer than  
8 5 members of the Commission.

9 (3) AVAILABILITY OF REPORT.—The Commis-  
10 sion shall make the report required under paragraph  
11 (1) available through the website of the Commission  
12 and in printed form.

13 (4) PUBLIC COMMENT PERIOD.—During the  
14 90-day period beginning on the date on which the  
15 report required under paragraph (1) is published,  
16 the Commission shall—

17 (A) solicit comments from the public on  
18 such report, using the same process established  
19 under subsection (c); and

20 (B) publish any comments received under  
21 subparagraph (A) on the website of the Com-  
22 mission and summarize them in the Federal  
23 Register.

24 (5) CONSULTATION.—

1 (A) IN GENERAL.—Not later than 90 days  
2 after the date on which the report required  
3 under paragraph (1) is published, the Commis-  
4 sion shall complete a consultation with the  
5 chairman and ranking member of the commit-  
6 tees of jurisdiction in the House of Representa-  
7 tives and Senate regarding the contents of the  
8 report.

9 (B) REQUIREMENTS.—The consultation re-  
10 quired under subparagraph (A) shall provide—

11 (i) the opportunity for the chairman  
12 and ranking member of the committees of  
13 jurisdiction to provide substantive feedback  
14 or recommendations related to the regu-  
15 latory changes contained in the report re-  
16 quired under paragraph (1); and

17 (ii) the opportunity for the chairman  
18 and ranking member of the committees of  
19 jurisdiction to provide recommendations  
20 for alternative means of achieving the  
21 same or greater reductions in regulatory  
22 costs while maintaining the same level of  
23 benefits to society.

24 (h) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 90 days after  
2 the date on which the 90-day period described in  
3 subsection (g)(4) ends, the Commission shall—

4 (A) review any comments received under  
5 subsection (g)(4);

6 (B) incorporate any relevant comments re-  
7 ceived under subsection (g)(4) into the report  
8 required under subsection (g)(1); and

9 (C) submit the revised report to Congress.

10 (2) CONTENTS.—The revised report required to  
11 be submitted to Congress under paragraph (1) shall  
12 include—

13 (A) the findings and conclusions of the  
14 Commission for the improvement of covered  
15 regulations examined by the Commission;

16 (B) a list of recommendations for changes  
17 to the covered regulations examined by the  
18 Commission, which may include recommenda-  
19 tions for modification, consolidation, or repeal  
20 of such covered regulations; and

21 (C) recommended legislative language to  
22 implement the recommendations in subpara-  
23 graph (B).

24 (i) CONGRESSIONAL CONSIDERATION OF COMMIS-  
25 SION REPORT.—

1           (1) INTRODUCTION.—If approved by 5 members  
2 of the Commission, as required under subsection  
3 (g)(2), the commission bill shall be introduced in the  
4 Senate (by request) on the next day on which the  
5 Senate is in session by the majority leader of the  
6 Senate or by a Member of the Senate designated by  
7 the majority leader of the Senate and shall be intro-  
8 duced in the House of Representatives (by request)  
9 on the next legislative day by the majority leader of  
10 the House or by a Member of the House designated  
11 by the majority leader of the House.

12           (2) CONSIDERATION IN THE HOUSE OF REP-  
13 RESENTATIVES.—

14           (A) REFERRAL AND REPORTING.—Any  
15 committee of the House of Representatives to  
16 which the commission bill is referred shall re-  
17 port it to the House without amendment not  
18 later than 30 days after the date on which the  
19 commission bill is introduced under paragraph  
20 (1). If a committee fails to report the commis-  
21 sion bill within that period, it shall be in order  
22 to move that the House discharge the com-  
23 mittee from further consideration of the com-  
24 mission bill. Such a motion shall not be in order  
25 after the last committee authorized to consider

1 the commission bill reports it to the House or  
2 after the House has disposed of a motion to  
3 discharge the commission bill. The previous  
4 question shall be considered as ordered on the  
5 motion to its adoption without intervening mo-  
6 tion except 3 hours of debate equally divided  
7 and controlled by the proponent and an oppo-  
8 nent. If such a motion is adopted, the House  
9 shall proceed immediately to consider the com-  
10 mission bill in accordance with subparagraphs  
11 (B) and (C). A motion to reconsider the vote by  
12 which the motion is disposed of shall not be in  
13 order.

14 (B) PROCEEDING TO CONSIDERATION.—  
15 After the last committee authorized to consider  
16 the commission bill reports it to the House or  
17 has been discharged (other than by motion)  
18 from its consideration, it shall be in order to  
19 move to proceed to consider the commission bill  
20 in the House. Such a motion shall not be in  
21 order after the House has disposed of a motion  
22 to proceed with respect to the commission bill.  
23 The previous question shall be considered as or-  
24 dered on the motion to its adoption without in-  
25 tervening motion. A motion to reconsider the

1 vote by which the motion is disposed of shall  
2 not be in order.

3 (C) CONSIDERATION.—The commission bill  
4 shall be considered as read. All points of order  
5 against the commission bill and against its con-  
6 sideration are waived. The previous question  
7 shall be considered as ordered on the commis-  
8 sion bill to its passage without intervening mo-  
9 tion except 10 hours of debate equally divided  
10 and controlled by the proponent and an oppo-  
11 nent and one motion to limit debate on the  
12 commission bill. A motion to reconsider the vote  
13 on passage of the commission bill shall not be  
14 in order.

15 (D) VOTE ON PASSAGE.—The vote on pas-  
16 sage of the commission bill shall occur not later  
17 than 60 days after the date on which the com-  
18 mission bill is discharged from the last com-  
19 mittee authorized to consider the commission  
20 bill.

21 (3) CONSIDERATION IN THE SENATE.—

22 (A) COMMITTEE CONSIDERATION.—A com-  
23 mission bill introduced in the Senate under  
24 paragraph (1) shall be jointly referred to the  
25 committee or committees of jurisdiction, which

1 committees shall report the bill without any re-  
2 vision and with a favorable recommendation, an  
3 unfavorable recommendation, or without rec-  
4 ommendation, not later than 30 days after the  
5 date on which the commission bill is introduced.  
6 If any committee fails to report the bill within  
7 that period, that committee shall be automati-  
8 cally discharged from consideration of the bill,  
9 and the bill shall be placed on the appropriate  
10 calendar.

11 (B) MOTION TO PROCEED.—Notwith-  
12 standing Rule XXII of the Standing Rules of  
13 the Senate, it is in order, not later than 2 days  
14 of session after the date on which a commission  
15 bill is reported or discharged from all commit-  
16 tees to which it was referred, for the majority  
17 leader of the Senate or the majority leader's  
18 designee to move to proceed to the consider-  
19 ation of the commission bill. It shall also be in  
20 order for any Member of the Senate to move to  
21 proceed to the consideration of the commission  
22 bill at any time after the conclusion of such 2-  
23 day period. A motion to proceed is in order  
24 even though a previous motion to the same ef-  
25 fect has been disagreed to. All points of order

1           against the motion to proceed to the commis-  
2           sion bill are waived. The motion to proceed is  
3           not debatable. The motion is not subject to a  
4           motion to postpone. A motion to reconsider the  
5           vote by which the motion is agreed to or dis-  
6           agreed to shall not be in order. If a motion to  
7           proceed to the consideration of the commission  
8           bill is agreed to, the commission bill shall re-  
9           main the unfinished business until disposed of.

10           (4) CONSIDERATION.—An amendment to the  
11           commission bill or a motion to postpone, a motion  
12           to proceed to the consideration of other business, or  
13           a motion to recommit the commission bill, shall not  
14           be in order in the Senate or the House of Represent-  
15           atives.

16           (5) CONSIDERATION BY THE OTHER HOUSE.—

17           (A) IN GENERAL.—If, before passing the  
18           commission bill, one House receives from the  
19           other a commission bill—

20                   (i) the commission bill of the other  
21                   House shall not be referred to a com-  
22                   mittee; and

23                   (ii) the procedure in the receiving  
24                   House shall be the same as if no commis-  
25                   sion bill had been received from the other



1 House until the vote on passage, when the  
2 commission bill received from the other  
3 House shall supplant the commission bill  
4 of the receiving House.

5 (B) REVENUE MEASURE.—This subsection  
6 shall not apply to the House of Representatives  
7 if the commission bill received from the Senate  
8 is a revenue measure.

9 (6) RULES TO COORDINATE ACTION WITH  
10 OTHER HOUSE.—

11 (A) TREATMENT OF COMMISSION BILL OF  
12 OTHER HOUSE.—If the Senate fails to introduce  
13 or consider a commission bill under this section,  
14 the commission bill of the House of Representa-  
15 tives shall be entitled to expedited floor proce-  
16 dures under this section.

17 (B) TREATMENT OF COMPANION MEAS-  
18 URES IN THE SENATE.—If following passage of  
19 the commission bill in the Senate, the Senate  
20 then receives the commission bill from the  
21 House of Representatives, the House-passed  
22 commission bill shall be entitled to the consider-  
23 ation procedures described in paragraph (3).

24 (C) VETOES.—If the President vetoes the  
25 commission bill, debate on a veto message in

1 the Senate under this section shall be 1 hour  
2 equally divided between the majority and minor-  
3 ity leaders or their designees.

4 (j) NOTICE TO REGULATORY AGENCIES.—

5 (1) ENACTMENT OF COMMISSION BILL.—If the  
6 commission bill is enacted into law, the President  
7 shall—

8 (A) not later than 7 days after the date on  
9 which the commission bill is enacted into law—

10 (i) provide notice to the affected regu-  
11 latory agencies; and

12 (ii) publish notice of enactment in the  
13 Federal Register and online;

14 (B) require affected regulatory agencies to  
15 implement the commission bill not later than  
16 180 days after the date on which the commis-  
17 sion bill is enacted into law.

18 (2) FAILURE TO ENACT COMMISSION BILL.—If  
19 the commission bill is not enacted into law, the  
20 President shall provide notice of such failure to  
21 enact the commission bill in the Federal Register.

22 (k) ADJOURNMENT OF CONGRESS.—If the commis-  
23 sion bill is introduced less than 60 session days or 60 leg-  
24 islative days before the date on which Congress adjourns  
25 sine die—

1           (1) the commission bill shall be introduced in  
2 both Houses on the date on which the succeeding  
3 Congress first convenes its next session; and

4           (2) subsection (i) shall apply to the commission  
5 bill during the succeeding Congress.

6 **SEC. 5. POWERS OF THE COMMISSION.**

7           (a) HEARINGS.—The Commission may hold such  
8 hearings, sit and act at such times and places, take such  
9 testimony, and receive such evidence as the Commission  
10 considers advisable to carry out this Act.

11           (b) INFORMATION FROM FEDERAL AGENCIES.—

12           (1) IN GENERAL.—The Commission is author-  
13 ized to secure directly from any executive depart-  
14 ment, bureau, agency, board, commission, office,  
15 independent establishment, or instrumentality of the  
16 Government, information, suggestions, estimates,  
17 and statistics for the purpose of this Act. Each de-  
18 partment, bureau, agency, board, commission, office,  
19 independent establishment, or instrumentality shall,  
20 to the extent authorized by law, furnish such infor-  
21 mation, suggestions, estimates, and statistics di-  
22 rectly to the Commission, upon request made by the  
23 chairman, the chairman of any subcommittee cre-  
24 ated by the Commission, or any member designated  
25 by a majority of the Commission.

1           (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
2           SEMINATION.—Information shall only be received,  
3           handled, stored, and disseminated by members of  
4           the Commission and its staff consistent with all ap-  
5           plicable statutes, regulations, and Executive orders.

6           (c) POSTAL SERVICES.—The Commission may use  
7           the United States mails in the same manner and under  
8           the same conditions as other departments and agencies of  
9           the Federal Government.

10          (d) SPACE FOR USE OF COMMISSION.—Not later  
11          than 60 days after the date of enactment of this Act, the  
12          Administrator of General Services shall support on a reim-  
13          bursable basis the operations of the Commission, including  
14          the identification of suitable space to house the Commis-  
15          sion. If the Administrator is not able to make such suit-  
16          able space available within the 60-day period, the Commis-  
17          sion shall lease space to the extent that funds are avail-  
18          able.

19          **SEC. 6. COMMISSION PERSONNEL MATTERS.**

20          (a) COMPENSATION OF MEMBERS.—Each member of  
21          the Commission shall be compensated at a rate equal to  
22          the daily equivalent of the annual rate of basic pay pre-  
23          scribed for level IV of the Executive Schedule under sec-  
24          tion 5315 of title 5, United States Code, for each day (in-

1 cluding travel time) during which such member is engaged  
2 in the performance of the duties of the Commission.

3 (b) TRAVEL EXPENSES.—The members of the Com-  
4 mission shall be allowed travel expenses, including per  
5 diem in lieu of subsistence, at rates authorized for employ-  
6 ees of agencies under subchapter I of chapter 57 of title  
7 5, United States Code, while away from their homes or  
8 regular places of business in the performance of services  
9 for the Commission.

10 (c) STAFF.—

11 (1) IN GENERAL.—The Chair of the Commis-  
12 sion may, without regard to the civil service laws  
13 and regulations, appoint and terminate an executive  
14 director and such other additional personnel as may  
15 be necessary to enable the Commission to perform  
16 its duties. The employment of an executive director  
17 shall be subject to confirmation by the Commission.

18 (2) COMPENSATION.—The Chair of the Com-  
19 mission may fix the compensation of the executive  
20 director and other personnel without regard to chap-  
21 ter 51 and subchapter III of chapter 53 of title 5,  
22 United States Code, relating to classification of posi-  
23 tions and General Schedule pay rates, except that  
24 the rate of pay for the executive director and other  
25 personnel may not exceed the rate payable for level

1 V of the Executive Schedule under section 5316 of  
2 such title.

3 (3) AGENCY ASSISTANCE.—Following consulta-  
4 tion with and upon the request of the Chair of the  
5 Commission, the head of any agency may detail an  
6 employee of the agency to the Commission without  
7 reimbursement, and such detail shall be without  
8 interruption or loss of civil service status or privi-  
9 lege.

10 (4) GAO AND OIRA ASSISTANCE.—The Comp-  
11 troller General of the United States and the Admin-  
12 istrator of the Office of Information and Regulatory  
13 Affairs shall provide assistance, including the detail-  
14 ing of employees, to the Commission in accordance  
15 with an agreement entered into with the Commis-  
16 sion.

17 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
18 TENT SERVICES.—The Chair of the Commission may pro-  
19 cure temporary and intermittent services under section  
20 3109(b) of title 5, United States Code, at rates for individ-  
21 uals which do not exceed the daily equivalent of the annual  
22 rate of basic pay prescribed for level V of the Executive  
23 Schedule under section 5316 of such title.

1 (e) CONTRACTING AUTHORITY.—The Commission  
2 may acquire administrative supplies and equipment for  
3 Commission use to the extent funds are available.

4 (f) ADMINISTRATIVE SUPPORT.—Upon the request of  
5 the Commission, the Administrator of General Services  
6 shall provide to the Commission, on a reimbursable basis,  
7 the administrative support services necessary for the Com-  
8 mission to carry out its responsibilities under this Act.

9 **SEC. 7. TERMINATION OF THE COMMISSION.**

10 The Commission shall terminate 90 days after the  
11 date on which the Commission submits its report under  
12 section 4.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-  
15 priated such sums as may be necessary to the Commission  
16 to carry out this Act.

17 (b) AVAILABILITY.—Any sums appropriated under  
18 the authorization contained in this section shall remain  
19 available, without fiscal year limitation, until expended.

○