

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1155
OFFERED BY MR. MURPHY OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Regulatory Improve-
3 ment Act of 2015”.

4 SEC. 2. DEFINITIONS.

5 In this Act—

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

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

13 (3) the term “covered regulation” means a reg-
14 ulation that has been finalized not later than 10
15 years before the date on which the Commission is es-
16 tablished.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

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

5 (b) **MEMBERSHIP.**—

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

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

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

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

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

17 (E) 2 members shall be appointed by the
18 minority leader of the House of Representa-
19 tives.

20 (2) **DATE.**—The appointment of the members
21 of the Commission shall be made not later than 60
22 days after the date of enactment of this Act.

23 (3) **QUALIFICATIONS.**—

24 (A) **CHAIR.**—The Chair of the Commission
25 shall be an individual with expertise and experi-
26 ence in rulemaking, such as past Administra-

1 tors of the Office of Information and Regu-
2 latory Affairs, past chairmen of the Administra-
3 tive Conference of the United States, and other
4 individuals with similar expertise and experi-
5 ence in rulemaking affairs and the administra-
6 tion of regulatory reviews.

7 (B) MEMBERS.—Members appointed to the
8 Commission shall be prominent citizens of the
9 United States with national recognition and a
10 significant depth of experience and responsibil-
11 ities in matters relating to government service,
12 regulatory policy, economics, Federal agency
13 management, public administration, and law.

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

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 compliance costs, encouraging growth and
17 innovation, and improving competitiveness, all while pro-
18 tecting public health and safety.

19 (b) REQUIREMENTS.—In carrying out subsection (a),
20 the Commission shall—

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

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

1 (B) impose substantial paperwork burdens;

2 or

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

5 (2) solicit and review comments from the public
6 on the covered regulations described this section;

7 and

8 (3) develop a set of covered regulations to mod-
9 ify, consolidate, or repeal to be submitted to Con-
10 gress for an up-or-down vote.

11 (c) PUBLIC COMMENTS.—

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

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

24 (3) LENGTH OF PUBLIC COMMENT PERIOD.—
25 The period for the submission of recommendations

1 under this subsection shall end 120 days after the
2 date on which the process is initiated under para-
3 graph (1).

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

9 (d) COMMISSION OUTREACH.—

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

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

1 (e) COMMISSION REVIEW OF PUBLIC COMMENTS.—
2 Not later than 45 days after the date on which the period
3 for the submission of recommendations ends under sub-
4 section (e), the Commission shall convene to review sub-
5 mitted recommendations and to identify covered regula-
6 tions to modify, consolidate, or eliminate.

7 (f) EXAMINATION OF REGULATIONS.—

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

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

19 (g) INITIAL REPORT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date on which the Commission convenes under
22 subsection (e), the Commission shall publish, and
23 make available to the public for comment, a report,
24 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 required under
10 paragraph (1) shall be approved by not fewer than
11 5 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 website of the Commission
15 and in printed form.

16 (4) PUBLIC COMMENT PERIOD.—During the
17 90-day period beginning on the date on which the
18 report required under paragraph (1) is published,
19 the Commission shall—

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

23 (B) publish any comments received under
24 subparagraph (A) in the Federal Register and
25 the website of the Commission.

1 (5) CONSULTATION.—

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

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

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

18 (ii) the opportunity for the chair and
19 ranking member of the committees of ju-
20 risdiction to provide recommendations for
21 alternative means of achieving a reduction
22 in regulatory costs while maintaining the
23 same level of benefits to society.

24 (h) REPORT TO CONGRESS.—

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

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

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

9 (C) submit the revised report to Congress.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) CONSIDERATION IN THE SENATE.—

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

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

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

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

10 (C) CONSIDERATION.—All points of order
11 against the commission bill and against consid-
12 eration of the commission bill are waived. Con-
13 sideration of the commission bill and of all de-
14 batable motions and appeals in connection
15 therewith shall not exceed a total of 10 hours
16 which shall be divided equally between the Ma-
17 jority and Minority Leaders or their designees.
18 A motion further to limit debate on the com-
19 mission bill is in order, shall require an affirma-
20 tive vote of a majority of the Members duly
21 chosen and sworn, and is not debatable. Any
22 debatable motion or appeal is debatable for not
23 to exceed 1 hour, to be divided equally between
24 those favoring and those opposing the motion or
25 appeal. All time used for consideration of the

1 commission bill, including time used for quorum
2 calls and voting, shall be counted against the
3 total 10 hours of consideration.

4 (D) NO AMENDMENTS.—An amendment to
5 the commission bill, or a motion to postpone, or
6 a motion to proceed to the consideration of
7 other business, or a motion to recommit the
8 commission bill, is not in order.

9 (E) VOTE ON PASSAGE.—If the Senate has
10 voted to proceed to the commission bill, the vote
11 on passage of the commission bill shall occur
12 immediately following the conclusion of the de-
13 bate on a commission bill, and a single quorum
14 call at the conclusion of the debate if requested.
15 The vote on passage of the commission bill shall
16 occur not later than 60 days after the date on
17 which the commission bill is discharged from all
18 committees to which the commission bill was re-
19 ferred.

20 (F) RULINGS OF THE CHAIR ON PROCE-
21 DURE.—Appeals from the decisions of the Chair
22 relating to the application of the rules of the
23 Senate, as the case may be, to the procedure re-
24 lating to a commission bill shall be decided
25 without debate.

1 (4) AMENDMENT.—The commission bill shall
2 not be subject to amendment in either the House of
3 Representatives or the Senate.

4 (5) CONSIDERATION BY THE OTHER HOUSE.—

5 (A) IN GENERAL.—If, before passing the
6 commission bill, one House receives from the
7 other a commission bill—

8 (i) the commission bill of the other
9 House shall not be referred to a com-
10 mittee; and

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

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

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

24 (A) TREATMENT OF COMMISSION BILL OF
25 OTHER HOUSE.—If the Senate fails to introduce

1 or consider a commission bill under this section,
2 the commission bill of the House shall be enti-
3 tled to expedited floor procedures under this
4 section.

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

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

20 (j) NOTICE TO REGULATORY AGENCIES.—

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

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

1 (i) provide notice to the affected regu-
2 latory agencies; and

3 (ii) publish notice of enactment in the
4 Federal Register and online;

5 (B) require affected regulatory agencies to
6 implement the commission bill not later than
7 180 days after the date on which the commis-
8 sion bill is enacted into law.

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

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

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

20 (2) subsection (i) shall apply to the commission
21 bill during the succeeding Congress.

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

23 (a) HEARINGS.—The Commission may hold such
24 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers advisable to carry out this Act.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

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

23 (c) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as other departments and agencies of
2 the Federal Government.

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

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

14 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

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

22 (b) TRAVEL EXPENSES.—The members of the Com-
23 mission shall be allowed travel expenses, including per
24 diem in lieu of subsistence, at rates authorized for employ-
25 ees of agencies under subchapter I of chapter 57 of title

1 5, United States Code, while away from their homes or
2 regular places of business in the performance of services
3 for the Commission.

4 (c) STAFF.—

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

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

22 (3) AGENCY ASSISTANCE.—Following consulta-
23 tion with and upon the request of the Chairman of
24 the Commission, the head of any agency may detail
25 an employee of the agency to the Commission with-

1 out reimbursement, and such detail shall be without
2 interruption or loss of civil service status or privi-
3 lege.

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

11 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
12 TENT SERVICES.—The Chairman of the Commission may
13 procure temporary and intermittent services under section
14 3109(b) of title 5, United States Code, at rates for individ-
15 uals which do not exceed the daily equivalent of the annual
16 rate of basic pay prescribed for level V of the Executive
17 Schedule under section 5316 of such title.

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

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

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

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

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **IN GENERAL.**—There are authorized to be appro-
7 priated such sums as may be necessary to the Commission
8 to carry out this Act.

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

