

**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

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, all while protecting pub-
17 lic health and safety, encouraging growth and innovation,
18 and improving competitiveness.

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 effective-
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) NOTICE TO REGULATORY AGENCIES.—

1 (1) ENACTMENT OF COMMISSION BILL.—If the
2 commission bill is enacted into law before the first
3 date on which Congress adjourns sine die after such
4 bill is introduced, the President shall—

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

7 (i) provide notice to the affected regu-
8 latory agencies; and

9 (ii) publish notice of enactment in the
10 Federal Register and online;

11 (B) require affected regulatory agencies to
12 implement the commission bill not later than
13 180 days after the date on which the commis-
14 sion bill is enacted into law.

15 (2) FAILURE TO ENACT COMMISSION BILL.—If
16 the commission bill is not enacted into law before
17 the first date on which Congress adjourns sine die
18 after such bill is introduced, the President shall pro-
19 vide notice of such failure to enact the commission
20 bill in the Federal Register.

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

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

1 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

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

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 (3) AGENCY ASSISTANCE.—Following consulta-
22 tion with and upon the request of the Chairman of
23 the Commission, the head of any agency may detail
24 an employee of the agency to the Commission with-
25 out reimbursement, and such detail shall be without

1 interruption or loss of civil service status or privi-
2 lege.

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

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

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

20 (f) ADMINISTRATIVE SUPPORT.—Upon the request of
21 the Commission, the Administrator of General Services
22 shall provide to the Commission, on a reimbursable basis,
23 the administrative support services necessary for the Com-
24 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.

