

114TH CONGRESS
2D SESSION

H. R. 6325

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2016

Mr. WALBERG introduced the following bill; which was referred to the Committee on Education and the Workforce, 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 “Workforce Regulatory
5 Review Act of 2016”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMMISSION.—The term “Commission”
2 means the Workforce Regulatory Review Commis-
3 sion established under section 3.

4 (2) COMMISSION BILL.—The term “commission
5 bill” means a bill consisting of the proposed legisla-
6 tive language of the Commission recommended
7 under section 4(f)(2)(C) and introduced under sec-
8 tion 4(g)(1).

9 (3) COVERED REGULATION.—The term “cov-
10 ered regulation” means any final regulation pub-
11 lished in the Federal Register.

12 (4) REGULATORY REQUIREMENT.—The term
13 “regulatory requirement” means any duty or obliga-
14 tion created by words such as “shall”, “shall not”,
15 “must”, “may not”, “prohibited”, and “required”.

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

17 (a) ESTABLISHMENT.—There is established in the
18 legislative branch a commission to be known as the
19 “Workforce Regulatory Review Commission”.

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Commission shall be
22 composed of 9 members appointed by the President,
23 of whom 1 member shall serve as the chairman of
24 the Commission.

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

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

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

14 (5) PROHIBITION.—The members of the Com-
15 mission may not be employees of the Federal Gov-
16 ernment.

17 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
18 bers shall be appointed for the life of the Commission. Any
19 vacancy in the Commission shall not affect its powers, but
20 shall be filled in the same manner as the original appoint-
21 ment.

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

1 (e) MEETINGS.—The Commission shall meet at the
2 call of the chairman.

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

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

9 (h) NONAPPLICABILITY OF THE FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee Act
11 (5 U.S.C. App.) shall not apply to the Commission.

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

13 (a) PURPOSE.—The purpose of the Commission is to
14 evaluate and provide recommendations for modification,
15 consolidation, or repeal of covered regulations with the
16 aim of reducing total number of regulatory requirements
17 related to workplace safety, workplace discrimination,
18 wages, hours, and employee health by one-third to reduce
19 compliance costs, encourage growth and innovation, and
20 improve competitiveness—

21 (1) soliciting and reviewing comments from the
22 public;

23 (2) developing a reliable and uniform model to
24 identify regulations to modify, or eliminate; and

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

4 (b) EXAMINATION OF REGULATIONS.—

5 (1) IN GENERAL.—Not later than 45 days after
6 the date on which the Commission convenes under
7 paragraph (1), the Commission shall decide which
8 covered regulations within the areas described in
9 section 4(a) to examine.

10 (2) PROCESS FOR EXAMINATION.—In exam-
11 ining covered regulations under this section, the
12 Commission shall determine the effectiveness of indi-
13 vidual covered regulations by using multiple re-
14 sources, including quantitative metrics, testimony
15 from industry and agency experts, and research
16 from the staff of the Commission.

17 (3) UNIFORM MODEL TO BE DEVELOPED.—The
18 Commission shall develop and implement a uniform
19 model such as the Standard Cost Model to accu-
20 rately determine whether a covered regulation shall
21 be modified or eliminated.

22 (4) CRITERIA FOR UNIFORM MODEL.—The
23 model shall balance the effectiveness of the covered
24 regulation achieving desirable outcomes with the ef-
25 ficiency of the covered regulation in achieving the

1 aforementioned desirable outcome, consistent with
2 the following:

3 (A) Effectiveness of desired outcomes shall
4 be determined by reviewing whether the covered
5 regulation achieves the intended result, whether
6 the covered regulation will continue to achieve
7 that result and whether that desired result con-
8 tinues to be desirable.

9 (B) Efficiency of the desired outcomes
10 shall be determined through a uniform cost
11 model that reviews the costs per desired out-
12 come achieved by the covered regulation.

13 (5) BASIS FOR RECOMMENDATIONS.—A covered
14 regulation shall be recommended for amendment or
15 repeal if—

16 (A) the intended outcome is no longer de-
17 sirable;

18 (B) the intended outcome would result
19 even if the covered regulation were amended or
20 repealed;

21 (C) the covered regulation is ineffective in
22 achieving the desired outcome; or

23 (D) the costs associated with achieving the
24 desired outcome outweigh the benefit of the
25 outcome.

1 (6) NO REPLACEMENT OF REPEALED REGULA-
2 TIONS.—Covered regulations mandated by statute
3 but recommended for repeal by the Commission shall
4 be repealed as soon as possible and may not be re-
5 made in substantially the same form, and a new reg-
6 ulation that is substantially the same as such a reg-
7 ulation may not be made.

8 (7) MANDATORY AMENDMENT OF AMENDED
9 REGULATIONS.—Covered regulations mandated by
10 statute but recommended for amendment by the
11 Commission shall be amended as soon as possible
12 pursuant to the Commission report.

13 (8) DEADLINE.—Not later than 1 year after
14 the date on which the Commission determines which
15 covered regulations to examine under paragraph (1),
16 the Commission shall complete a substantial exam-
17 ination of such covered regulations.

18 (c) INITIAL REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date on which the Commission determines
21 which sector or area of covered regulations to exam-
22 ine under subsection (d)(1), the Commission shall
23 publish, and make available to the public for com-
24 ment, a report, which shall include—

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

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

9 (2) REQUIREMENT.—The report submitted
10 under paragraph (1) shall be approved by not fewer
11 than 6 members of the Commission.

12 (3) AVAILABILITY OF REPORT.—The Commis-
13 sion shall make the report required under paragraph
14 (1) available through the Web site of the Commis-
15 sion and in printed form.

16 (d) PUBLIC COMMENT PERIOD.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of the initial meeting of the Commission,
19 the Commission shall initiate a process to solicit and
20 collect written recommendations from the general
21 public, interested parties, Federal agencies, and
22 other relevant entities regarding the report.

23 (2) SUBMISSION OF PUBLIC COMMENTS.—The
24 Commission shall ensure that the process initiated
25 under paragraph (1) allows for recommendations to

1 be submitted to the Commission through the Web
2 site of the Commission or by mail.

3 (3) LENGTH OF PUBLIC COMMENT PERIOD.—

4 The period for the submission of recommendations
5 under this subsection shall end 60 days after the
6 date on which the process is initiated under para-
7 graph (1).

8 (4) PUBLICATION IN THE FEDERAL REG-

9 ISTER.—At the end of the period for the submission
10 of recommendations under this subsection, all sub-
11 mitted recommendations shall be published in the
12 Federal Register.

13 (e) REPORT TO CONGRESS.—

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

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

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

22 (C) submit the revised report to Congress.

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

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

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

9 (C) recommended legislative language to
10 implement the recommendations in subpara-
11 graph (B).

12 (f) CONGRESSIONAL CONSIDERATION OF COMMIS-
13 SION REPORT.—If approved by 6 members of the Commis-
14 sion, as required under subsection (e)(2), the commission
15 shall submit to Congress and will automatically take effect
16 unless Congress passes and the President signs legislation
17 disapproving the recommendations outlined in the Com-
18 mission’s report within 45 days from the time of the sub-
19 mission of the Report.

20 (g) TERMS OF THE RESOLUTION.—For purposes of
21 section 2904(b), the term “joint resolution” means only
22 a joint resolution which is introduced within the 10-day
23 period beginning on the date on which the President trans-
24 mits the report to the Congress under section 2903(e),
25 and—

1 (1) which does not have a preamble; and

2 (2) the matter after the resolving clause of
3 which is as follows: “That Congress disapproves the
4 recommendations of the Workforce Regulatory Re-
5 view Commission as submitted by the President on
6 _____”, the blank space being filled in with the ap-
7 propriate date; and the title of which is as follows:
8 “Joint resolution disapproving the recommendations
9 of the Workforce Regulatory Review Commission”.

10 (h) REFERRAL.—A resolution described in subsection
11 (a) that is introduced in the House of Representatives
12 shall be referred to the Committee on Education and the
13 Workforce of the House of Representatives. A resolution
14 described in subsection (a) introduced in the Senate shall
15 be referred to the Senate Committee on Health, Edu-
16 cation, Labor, and Pensions.

17 (i) DISCHARGE.—If the committee to which a resolu-
18 tion described in subsection (a) is referred has not re-
19 ported such a resolution (or an identical resolution) by the
20 end of the 20-day period beginning on the date on which
21 the President transmits the report to the Congress under
22 section 2903(e), such committee shall be, at the end of
23 such period, discharged from further consideration of such
24 resolution, and such resolution shall be placed on the ap-
25 propriate calendar of the House involved.

1 (j) CONSIDERATION.—

2 (1) On or after the third day after the date on
3 which the committee to which such a resolution is
4 referred has reported, or has been discharged (under
5 subsection (c)) from further consideration of, such a
6 resolution, it is in order (even though a previous mo-
7 tion to the same effect has been disagreed to) for
8 any Member of the respective House to move to pro-
9 ceed to the consideration of the resolution. A Mem-
10 ber may make the motion only on the day after the
11 calendar day on which the Member announces to the
12 House concerned the Member's intention to make
13 the motion, except that, in the case of the House of
14 Representatives, the motion may be made without
15 such prior announcement if the motion is made by
16 direction of the committee to which the resolution
17 was referred. The motion is highly privileged in the
18 House of Representatives and is privileged in the
19 Senate and is not debatable. The motion is not sub-
20 ject to amendment, or to a motion to postpone, or
21 to a motion to proceed to the consideration of other
22 business. A motion to reconsider the vote by which
23 the motion is agreed to or disagreed to shall not be
24 in order. If a motion to proceed to the consideration
25 of the resolution is agreed to, the respective House

1 shall immediately proceed to consideration of the
2 joint resolution without intervening motion, order, or
3 other business, and the resolution shall remain the
4 unfinished business of the respective House until
5 disposed of.

6 (2) Debate on the resolution, and on all debat-
7 able motions and appeals in connection therewith,
8 shall be limited to not more than 2 hours, which
9 shall be divided equally between those favoring and
10 those opposing the resolution. An amendment to the
11 resolution is not in order. A motion further to limit
12 debate is in order and not debatable. A motion to
13 postpone, or a motion to proceed to the consider-
14 ation of other business, or a motion to recommit the
15 resolution is not in order. A motion to reconsider the
16 vote by which the resolution is agreed to or dis-
17 agreed to is not in order.

18 (3) Immediately following the conclusion of the
19 debate on a resolution described in subsection (a)
20 and a single quorum call at the conclusion of the de-
21 bate if requested in accordance with the rules of the
22 appropriate House, the vote on final passage of the
23 resolution shall occur.

24 (4) Appeals from the decisions of the Chair re-
25 lating to the application of the rules of the Senate

1 or the House of Representatives, as the case may be,
2 to the procedure relating to a resolution described in
3 subsection (a) shall be decided without debate.

4 (k) CONSIDERATION BY OTHER HOUSE.—

5 (1) If, before the passage by one House of a
6 resolution of that House described in subsection (a),
7 that House receives from the other House a resolu-
8 tion described in subsection (a), then the following
9 procedures shall apply:

10 (A) The resolution of the other House shall
11 not be referred to a committee and may not be
12 considered in the House receiving it except in
13 the case of final passage as provided in sub-
14 paragraph (B)(ii).

15 (B) With respect to a resolution described
16 in subsection (a) of the House receiving the res-
17 olution—

18 (i) the procedure in that House shall
19 be the same as if no resolution had been
20 received from the other House; but

21 (ii) the vote on final passage shall be
22 on the resolution of the other House.

23 (2) Upon disposition of the resolution received
24 from the other House, it shall no longer be in order

1 to consider the resolution that originated in the re-
2 ceiving House.

3 (l) RULES OF THE SENATE AND HOUSE.—This sec-
4 tion is enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and House of Representatives, respec-
7 tively, and as such it is deemed a part of the rules
8 of each House, respectively, but applicable only with
9 respect to the procedure to be followed in that
10 House in the case of a resolution described in sub-
11 section (a), and it supersedes other rules only to the
12 extent that it is inconsistent with such rules; and

13 (2) with full recognition of the constitutional
14 right of either House to change the rules (so far as
15 relating to the procedure of that House) at any time,
16 in the same manner, and to the same extent as in
17 the case of any other rule of that House.

18 (m) NOTICE TO REGULATORY AGENCIES.—

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

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

24 (i) provide notice to the affected regu-
25 latory agencies; and

1 (ii) publish notice of enactment in the
2 Federal Register and online; and

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

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

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

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

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

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

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

25 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

24 (d) GIFTS.—Members of the Commission may not ac-
25 cept, use, and dispose of gifts or donations of services or

1 property in connection to their role as a member of the
2 Commission.

3 (e) SPACE FOR USE OF COMMISSION.—Not later
4 than 60 days after the date of the enactment of this Act,
5 the Administrator of General Services will support on a
6 reimbursable basis the operations of the Commission, in-
7 cluding the identification of suitable space to house the
8 Commission. If the Administrator is not able to make such
9 suitable space available within the 60-day period, the
10 Commission shall lease space to the extent that funds are
11 available.

12 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

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

20 (b) TRAVEL EXPENSES.—The members of the Com-
21 mission shall be allowed travel expenses, including per
22 diem in lieu of subsistence, at rates authorized for employ-
23 ees of agencies under subchapter I of chapter 57 of title
24 5, United States Code, while away from their homes or

1 regular places of business in the performance of services
2 for the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The chairman of the Com-
5 mission may, without regard to the civil service laws
6 and regulations, appoint and terminate an executive
7 director and such other additional personnel as may
8 be necessary to enable the Commission to perform
9 its duties. The employment of an executive director
10 shall be subject to confirmation by the Commission.

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

21 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
22 TENT SERVICES.—The chairman of the Commission may
23 procure temporary and intermittent services under section
24 3109(b) of title 5, United States Code, at rates for individ-
25 uals which do not exceed the daily equivalent of the annual

1 rate of basic pay prescribed for level V of the Executive
2 Schedule under section 5316 of such title.

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

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

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

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

15 **SEC. 8. REAUTHORIZATION OF COMMISSION.**

16 (a) IN GENERAL.—The Commission may be reau-
17 thorized by Executive order but no provision of the author-
18 izing legislation shall be amended by such order except
19 with regards to the area of covered regulations to be re-
20 viewed by the Commission.

21 (b) CONGRESSIONAL DISAPPROVAL.—The Commis-
22 sion shall be activated unless a joint resolution of Congress
23 is sent to the President stating disapproval of the Execu-
24 tive order and intent for the Commission to remain dor-
25 mant.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

○