

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 712) TO IMPOSE CERTAIN LIMITATIONS ON CONSENT DECREES AND SETTLEMENT AGREEMENTS BY AGENCIES THAT REQUIRE THE AGENCIES TO TAKE REGULATORY ACTION IN ACCORDANCE WITH THE TERMS THEREOF, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1155) TO PROVIDE FOR THE ESTABLISHMENT OF A PROCESS FOR THE REVIEW OF RULES AND SETS OF RULES, AND FOR OTHER PURPOSES

JANUARY 5, 2016.—Referred to the House Calendar and ordered to be printed

Mr. COLLINS of Georgia, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 580]

The Committee on Rules, having had under consideration House Resolution 580, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 712, the Sunshine for Regulatory Decrees and Settlements Act of 2015, under a structured rule. The resolution provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-37 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the

Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 1155, the SCRUB Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided among and controlled by the chairs and ranking minority members of the Committee on the Judiciary and the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 712, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 712 made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. However, it is important to note that Rules Committee Print 114-37 contains the texts of H.R. 712 and H.R. 690 as reported by the Committee on the Judiciary, and H.R. 1759 as reported by the Committees on Oversight and Government Reform and the Judiciary; with conforming changes.

Although the resolution waives all points of order against the amendments to H.R. 712 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 1155, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1155, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 1155 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 134

Motion by Ms. Slaughter to report open rules for H.R. 712 and H.R. 1155. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 135

Motion by Ms. Foxx to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 712 IN PART A MADE IN ORDER

1. Goodlatte (VA), Chaffetz (UT): MANAGER'S Includes a small number of revisions in the nature of technical and conforming changes to clarify provisions that state deadlines, reformat section nomenclature and headings, and improve typography or grammar. (10 minutes)

2. Johnson, Hank (GA): Inserts an exception for any rule, consent decree, or settlement agreement that the Director of the Office of Management and Budget determines would result in net job creation and whose benefits exceeds its costs. (10 minutes)

3. Cummings (MD), Connolly (VA): Strikes section 653 as created by Title II of the bill (Requirement for Rules to Appear in Agency-Specific Monthly Publications). (10 minutes)

4. Lynch (MA): Amends Title II of H.R. 712 by requiring federal agencies to provide an estimate of the benefits of proposed regulations. Would also require the Office of Information and Regulatory Affairs to include the total benefits of proposed and final agency rules in the annual cumulative assessment of agency rule making required by the bill. (10 minutes)

5. Foxx (NC), Messer, Luke (IN): Requires monthly reporting of unfunded mandates by agencies to OIRA; requires reporting of un-

funded mandates imposed in OIRA's annual cumulative assessment of agency rule making. (10 minutes)

6. Jackson Lee (TX): Clarifies that the exception to the rule should take effect in the event that there is a threat to health or safety or other emergency and not only when such threat is imminent. (10 minutes)

7. Cummings (MD), Connolly (VA): Exempts independent establishments from the requirements of Title II of the bill. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 1155 IN PART B MADE IN ORDER

1. Foxx (NC), Messer, Luke (IN): Adds consideration of unfunded mandates to the Commission's review of rules. (10 minutes)

2. Schweikert (AZ): Adds a new subsection (I) under 101(h)(2) requiring the commission to consider rules that are limiting or prohibiting government agencies from adopting technology to improve efficiency and effectiveness. (10 minutes)

3. Walberg (MI): Directs the Commission to highlight the role regulations have on wage stagnation and income inequality by examining the negative impact of regulations on wages, including wages for minimum wage and part-time workers. (10 minutes)

4. Johnson, Hank (GA): Strikes title II of the bill, eliminating the legislation's regulatory "cut-go" process, which requires that agencies eliminate rules identified by the Regulatory Retrospective Review Commission prior to issuing a new rule. (10 minutes)

5. Cummings (MD), Connolly (VA): Strikes Title IV of the bill (Judicial Review). (10 minutes)

6. Cummings (MD), Connolly (VA): Exempts independent establishments from the requirements of the bill. (10 minutes)

7. Cicilline (RI): Exempts rules made by the Secretary of Veterans Affairs from the additional provisions of the legislation. (10 minutes)

8. DelBene (WA): Creates an exemption from regulatory "cut-go" requirements in the case of an emergency. (10 minutes)

9. Jackson Lee (TX): Provides that the term "rule" has the meaning given in section 551 of title 5, United States Code, except for a special rule as made by the Secretary of Homeland Security. (10 minutes)

10. Pocan (WI): Exempts from the bill rules put forth by the FDA for the purposes of consumer safety. (10 minutes)

11. Murphy, Patrick (FL), Carney (DE), Peters, Scott (CA): SUBSTITUTE Establishes an independent advisory committee to review certain regulations, and for other purposes. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 712 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 5, strike the comma after "chapter 6".

Page 16, after line 10, strike the table of sections for chapter 6A of title 5, United States Code, as inserted by section 202(a) of the bill, and insert the following:

"651. Agency monthly submission to Office of Information and Regulatory Affairs.
"652. Office of Information and Regulatory Affairs publications.

“653. Requirement for rules to appear in agency-specific monthly publication.

“654. Definitions.

Page 16, line 11, strike “**SEC. 651. AGENCY MONTHLY SUBMISSION TO OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**” and insert “**§ 651. Agency monthly submission to Office of Information and Regulatory Affairs**”.

Page 16, line 19, strike “following year” and insert “12-month period following the month covered by the monthly submission”.

Page 17, line 19, strike “for which” and insert “that”.

Page 17, line 20, strike “the following year and has issued” and insert “the 12-month period following the month covered by the monthly submission and for which the agency has issued”.

Page 18, line 17, strike “rule. If such estimate is not” and insert “rule, or, if no such estimate is”.

Page 18, line 22, strike “**SEC. 652. OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATIONS.**” and insert “**§ 652. Office of Information and Regulatory Affairs publications**”.

Page 19, line 8, insert after a comma “shall publish”.

Page 19, line 9, strike “for the previous year the following:” and insert the following: “the following, with respect to the previous year:”.

Page 22, line 1, strike “**SEC. 653. REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION.**” and insert “**§ 653. Requirement for rules to appear in agency-specific monthly publication**”.

Page 22, line 21, strike “**SEC. 654. DEFINITIONS.**” and insert “**§ 654. Definitions**”.

Page 23, line 2, strike the comma after “chapter 5”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the table of contents of the bill, insert after item pertaining to section 302 the following:

TITLE IV—GENERAL EXEMPTION FOR CERTAIN RULES

Sec. 401. Exemption of certain rules, and consent decrees or settlement agreements, from the provisions of this Act.

Add, at the end of the bill, the following:

TITLE IV—GENERAL EXEMPTION FOR CERTAIN RULES

SEC. 401. EXEMPTION OF CERTAIN RULES, AND CONSENT DECREES OR SETTLEMENT AGREEMENTS, FROM THE PROVISIONS OF THIS ACT.

Notwithstanding any other provision of law, the provisions of this Act and the amendments made by this Act shall not apply in the case of a rule that the Director of the Office of Management and Budget determines would result in net job creation and whose benefits exceeds its cost, or a consent decree or settlement agreement pertaining to such a rule. In the case of such a rule, consent decree, or settlement agreement, the provisions of law amended by

this Act shall apply as though such amendments had not been made.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, strike the table of sections for chapter 6A of title 5, United States Code, as inserted by section 202(a) of the bill, and insert the following:

“651. Agency monthly submission to Office of Information and Regulatory Affairs.

“652. Office of Information and Regulatory Affairs publications.

“653. Definitions.

Page 22, strike line 1, and all that follows through line 20. amend the table of contents accordingly.

Page 22, line 21, strike “SEC. 654. DEFINITIONS” and insert “§ 653. Definitions”.

Page 24, strike line 8 and all that follows through line 12.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, line 12, strike “and”.

Page 18, line 21, strike the period and insert “; and”.

Page 18, after line 21, insert the following:

“(D) any estimate of the benefits of the rule.

Page 20, after line 21, insert the following:

“(E) The total benefits of all rules proposed or finalized, and the number of rules for which an estimate of the benefits of the rule was not available.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, line 14, insert after “including” the following: “the imposition of unfunded mandates and”.

Page 20, line 19, insert after “or finalized,” the following: “the total cost of any unfunded mandates imposed by all such rules,”.

Page 22, line 24, insert after “section 551” the following: “, and the term ‘unfunded mandate’ has the meaning given the term ‘Federal mandate’ in section 421(6) of the Congressional Budget Act of 1974 (2 U.S.C. 658(6)).”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, line 14, strike “an imminent” and insert “a”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, line 24, insert before the period the following: “, except that the term ‘agency’ does not include an independent establishment as defined in section 104”.

PART B—TEXT OF AMENDMENTS TO H.R. 1155 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 13, insert after “paperwork burdens” the following “or unfunded mandates”.

Page 11, line 12, insert after “enforcement” the following: “, imposition of unfunded mandates,”.

Page 12, line 9, insert after “excessive compliance costs” the following: “, imposes unfunded mandates,”.

Page 25, insert after line 4 the following:

(n) DEFINITION.—In this section, the term “unfunded mandate” has the meaning given the term “Federal mandate” in section 421(6) of the Congressional Budget Act of 1974 (2 U.S.C. 658(6)).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 13, insert after line 12 the following:

(I) Whether or not the rule or set of rules limits or prevents an agency from applying new or emerging technologies to improve efficiency and effectiveness of government.

Page 13, line 13, strike “(I)” and insert “(J)”.

Page 17, line 24, strike “(G), or (H)” and insert “(G), (H), or (I)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALBERG OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 13, insert after line 12 the following:

(I) Whether the rule or set of rules harms wage growth, including wage growth for minimum wage and part-time workers.

Page 13, line 13, strike “(I)” and insert “(J)”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 25, strike line 5, and all that follows through page 27, line 13.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike title IV.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, line 22, insert before the period the following: “, except that the term does not include an independent establishment as defined in section 104 of such title”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, line 21, insert after “Code” the following: “, except for a special rule”.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term “special rule” means a rule made by the Secretary of Veterans Affairs.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELBENE OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, line 21, insert after “Code” the following: “, except for a special rule”.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term “special rule” means a rule made by an agency in response to an emergency.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, line 21, insert after “Code” the following: “, except for a special rule”.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term “special rule” means a rule made by the Secretary of Homeland Security.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POCAN OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, line 21, insert after “Code” the following: “, except for a special rule”.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term “special rule” means a rule pertaining to consumer safety made by the Commissioner of Food and Drugs, including any rule made under the FDA Food Safety Modernization Act.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulatory Improvement Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Commission” means the Regulatory Improvement Commission established under section 3;

(2) the term “commission bill” means a bill consisting of the proposed legislative language of the Commission recommended under section 4(h)(2)(C); and

(3) the term “covered regulation” means a regulation that has been finalized not later than 10 years before the date on which the Commission is established.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established in the legislative branch a commission to be known as the “Regulatory Improvement Commission”.

(b) **MEMBERSHIP.**—

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

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

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

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

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

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

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

(3) **QUALIFICATIONS.**—

(A) **CHAIR.**—The Chair of the Commission shall be an individual with expertise and experience in rulemaking, such as past Administrators of the Office of Information and Regulatory Affairs, past chairmen of the Administrative Conference of the United States, and other individuals with similar expertise and experience in rulemaking affairs and the administration of regulatory reviews.

(B) **MEMBERS.**—Members appointed to the Commission shall be prominent citizens of the United States with national recognition and a significant depth of experience and responsibilities in matters relating to government service, regulatory policy, economics, Federal agency management, public administration, and law.

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

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

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

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

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

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

SEC. 4. DUTIES OF THE COMMISSION.

(a) **PURPOSE.**—The purpose of the Commission is to evaluate and provide recommendations for modification, consolidation, or repeal of covered regulations with the aim of reducing compliance costs, all while protecting public health and safety, encouraging growth and innovation, and improving competitiveness.

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

(1) give priority in its analysis of covered regulations to those that—

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

(B) impose substantial paperwork burdens; or

(C) could be strengthened in their effectiveness while reducing regulatory costs;

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

(3) develop a set of covered regulations to modify, consolidate, or repeal to be submitted to Congress for an up-or-down vote.

(c) **PUBLIC COMMENTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the initial meeting of the Commission, the Commission shall initiate a process to solicit and collect written recommendations from the general public, interested parties, Federal agencies, and other relevant entities regarding which covered regulations should be examined.

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

(3) **LENGTH OF PUBLIC COMMENT PERIOD.**—The period for the submission of recommendations under this subsection shall end 120 days after the date on which the process is initiated under paragraph (1).

(4) **PUBLICATION.**—At the end of the period for the submission of recommendations under this subsection, all submitted recommendations shall be published in the Federal Register and on the website of the Commission.

(d) **COMMISSION OUTREACH.**—

(1) **IN GENERAL.**—During the public comment period described in subsection (c), the Commission shall conduct public outreach and convene focus groups to better inform the commissioners of the public's interest and possible contributions to the work of the Commission.

(2) **FOCUS GROUPS.**—The focus groups required under paragraph (1) shall include individuals affiliated with the Office of Information and Regulatory Affairs, the Administrative Conference of the United States, the offices within Federal agencies responsible for small business affairs and regulatory compliance, and, at the discretion of the Commission, other relevant stakeholders from within or outside the regulatory entities.

(e) **COMMISSION REVIEW OF PUBLIC COMMENTS.**—Not later than 45 days after the date on which the period for the submission of

recommendations ends under subsection (c), the Commission shall convene to review submitted recommendations and to identify covered regulations to modify, consolidate, or eliminate.

(f) EXAMINATION OF REGULATIONS.—

(1) PROCESS FOR EXAMINATION.—In examining covered regulations under this section, the Commission shall determine the effectiveness of individual covered regulations, by using multiple resources, including quantitative metrics, testimony from industry and agency experts, and research from the staff of the Commission.

(2) DEADLINE.—Not later than 1 year after the date on which the Commission convenes under subsection (e), the Commission shall complete a substantial examination of covered regulations.

(g) INITIAL REPORT.—

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

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

(B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations.

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

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

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

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

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

(5) CONSULTATION.—

(A) IN GENERAL.—Not later than 90 days after the date on which the report required under paragraph (1) is published, the Commission shall complete a consultation with the chairman and ranking member of the committees of jurisdiction in the House of Representatives and Senate regarding the contents of the report.

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

(i) the opportunity for the chair and ranking 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); and

(ii) the opportunity for the chair and ranking member of the committees of jurisdiction to provide recommendations for alternative means of achieving a reduction in regulatory costs while maintaining the same level of benefits to society.

(h) REPORT TO CONGRESS.—

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

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

(B) incorporate any relevant comments received under subsection (g)(4) into the report required under subsection (g)(1); and

(C) submit the revised report to Congress.

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

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

(B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations; and

(C) recommended legislative language to implement the recommendations in subparagraph (B).

(i) NOTICE TO REGULATORY AGENCIES.—

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

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

(i) provide notice to the affected regulatory agencies; and

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

(B) require affected regulatory agencies to implement the commission bill not later than 180 days after the date on which the commission bill is enacted into law.

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

SEC. 5. POWERS OF THE COMMISSION.

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

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates,

and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

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

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

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

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

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

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

(3) AGENCY ASSISTANCE.—Following consultation with and upon the request of the Chairman of the Commission, the head of any agency may detail an employee of the agency to the

Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) GAO AND OIRA ASSISTANCE.—The Comptroller General of the United States and the Administrator of the Office of Information and Regulatory Affairs shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

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

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

SEC. 7. TERMINATION OF THE COMMISSION.

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

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