

116TH CONGRESS
2D SESSION

H. R. 8038

To establish a commission to review certain regulatory obstacles to preparedness for, response to, and recovery from the Coronavirus SARS-CoV-2 pandemic and other pandemics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 2020

Ms. FOXX of North Carolina (for herself and Mr. COMER) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a commission to review certain regulatory obstacles to preparedness for, response to, and recovery from the Coronavirus SARS-CoV-2 pandemic and other pandemics, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pandemic Preparedness, Response, and Recovery Act of
6 2020”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.
 Sec. 4. Establishment of Commission.
 Sec. 5. Duties of the Commission.
 Sec. 6. Powers of the Commission.
 Sec. 7. Commission personnel matters.
 Sec. 8. Termination of the Commission.
 Sec. 9. Authorization of appropriations.

3 **SEC. 2. FINDINGS.**

4 Congress finds that:

5 (1) Federal regulation serves important goals
 6 and has achieved important objectives. The accumu-
 7 lation of Federal regulations over the decades, how-
 8 ever, is of concern. The Code of Federal Regulations
 9 currently contains over 180,000 pages of regula-
 10 tions, many of which may be outdated, no longer
 11 needed, or duplicative.

12 (2) Unneeded or inefficient regulation reduces
 13 the ability of United States employers and workers
 14 to generate and obtain more jobs and higher wages.
 15 It also increases the expenses of United States
 16 households and hinders the overall performance and
 17 competitiveness of the United States economy in the
 18 global marketplace.

19 (3) Unneeded or inefficient regulation is par-
 20 ticularly problematic as United States employers,
 21 workers, and households continue to respond to and

1 seek to recover from the Coronavirus SARS-CoV-2
2 pandemic of 2019–2020.

3 (4) A timely and prioritized review of existing
4 regulations to identify those that can and should be
5 modified, consolidated, harmonized, or repealed to
6 promote higher jobs and wages, reduce household ex-
7 penses, and improve economic performance and com-
8 petitiveness in and by the United States is needed.

9 (5) Such a review, moreover, is needed to accel-
10 erate and strengthen the recovery of United States
11 employers, workers, and households from the
12 Coronavirus SARS-CoV-2 pandemic and ensure
13 that Federal regulations do not inhibit or impede
14 preparedness for and effective responses to future
15 pandemics.

16 (6) The establishment of an expert commission,
17 charged to conduct such a review and recommend to
18 Congress legislation to effectuate a prioritized set of
19 regulatory modifications, consolidations, harmoni-
20 zations, and repeals, can ensure that such a review
21 will be completed in the timeliest possible way.

22 (7) In light of the adverse impacts of and cir-
23 cumstances caused by the Coronavirus SARS-CoV-
24 2 pandemic, it is particularly important that such a
25 commission prioritize in its review the elimination of

1 regulatory obstacles to the United States, the several
2 States', and the people's preparedness for, response
3 to, and recovery from the health and economic ef-
4 fects of the Coronavirus SARS-CoV-2 pandemic of
5 2019–2020 and possible future pandemics, for ex-
6 ample, regulations that—

7 (A) impeded preparedness for or response
8 to the Coronavirus SARS-CoV-2 pandemic, in-
9 cluding those that were suspended or for which
10 enforcement was waived after the outbreak of
11 the pandemic under the authority of Executive
12 Order 13924 (85 Fed. Reg. 31353; relating to
13 regulatory relief to support economic recovery)
14 or any other authority;

15 (B) could impede preparedness for or re-
16 sponse to a future pandemic;

17 (C) otherwise impeded or could impede
18 health, economic performance, or the stability
19 of wages or employment during the Coronavirus
20 SARS-CoV-2 pandemic or a future pandemic,
21 including those that were suspended or for
22 which enforcement was waived after the out-
23 break of the pandemic under the authority of
24 Executive Order 13924 or any other authority;
25 and

(D) impede or could impede the recovery of health, economic performance, or wages or employment following the Coronavirus SARS-CoV-2 pandemic or a future pandemic, with a particular emphasis on impediments to recovery by persons infected by Coronavirus SARS-CoV-2 or a future pandemic disease, individuals or entities that supported or support those persons, and entities that qualify as small entities within the meaning of section 601(6) of title 5, United States Code, and those entities' employees, contractors, or investors, including by impeding—

(i) access to health care or health care equipment or supplies;

(ii) access to employment;

(iii) access to public or private assistance;

(iv) consumer or business spending, investment, or access to capital or credit; or

(v) other consumer or business activity, including hiring and education or retraining.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Pandemic Preparedness, Response, and
5 Recovery Commission established under section 4.

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

11 (3) COVERED REGULATION.—The term “cov-
12 ered regulation” means a regulation that has been
13 finalized not later than the date on which the Com-
14 mission is established.

15 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

16 (a) ESTABLISHMENT.—There is established in the
17 legislative branch a commission to be known as the “Pan-
18 demic Preparedness, Response, and Recovery Commis-
19 sion”.

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 Chair of the
25 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 30
12 days after the date of the enactment of this Act.

13 (3) QUALIFICATIONS.—

14 (A) CHAIR.—The Chair of the Commission
15 shall be an individual with expertise and experi-
16 ence in rulemaking, such as past Administra-
17 tors of the Office of Information and Regu-
18 latory Affairs, past chairmen of the Administra-
19 tive Conference of the United States, and other
20 individuals with similar expertise and experi-
21 ence in rulemaking affairs and the administra-
22 tion of regulatory reviews.

23 (B) MEMBERS.—Members appointed to the
24 Commission shall be prominent citizens of the
25 United States with national recognition and a

1 significant depth of experience and responsibil-
2 ities in matters relating to, generally and with
3 respect to the matters identified in section 2—

- 4 (i) government service;
- 5 (ii) regulatory policy;
- 6 (iii) public health;
- 7 (iv) economics;
- 8 (v) Federal agency management,
- 9 (vi) public administration; and
- 10 (vii) law.

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

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

19 (d) INITIAL MEETING.—Not later than 15 days after
20 the date on which all members of the Commission have
21 been appointed, the Commission shall hold its first meet-
22 ing.

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

1 (f) OPEN TO THE PUBLIC.—Each meeting of the
2 Commission shall be open to the public.

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

6 (h) NONAPPLICABILITY OF THE FEDERAL ADVISORY
7 COMMITTEE ACT.—The Federal Advisory Committee Act
8 (5 U.S.C. App.) shall not apply to the Commission.

9 **SEC. 5. DUTIES OF THE COMMISSION.**

10 (a) PURPOSE.—The purpose of the Commission is to
11 evaluate and provide recommendations for modification,
12 consolidation, harmonization, or repeal of covered regula-
13 tions, while reducing compliance costs, encouraging
14 growth and innovation, improving competitiveness, and
15 protecting public health, safety, and welfare.

16 (b) REQUIREMENTS.—In carrying out subsection (a),
17 the Commission shall—

18 (1) prioritize in its analysis of covered regula-
19 tions, those covered regulations—

20 (A) for which modification, consolidation,
21 harmonization, or repeal could assist in the
22 United States—

23 (i) recovery from or continued re-
24 sponse to the adverse health and economic

1 impacts of the Coronavirus SARS-CoV-2
2 pandemic; or

3 (ii) preparedness for, response to, or
4 recovery from a future pandemic;

5 (B) that impose disproportionately high
6 costs on a small entity (as defined in section
7 601 of title 5, United States Code);

8 (C) that impose substantial paperwork
9 burdens; or

10 (D) that could be strengthened in their ef-
11 fectiveness while reducing regulatory costs;

12 (2) consider in its analysis of covered regula-
13 tions the regulatory principles articulated in section
14 1 of Executive Order 12866 (58 Fed. Reg. 51735;
15 relating to regulatory planning and review);

16 (3) solicit and review comments from the public
17 on the covered regulations described in this section;
18 and

19 (4) develop a set of covered regulations to mod-
20 ify, consolidate, harmonize, or repeal, with input
21 from each appropriate issuing agency involved, to be
22 submitted to Congress for an up-or-down vote, with
23 the goal of eliminating as many of the impediments
24 described in this section as is reasonably possible.

25 (c) PUBLIC COMMENTS.—

1 (1) IN GENERAL.—Not later than 15 days after
2 the date of the initial meeting of the Commission,
3 the Commission shall initiate a process to solicit and
4 collect written recommendations from the general
5 public, interested parties, Federal agencies, and
6 other relevant entities regarding which covered regu-
7 lations should be examined.

8 (2) SUBMISSION OF PUBLIC COMMENTS.—The
9 Commission shall ensure that the process initiated
10 under paragraph (1) allows for recommendations to
11 be submitted to the Commission through the website
12 of the Commission, through regulations.gov, by mail,
13 or through any other means determined to be appro-
14 priate by the Commission.

15 (3) LENGTH OF PUBLIC COMMENT PERIOD.—
16 The period for the submission of recommendations
17 under this subsection shall end 60 days after the
18 date on which the process is initiated under para-
19 graph (1).

20 (4) PUBLICATION.—At the end of the period for
21 the submission of recommendations under this sub-
22 section, all submitted recommendations shall be pub-
23 lished in the Federal Register and on—

24 (A) the website of the Commission; or

25 (B) regulations.gov.

1 (d) COMMISSION OUTREACH.—

2 (1) IN GENERAL.—During the public comment
3 period described in subsection (c), the Commission
4 shall conduct public outreach and convene focus
5 groups to better inform the commissioners of the
6 public’s interest and possible contributions to the
7 work of the Commission.

8 (2) FOCUS GROUPS.—The focus groups re-
9 quired under paragraph (1) shall include individuals
10 affiliated with the Office of Information and Regu-
11 latory Affairs, the Administrative Conference of the
12 United States, the offices within Federal agencies
13 responsible for small business affairs and regulatory
14 compliance, experts in pandemic preparedness and
15 response, experts in public health, and, at the discre-
16 tion of the Commission, relevant stakeholders from
17 within or outside the regulatory entities.

18 (e) COMMISSION REVIEW OF PUBLIC COMMENTS.—
19 Not later than 15 days after the date on which the period
20 for the submission of recommendations ends under sub-
21 section (c), the Commission shall convene to review sub-
22 mitted recommendations, prepare a work plan for comple-
23 tion of the Commission’s further work, and to identify cov-
24 ered regulations to modify, consolidate, harmonize, or re-
25 peal.

1 (f) EXAMINATION OF REGULATIONS.—

2 (1) PROCESS FOR EXAMINATION.—In exam-
3 ining covered regulations under this section, the
4 Commission shall determine the effectiveness of indi-
5 vidual covered regulations, by using multiple re-
6 sources, including the following:

7 (A) Quantitative metrics.

8 (B) Testimony from industry and agency
9 experts, experts in pandemic preparedness and
10 response, and experts in public health.

11 (C) Research from the staff of the Com-
12 mission.

13 (2) DEADLINE.—Not later than 180 days after
14 the date on which the Commission convenes under
15 subsection (e), the Commission shall complete a sub-
16 stantial examination of covered regulations.

17 (g) INITIAL REPORT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date on which the Commission convenes under
20 subsection (e), the Commission shall publish, and
21 make available to the public for comment, a report,
22 which shall include—

23 (A) the findings and conclusions of the
24 Commission for the improvement of covered
25 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, harmoni-
5 zation, or repeal 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 60-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)—

22 (i) in the Federal Register; and

23 (ii) on—

24 (I) the website of the Commis-
25 sion; or

(II) regulations.gov.

(5) CONSULTATION.—

(A) IN GENERAL.—Not later than 30 days after the date on which the report required under paragraph (1) is published, the Commission shall complete a consultation with the chair and ranking minority member of the committees of jurisdiction in the House of Representatives and Senate, and with the head of each agency that has enforcement jurisdiction with respect to rules recommended for modification, consolidation, harmonization, or repeal, regarding the contents of the report.

(B) REQUIREMENTS.—The consultation required under subparagraph (A) shall provide—

(i) the opportunity for the chair and ranking minority member of the committees of jurisdiction to provide substantive feedback or recommendations related to the regulatory changes contained in the report required under paragraph (1);

(ii) the opportunity for the chair and ranking minority member of the committees of jurisdiction to provide recommendations for alternative means of achieving a

1 reduction in regulatory costs while main-
2 taining the same level of benefits to soci-
3 ety; and

4 (iii) the opportunity for the head of
5 each agency potentially affected by the
6 Commission's recommendations to provide
7 substantive input into the reform process.

8 (h) REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date on which the 60-day period described in
11 subsection (g)(4) ends, the Commission shall—

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

14 (B) incorporate any relevant comments re-
15 ceived under subsection (g)(4) into the report
16 required under subsection (g)(1); and

17 (C) submit the revised report to Congress.

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

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

24 (B) a list of recommendations for changes
25 to the covered regulations examined by the

1 Commission, which may include recommenda-
2 tions for modification, consolidation, harmoni-
3 zation, or repeal of such covered regulations;
4 and

5 (C) recommended legislative language to
6 implement the recommendations in subpara-
7 graph (B).

8 (i) CONGRESSIONAL CONSIDERATION OF LEGISLA-
9 TIVE LANGUAGE TO IMPLEMENT RECOMMENDATIONS.—

10 (1) COMMISSION BILL DESCRIBED.—In this
11 subsection, the term “Commission bill” means, with
12 respect to the Senate or the House of Representa-
13 tives, a bill described as follows:

14 (A) The title of the bill is as follows: “A
15 Bill to implement the recommendations of the
16 Pandemic Preparedness, Response, and Rapid
17 Recovery Commission.”.

18 (B) The bill is introduced in the House of
19 Representatives or the Senate (as the case may
20 be)—

21 (i) not later than 3 days (excluding
22 Saturdays, Sundays, and holidays, and any
23 day on which the House or the Senate, as
24 the case may be, is not in session because
25 of an adjournment sine die, a recess of

1 more than three days, or an adjournment
2 of more than three days) after the date on
3 which the Commission submits the revised
4 report to Congress under subsection
5 (h)(1); or

6 (ii) if the Congress during which the
7 Commission submits such report adjourns
8 sine die prior to the expiration of the 60-
9 day period which begins on the date the
10 Commission submits the report (excluding
11 Saturdays, Sundays, and holidays, and any
12 day on which neither House is in session
13 because of an adjournment sine die, a re-
14 cess of more than three days, or an ad-
15 journment of more than three days), on
16 the first day of the next Congress.

17 (C) The text of the bill consists exclusively
18 of the recommended legislative language to im-
19 plement the recommendations of the Commis-
20 sion which is included in the revised report sub-
21 mitted to Congress under subsection (h)(1), as
22 certified by the Chair of the Commission to the
23 Speaker of the House of Representatives or the
24 President pro tempore of the Senate (as the
25 case may be).

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

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

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

3 (B) PROCEEDING TO CONSIDERATION.—

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

17 (C) CONSIDERATION.—The Commission

18 bill shall be considered as read. All points of
19 order against the Commission bill and against
20 its consideration are waived. The previous ques-
21 tion shall be considered as ordered on the Com-
22 mission bill to its passage without intervening
23 motion except 10 hours of debate equally di-
24 vided and controlled by the proponent and an
25 opponent and one motion to limit debate on the

1 Commission bill. A motion to reconsider the
2 vote on passage of the Commission bill shall not
3 be in order.

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

10 (3) CONSIDERATION IN THE SENATE.—

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

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

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

20 (D) NO AMENDMENTS.—An amendment to
21 the Commission bill, or a motion to postpone,
22 or a motion to proceed to the consideration of
23 other business, or a motion to recommit the
24 Commission bill, is not in order.

1 (E) VOTE ON PASSAGE.—If the Senate has
2 voted to proceed to the Commission bill, the
3 vote on passage of the Commission bill shall
4 occur immediately following the conclusion of
5 the debate on a Commission bill, and a single
6 quorum call at the conclusion of the debate if
7 requested. The vote on passage of the Commis-
8 sion bill shall occur not later than 60 days after
9 the date on which the Commission bill is dis-
10 charged from all committees to which the Com-
11 mission bill was referred.

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

18 (4) AMENDMENT.—The Commission bill shall
19 not be subject to amendment in either the House of
20 Representatives or the Senate.

21 (5) CONSIDERATION BY THE OTHER HOUSE.—

22 (A) IN GENERAL.—If, before passing the
23 Commission bill, one House receives from the
24 other a Commission bill—

1 (i) the Commission bill of the other
2 House shall not be referred to a com-
3 mittee; and

4 (ii) the procedure in the receiving
5 House shall be the same as if no Commis-
6 sion bill had been received from the other
7 House until the vote on passage, when the
8 Commission bill received from the other
9 House shall supplant the Commission bill
10 of the receiving House.

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

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

17 (A) TREATMENT OF COMMISSION BILL OF
18 OTHER HOUSE.—If the Senate fails to introduce
19 or consider a Commission bill under this sec-
20 tion, the Commission bill of the House shall be
21 entitled to expedited floor procedures under this
22 section.

23 (B) TREATMENT OF COMPANION MEAS-
24 URES IN THE SENATE.—If following passage of
25 the Commission bill in the Senate, the Senate

1 then receives the Commission bill from the
2 House of Representatives, the House-passed
3 Commission bill shall not be debatable. The
4 vote on passage of the Commission bill in the
5 Senate shall be considered to be the vote on
6 passage of the Commission bill received from
7 the House of Representatives.

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

13 (j) NOTICE TO REGULATORY AGENCIES.—

14 (1) ENACTMENT OF COMMISSION BILL.—If the
15 Commission bill is enacted into law, the President
16 shall—

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

19 (i) provide notice to the affected regu-
20 latory agencies; and

21 (ii) publish notice of enactment in the
22 Federal Register and online; and

23 (B) require affected regulatory agencies to
24 implement the Commission bill not later than

1 60 days after the date on which the Commis-
2 sion bill is enacted into law.

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

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

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

12 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

1 Commission, or any member designated by a major-
2 ity of the Commission.

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

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

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

14 (e) SPACE FOR USE OF COMMISSION.—Not later
15 than the expiration of the 30-day period which begins on
16 the date of the enactment of this Act, the Architect of
17 the Capitol and the Administrator of General Services
18 shall support on a reimbursable basis the operations of
19 the Commission, including the identification of suitable
20 space to house the Commission. If the Architect and the
21 Administrator are not able to make such suitable space
22 available prior to the expiration of such 30-day period, the
23 Commission shall lease space to the extent that funds are
24 available.

1 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

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

9 (b) TRAVEL EXPENSES.—The members of the Com-
10 mission shall be allowed travel expenses, including per
11 diem in lieu of subsistence, at rates authorized for employ-
12 ees of agencies under subchapter I of chapter 57 of title
13 5, United States Code, while away from their homes or
14 regular places of business in the performance of services
15 for the Commission.

16 (c) STAFF.—

17 (1) IN GENERAL.—The Chairman of the Com-
18 mission may, without regard to the civil service laws
19 and regulations, appoint and terminate an executive
20 director and such other additional personnel as may
21 be necessary to enable the Commission to perform
22 its duties. The employment of an executive director
23 shall be subject to confirmation by the Commission.

24 (2) COMPENSATION.—The Chairman of the
25 Commission may fix the compensation of the execu-
26 tive director and other personnel without regard to

1 chapter 51 and subchapter III of chapter 53 of title
2 5, United States Code, relating to classification of
3 positions and General Schedule pay rates, except
4 that the rate of pay for the executive director and
5 other personnel may not exceed the rate payable for
6 level V of the Executive Schedule under section 5316
7 of such title.

8 (3) AGENCY ASSISTANCE.—Following consulta-
9 tion with and upon the request of the Chairman of
10 the Commission, the head of any agency may detail
11 an employee of the agency to the Commission with-
12 out reimbursement, and such detail shall be without
13 interruption or loss of civil service status or privi-
14 lege.

15 (4) GAO AND OIRA ASSISTANCE.—The Comp-
16 troller General of the United States and the Admin-
17 istrator of the Office of Information and Regulatory
18 Affairs may, upon request, provide assistance, in-
19 cluding the detailing of employees, to the Commis-
20 sion in accordance with an agreement entered into
21 with the Commission.

22 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
23 TENT SERVICES.—The Chairman of the Commission may
24 procure temporary and intermittent services under section
25 3109(b) of title 5, United States Code, at rates for individ-

1 uals which do not exceed the daily equivalent of the annual
2 rate of basic pay prescribed for level V of the Executive
3 Schedule under section 5316 of such title.

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

7 (f) ADMINISTRATIVE SUPPORT.—The Administrator
8 of General Services shall provide to the Commission, on
9 a reimbursable basis, the administrative support services
10 necessary for the Commission to carry out its responsibil-
11 ities under this Act.

12 (g) APPLICATION OF CONGRESSIONAL ACCOUNT-
13 ABILITY ACT OF 1995.—For purposes of the Congres-
14 sional Accountability Act of 1995 (2 U.S.C. 1301 et
15 seq.)—

16 (1) the Commission shall be considered an em-
17 ploying office; and

18 (2) the employees of the Commission shall be
19 considered covered employees.

20 **SEC. 8. TERMINATION OF THE COMMISSION.**

21 The Commission shall terminate 90 days after the
22 date on which the Commission submits the report pursu-
23 ant to section 5(h).

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.

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