

113TH CONGRESS
1ST SESSION

S. 1390

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2013

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

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 2013”.

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(f)(2)(C)
 4 and introduced under section 4(g)(1); and

5 (3) the term “covered regulation” means a reg-
 6 ulation that—

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

10 (B) has not been amended after being fi-
 11 nalized.

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 45
8 days after the date of enactment of this Act.

9 (3) QUALIFICATIONS.—Members appointed to
10 the Commission shall be prominent citizens of the
11 United States with national recognition and a sig-
12 nificant depth of experience and responsibilities in
13 matters relating to government service, regulatory
14 policy, economics, Federal agency management, pub-
15 lic administration, and law.

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

19 (5) PROHIBITION.—The members of the Com-
20 mission may not be employees of the Federal Gov-
21 ernment.

22 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
23 bers shall be appointed for the life of the Commission. Any
24 vacancy in the Commission shall not affect its powers, but

1 shall be filled in the same manner as the original appoint-
2 ment.

3 (d) INITIAL MEETING.—Not later than 30 days after
4 the date on which all members of the Commission have
5 been appointed, the Commission shall hold its first meet-
6 ing.

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

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

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

15 (h) NONAPPLICABILITY OF THE FEDERAL ADVISORY
16 COMMITTEE ACT.—The Federal Advisory Committee Act
17 (5 U.S.C. App.) shall not apply to the Commission.

18 **SEC. 4. DUTIES OF THE COMMISSION.**

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

1 (1) soliciting and reviewing comments from the
2 public;

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

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

8 (b) PUBLIC COMMENTS.—

9 (1) IN GENERAL.—Not later than 30 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 60 days after the
24 date on which the process is initiated under para-
25 graph (1).

1 (4) PUBLICATION IN THE FEDERAL REG-
2 ISTER.—At the end of the period for the submission
3 of recommendations under this subsection, all sub-
4 mitted recommendations shall be published in the
5 Federal Register.

6 (c) COMMISSION REVIEW OF PUBLIC COMMENTS.—
7 Not later than 30 days after the date on which the period
8 for the submission of recommendations ends under sub-
9 section (b), the Commission shall convene to review sub-
10 mitted recommendations and to identify a single sector or
11 area of covered regulations to modify, consolidate, or
12 eliminate.

13 (d) EXAMINATION OF REGULATIONS.—

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

18 (2) PROCESS FOR EXAMINATION.—In exam-
19 ining covered regulations under this section, the
20 Commission shall determine the effectiveness of indi-
21 vidual covered regulations, by using multiple re-
22 sources, including quantitative metrics, testimony
23 from industry and agency experts, and research
24 from the staff of the Commission.

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

7 (e) INITIAL REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date on which the Commission determines
10 which sector or area of covered regulations to exam-
11 ine under subsection (d)(1), the Commission shall
12 publish, and make available to the public for com-
13 ment, a report, which shall include—

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

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

22 (2) REQUIREMENT.—The report submitted
23 under paragraph (1) shall be approved by not fewer
24 than 5 members of the Commission.

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

5 (4) PUBLIC COMMENT PERIOD.—During the
6 45-day period beginning on the date on which the
7 report required under paragraph (1) is published,
8 the Commission shall—

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

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

14 (f) REPORT TO CONGRESS.—

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

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

20 (B) incorporate any relevant comments re-
21 ceived under subsection (e)(4) into the report
22 required under subsection (e)(1); and

23 (C) submit the revised report to Congress.

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

4 (A) the findings and conclusions of the
 5 Commission for the improvement of covered
 6 regulations examined by the Commission;

7 (B) a list of recommendations for changes
 8 to the covered regulations examined by the
 9 Commission, which may include recommenda-
 10 tions for modification, consolidation, or repeal
 11 of such covered regulations; and

12 (C) recommended legislative language to
 13 implement the recommendations in subpara-
 14 graph (B).

15 (g) CONGRESSIONAL CONSIDERATION OF COMMIS-
 16 SION REPORT.—

17 (1) INTRODUCTION.—If approved by 5 members
 18 of the Commission, as required under subsection
 19 (e)(2), the commission bill shall be introduced in the
 20 Senate (by request) on the next day on which the
 21 Senate is in session by the majority leader of the
 22 Senate or by a Member of the Senate designated by
 23 the majority leader of the Senate and shall be intro-
 24 duced in the House of Representatives (by request)
 25 on the next legislative day by the majority leader of

1 the House or by a Member of the House designated
2 by the majority leader of the House.

3 (2) CONSIDERATION IN THE HOUSE OF REP-
4 REPRESENTATIVES.—

5 (A) REFERRAL AND REPORTING.—Any
6 committee of the House of Representatives to
7 which the commission bill is referred shall re-
8 port it to the House without amendment not
9 later than 30 days after the date on which the
10 commission bill is introduced under paragraph
11 (1). If a committee fails to report the commis-
12 sion bill within that period, it shall be in order
13 to move that the House discharge the com-
14 mittee from further consideration of the com-
15 mission bill. Such a motion shall not be in order
16 after the last committee authorized to consider
17 the commission bill reports it to the House or
18 after the House has disposed of a motion to
19 discharge the commission bill. The previous
20 question shall be considered as ordered on the
21 motion to its adoption without intervening mo-
22 tion except 3 hours of debate equally divided
23 and controlled by the proponent and an oppo-
24 nent. If such a motion is adopted, the House
25 shall proceed immediately to consider the com-

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

5 (B) PROCEEDING TO CONSIDERATION.—

6 After the last committee authorized to consider
7 the commission bill reports it to the House or
8 has been discharged (other than by motion)
9 from its consideration, it shall be in order to
10 move to proceed to consider the commission bill
11 in the House. Such a motion shall not be in
12 order after the House has disposed of a motion
13 to proceed with respect to the commission bill.
14 The previous question shall be considered as or-
15 dered on the motion to its adoption without in-
16 tervening motion. A motion to reconsider the
17 vote by which the motion is disposed of shall
18 not be in order.

19 (C) CONSIDERATION.—The commission bill

20 shall be considered as read. All points of order
21 against the commission bill and against its con-
22 sideration are waived. The previous question
23 shall be considered as ordered on the commis-
24 sion bill to its passage without intervening mo-
25 tion except 10 hours of debate equally divided

1 and controlled by the proponent and an oppo-
 2 nent and one motion to limit debate on the
 3 commission bill. A motion to reconsider the vote
 4 on passage of the commission bill shall not be
 5 in order.

6 (D) VOTE ON PASSAGE.—The vote on pas-
 7 sage of the commission bill shall occur not later
 8 than 60 days after the date on which the com-
 9 mission bill is discharged from the last com-
 10 mittee authorized to consider the commission
 11 bill.

12 (3) CONSIDERATION IN THE SENATE.—

13 (A) COMMITTEE CONSIDERATION.—A com-
 14 mission bill introduced in the Senate under
 15 paragraph (1) shall be jointly referred to the
 16 committee or committees of jurisdiction, which
 17 committees shall report the bill without any re-
 18 vision and with a favorable recommendation, an
 19 unfavorable recommendation, or without rec-
 20 ommendation, not later than 30 days after the
 21 date on which the commission bill is introduced.
 22 If any committee fails to report the bill within
 23 that period, that committee shall be automati-
 24 cally discharged from consideration of the bill,

1 and the bill shall be placed on the appropriate
2 calendar.

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

1 bill is agreed to, the commission bill shall re-
2 main the unfinished business until disposed of.

3 (C) CONSIDERATION.—All points of order
4 against the commission bill and against consid-
5 eration of the commission bill are waived. Con-
6 sideration of the commission bill and of all de-
7 batable motions and appeals in connection
8 therewith shall not exceed a total of 10 hours
9 which shall be divided equally between the ma-
10 jority and minority leaders or their designees. A
11 motion further to limit debate on the commis-
12 sion bill is in order, shall require an affirmative
13 vote of a majority of the Members duly chosen
14 and sworn, and is not debatable. Any debatable
15 motion or appeal is debatable for not to exceed
16 1 hour, to be divided equally between those fa-
17 voring and those opposing the motion or appeal.
18 All time used for consideration of the commis-
19 sion bill, including time used for quorum calls
20 and voting, shall be counted against the total
21 10 hours of consideration.

22 (D) NO AMENDMENTS.—An amendment to
23 the commission bill, or a motion to postpone, or
24 a motion to proceed to the consideration of

1 other business, or a motion to recommit the
2 commission bill, is not in order.

3 (E) VOTE ON PASSAGE.—If the Senate has
4 voted to proceed to the commission bill, the vote
5 on passage of the commission bill shall occur
6 immediately following the conclusion of the de-
7 bate on a commission bill, and a single quorum
8 call at the conclusion of the debate if requested.
9 The vote on passage of the commission bill shall
10 occur not later than 30 days after the date on
11 which the commission bill is discharged from all
12 committees to which the commission bill was re-
13 ferred.

14 (F) RULINGS OF THE CHAIR ON PROCE-
15 DURE.—Appeals from the decisions of the Chair
16 relating to the application of the rules of the
17 Senate, as the case may be, to the procedure re-
18 lating to a commission bill shall be decided
19 without debate.

20 (4) AMENDMENT.—The commission bill shall
21 not be subject to amendment in either the House of
22 Representatives or the Senate.

23 (5) CONSIDERATION BY THE OTHER HOUSE.—

1 (A) IN GENERAL.—If, before passing the
 2 commission bill, one House receives from the
 3 other a commission bill—

4 (i) the commission bill of the other
 5 House shall not be referred to a com-
 6 mittee; and

7 (ii) the procedure in the receiving
 8 House shall be the same as if no commis-
 9 sion bill had been received from the other
 10 House until the vote on passage, when the
 11 commission bill received from the other
 12 House shall supplant the commission bill
 13 of the receiving House.

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

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

20 (A) TREATMENT OF COMMISSION BILL OF
 21 OTHER HOUSE.—If the Senate fails to introduce
 22 or consider a commission bill under this section,
 23 the commission bill of the House shall be enti-
 24 tled to expedited floor procedures under this
 25 section.

1 (B) TREATMENT OF COMPANION MEAS-
 2 URES IN THE SENATE.—If following passage of
 3 the commission bill in the Senate, the Senate
 4 then receives the commission bill from the
 5 House of Representatives, the House-passed
 6 commission bill shall not be debatable. The vote
 7 on passage of the commission bill in the Senate
 8 shall be considered to be the vote on passage of
 9 the commission bill received from the House of
 10 Representatives.

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

16 (h) NOTICE TO REGULATORY AGENCIES.—

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

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

22 (i) provide notice to the affected regu-
 23 latory agencies; and

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

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

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

9 (i) ADJOURNMENT OF CONGRESS.—If the commis-
 10 sion bill is introduced less than 60 session days or 60 leg-
 11 islative days before the date on which Congress adjourns
 12 sine die—

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

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

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

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

23 (b) INFORMATION FROM FEDERAL AGENCIES.—

24 (1) IN GENERAL.—The Commission is author-
 25 ized to secure directly from any executive depart-

1 ment, bureau, agency, board, commission, office,
2 independent establishment, or instrumentality of the
3 Government, information, suggestions, estimates,
4 and statistics for the purpose of this Act. Each de-
5 partment, bureau, agency, board, commission, office,
6 independent establishment, or instrumentality shall,
7 to the extent authorized by law, furnish such infor-
8 mation, suggestions, estimates, and statistics di-
9 rectly to the Commission, upon request made by the
10 chairman, the chairman of any subcommittee cre-
11 ated by the Commission, or any member designated
12 by a majority of the Commission.

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

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

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

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

1 the Administrator of General Services will support on a
2 reimbursable basis the operations of the Commission, in-
3 cluding the identification of suitable space to house the
4 Commission. If the Administrator is not able to make such
5 suitable space available within the 60-day period, the
6 Commission shall lease space to the extent that funds are
7 available.

8 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

9 (a) COMPENSATION OF MEMBERS.—Each member of
10 the Commission shall be compensated at a rate equal to
11 the daily equivalent of the annual rate of basic pay pre-
12 scribed for level IV of the Executive Schedule under sec-
13 tion 5315 of title 5, United States Code, for each day (in-
14 cluding travel time) during which such member is engaged
15 in the performance of the duties of the Commission.

16 (b) TRAVEL EXPENSES.—The members of the Com-
17 mission shall be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for employ-
19 ees of agencies under subchapter I of chapter 57 of title
20 5, United States Code, while away from their homes or
21 regular places of business in the performance of services
22 for the Commission.

23 (c) STAFF.—

24 (1) IN GENERAL.—The Chairman of the Com-
25 mission may, without regard to the civil service laws

1 and regulations, appoint and terminate an executive
2 director and such other additional personnel as may
3 be necessary to enable the Commission to perform
4 its duties. The employment of an executive director
5 shall be subject to confirmation by the Commission.

6 (2) COMPENSATION.—The Chairman of the
7 Commission may fix the compensation of the execu-
8 tive director and other personnel without regard to
9 chapter 51 and subchapter III of chapter 53 of title
10 5, United States Code, relating to classification of
11 positions and General Schedule pay rates, except
12 that the rate of pay for the executive director and
13 other personnel may not exceed the rate payable for
14 level V of the Executive Schedule under section 5316
15 of such title.

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

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

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

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

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

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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

○