113TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. KING (for himself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Improvement Act of 2013''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Commission'' means the Regulatory Improvement Commission established under section 3;

(2) the term ''commission bill'' means a bill consisting of the proposed legislative language of the Commission recommended under section 4(f)(2)(C) and introduced under section 4(g)(1); and

(3) the term ''covered regulation'' means a regulation that—

(A) has been finalized not later than 10 years before the date on which the Commission is established; and

(B) has not been amended after being finalized.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a commission to be known as the ''Regulatory Improvement Commission''.

(b) MEMBERSHIP.—

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

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

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

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

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

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

(2) DATE.—The appointment of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(3) QUALIFICATIONS.—Members appointed to the Commission shall be prominent citizens of the United States with national recognition and a significant depth of experience and responsibilities in matters relating to government service, regulatory policy, economics, Federal agency management, public administration, and law.

(4) LIMITATION.—Not more than 5 members appointed to the Commission may be from the same political party.

(5) PROHIBITION.—The members of the Commission may not be employees of the Federal Government.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but

shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) OPEN TO THE PUBLIC.—Each meeting of the Commission shall be open to the public, unless a member objects.

(g) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(h) NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) PURPOSE.—The purpose of the Commission is to evaluate and provide recommendations for modification, consolidation, or repeal of covered regulations with the aim of reducing compliance costs, encouraging growth and innovation, and improving competitiveness, all while protecting public health and safety, by—

(1) soliciting and reviewing comments from the public;

(2) developing a sector or area-specific body of covered regulations to research and review; and

(3) developing a package of covered regulations to modify, consolidate, or repeal to be submitted to Congress for an up-or-down vote.

(b) PUBLIC COMMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the initial meeting of the Commission, the Commission shall initiate a process to solicit and collect written recommendations from the general public, interested parties, Federal agencies, and 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 website of the Commission or by mail.

(3) LENGTH OF PUBLIC COMMENT PERIOD.—The period for the submission of recommendations under this subsection shall end 60 days after the date on which the process is initiated under paragraph (1).

(4) PUBLICATION IN THE FEDERAL REGISTER.—At the end of the period for the submission of recommendations under this subsection, all submitted recommendations shall be published in the Federal Register.

(c) COMMISSION REVIEW OF PUBLIC COMMENTS.—Not later than 30 days after the date on which the period for the submission of recommendations ends under subsection (b), the Commission shall convene to review submitted recommendations and to identify a single sector or area of covered regulations to modify, consolidate, or eliminate.

(d) EXAMINATION OF REGULATIONS.—

(1) IN GENERAL.—Not later than 45 days after the date on which the Commission convenes under paragraph (1), the Commission shall decide which sector area of covered regulations to examine.

(2) 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.

(3) DEADLINE.—Not later than 180 days after the date on which the Commission determines which sector or area of covered regulations to examine under paragraph (1), the Commission shall complete a substantial examination of such covered regulations.

(e) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Commission determines which sector or area of covered regulations to examine under subsection (d)(1), 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 submitted under paragraph (1) shall be approved by not fewer than 5 members of the Commission.

(3) AVAILABILITY OF REPORT.—The Commission shall make the report required under paragraph (1) available through the website of the Commission and in printed form.

(4) PUBLIC COMMENT PERIOD.—During the 45-day period beginning on the date on which the report required under paragraph (1) is published, the Commission shall—

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

(B) publish any comments received under subparagraph (A) in the Federal Register.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 45 days after the date on which the 45-day period described in subsection (e)(4) ends, the Commission shall—

(A) review any comments received under subsection (e)(4);

(B) incorporate any relevant comments received under subsection (e)(4) into the report required under subsection (e)(1); and

(C) submit the revised report to Congress.

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

(A) the findings and conclusions of the Commission for the improvement of covered 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

(C) recommended legislative language to implement the recommendations in subparagraph (B).

(g) CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—

(1) INTRODUCTION.—If approved by 5 members of the Commission, as required under subsection (e)(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.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(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 com-

mission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) PROCEEDING TO CONSIDERATION.—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) CONSIDERATION.—The commission bill shall be 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.

(B) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a commission bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the commission bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the commission bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the commission bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the commission

bill is agreed to, the commission bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order against the commission bill and against consideration of the commission bill are waived. Consideration of the commission bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 10 hours which shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the commission bill is in order, shall require an affirmative vote of a majority of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the commission bill, including time used for quorum calls and voting, shall be counted against the total 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.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the commission bill, the vote on passage of the commission bill shall occur immediately following the conclusion of the debate on a commission bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the commission bill shall occur not later than 30 days after the date on which the commission bill is discharged from all committees to which the commission bill was referred.

(F) RULINGS OF THE CHAIR ON PROCEDURE.—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—

(i) the commission bill of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no commission bill had been received from the other House until the vote on passage, when the commission bill received from the other House shall supplant the commission bill of the receiving House.

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

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

(A) TREATMENT OF COMMISSION BILL OF OTHER HOUSE.—If the Senate fails to introduce or consider a commission bill under this section, the commission bill of the House shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the commission bill in the Senate, the Senate then receives the commission bill from the House of Representatives, the House-passed commission bill shall not be debatable. The vote on passage of the commission bill in the Senate shall be considered to be the vote on passage of the commission bill received from the House of Representatives.

(C) VETOES.—If the President vetoes the commission bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(h) NOTICE TO REGULATORY AGENCIES.—

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

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

(i) provide notice to the affected regulatory agencies; and

(ii) publish notice of enactment in the Federal register and online;

(B) require affected regulatory agencies to implement the commission bill within 180 days after the date on which the commission bill is enacted into law.

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

(i) ADJOURNMENT OF CONGRESS.—If the commission bill is introduced less than 60 session days or 60 legislative days before the date on which Congress adjourns sine die—

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

(2) subsection (g) shall apply to the commission bill during the succeeding Congress.

SEC. 5. POWERS OF THE COMMISSION.

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

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive depart-

ment, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

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

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) SPACE FOR USE OF COMMISSION.—Not later than 60 days after the date of the enactment of this Act,

the Administrator of General Services will support on a reimbursable basis the operations of the Commission, including the identification of suitable space to house the Commission. If the Administrator is not able to make such suitable space available within the 60-day period, the Commission shall lease space to the extent that funds are available.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

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

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission 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.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

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

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

SEC. 7. TERMINATION OF THE COMMISSION.

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

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