

105TH CONGRESS
1ST SESSION

S. 577

To increase the efficiency and effectiveness of the Federal Government, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 1997

Mr. GLENN (for himself and Mr. LIEBERMAN) introduced the following bill;
which was read twice and referred to the Committee on Governmental Affairs

A BILL

To increase the efficiency and effectiveness of the Federal
Government, 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 AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Government Restructuring and Reform Act of 1997”.

6 (b) PURPOSE.—The purpose of this Act is to increase
7 the efficiency and effectiveness of the Federal Government
8 by consolidating redundant programs, departments and
9 agencies, eliminating obsolete programs, departments and
10 agencies, streamlining operations, improving management

1 and personnel systems, and promoting economy, effi-
 2 ciency, consistency, and accountability in Government pro-
 3 grams and services.

4 **SEC. 2. THE COMMISSION.**

5 (a) ESTABLISHMENT.—There is established an inde-
 6 pendent commission to be known as the Commission on
 7 Government Restructuring and Reform (hereafter in this
 8 Act referred to as the “Commission”).

9 (b) DUTIES.—The Commission shall examine and
 10 make recommendations to reform and restructure the or-
 11 ganization and operations of the executive branch of the
 12 Federal Government to improve economy, efficiency, effec-
 13 tiveness, consistency, and accountability in Government
 14 programs and services, and shall include and be limited
 15 to proposals to—

16 (1) consolidate, eliminate, or reorganize pro-
 17 grams, departments and agencies in order to—

18 (A) improve the effective implementation
 19 of their statutory missions;

20 (B) eliminate activities not essential to the
 21 effective implementation of statutory missions;

22 or

23 (C) reduce the duplication of activities
 24 among agencies;

1 (2) improve and strengthen management capac-
2 ity in departments and agencies (including central
3 management agencies) to maximize productivity, ef-
4 fectiveness, and accountability;

5 (3) propose criteria for use by the President
6 and Congress in evaluating proposals to establish, or
7 to assign a function to, an executive entity, including
8 a Government corporation or Government-sponsored
9 enterprise; and

10 (4) define the missions, roles, and responsibil-
11 ities of any new, reorganized, or consolidated depart-
12 ment or agency proposed by the Commission.

13 (c) LIMITATIONS ON COMMISSION RECOMMENDA-
14 TIONS.—The Commission’s recommendations or proposals
15 under this Act may not provide for or have the effect of—

16 (1) continuing an agency beyond the period au-
17 thorized by law for its existence;

18 (2) continuing a function beyond the period au-
19 thorized by law for its existence;

20 (3) authorizing an agency to exercise a function
21 which is not already being performed by any agency;

22 (4) eliminating the enforcement functions of an
23 agency, except such functions may be transferred to
24 another executive department or independent agen-
25 cy; or

1 (5) adding, deleting, or changing any rule of ei-
2 ther House of Congress.

3 (d) APPOINTMENT.—

4 (1) COMPOSITION.—

5 (A) The Commission shall be composed of
6 9 members. No more than 5 members shall be
7 affiliated with any one political party.

8 (B) Three members shall be appointed by
9 the President, one of whom the President shall
10 designate as the Chairman of the Commission
11 in consultation with the congressional leader-
12 ship of both political parties.

13 (C) One member shall be appointed by the
14 Majority Leader and one by the Minority Lead-
15 er of the Senate. One member shall be ap-
16 pointed by the Speaker and one by the Minority
17 Leader of the House of Representatives. One
18 member shall be appointed by the Speaker of
19 the House of Representatives in concurrence
20 with the Majority Leader of the Senate. One
21 member shall be appointed by the Minority
22 Leader of the Senate in concurrence with the
23 Minority Leader of the House of Representa-
24 tives.

1 (2) MEMBERSHIP.—A member of the Commis-
2 sion may be any citizen of the United States, includ-
3 ing any elected or appointed public official, career
4 civil servant, or private citizen.

5 (3) CONFLICT OF INTERESTS.—For purposes of
6 the provisions of chapter 11 of part I of title 18,
7 United States Code, a member of the Commission
8 (to whom such provisions would not otherwise apply
9 except for this paragraph) shall be a special Govern-
10 ment employee.

11 (4) DATE OF APPOINTMENTS.—All members of
12 the Commission shall be appointed within 90 days
13 after the date of enactment of this Act.

14 (e) TERMS.—Each member shall serve until the ter-
15 mination of the Commission.

16 (f) VACANCIES.—A vacancy on the Commission shall
17 be filled in the same manner as was the original appoint-
18 ment.

19 (g) MEETINGS.—The Commission shall meet as nec-
20 essary to carry out its responsibilities. The Commission
21 may conduct meetings outside the District of Columbia
22 when necessary.

23 (h) PAY AND TRAVEL EXPENSES.—

24 (1) PAY.—(A) Except for an individual who is
25 chairman of the Commission and is otherwise a Fed-

1 eral officer or employee, the chairman shall be paid
2 at a rate equal to the daily equivalent of the mini-
3 mum annual rate of basic pay payable for level III
4 of the Executive Schedule under section 5314 of title
5 5, United States Code, for each day (including trav-
6 eltime) during which the chairman is engaged in the
7 performance of duties vested in the Commission.

8 (B) Except for the chairman who shall be paid
9 as provided under subparagraph (A), each member
10 of the Commission who is not a Federal officer or
11 employee shall be paid at a rate equal to the daily
12 equivalent of the minimum annual rate of basic pay
13 payable for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code, for each
15 day (including traveltime) during which the member
16 is engaged in the performance of duties vested in the
17 Commission.

18 (2) TRAVEL.—Members of the Commission
19 shall receive travel expenses, including per diem in
20 lieu of subsistence, in accordance with sections 5702
21 and 5703 of title 5, United States Code.

22 (i) DIRECTOR.—

23 (1) APPOINTMENT.—The Chairman of the
24 Commission shall appoint a Director of the Commis-

1 sion without regard to section 5311(b) of title 5,
2 United States Code.

3 (2) PAY.—The Director shall be paid at the
4 rate of basic pay payable for level IV of the Execu-
5 tive Schedule under section 5315 of title 5, United
6 States Code.

7 (j) STAFF.—

8 (1) APPOINTMENT.—The Director may, with
9 the approval of the Commission, appoint and fix the
10 pay of employees of the Commission without regard
11 to the provisions of title 5, United States Code, gov-
12 erning appointment in the competitive service, and
13 any Commission employee may be paid without re-
14 gard to the provisions of chapter 51 and subchapter
15 III of chapter 53 of that title relating to classifica-
16 tion and General Schedule pay rates, except that a
17 Commission employee may not receive pay in excess
18 of the annual rate of basic pay payable for level V
19 of the Executive Schedule under section 5316 of title
20 5, United States Code.

21 (2) DETAIL.—(A) Upon request of the Direc-
22 tor, the head of any Federal department or agency
23 may detail any of the personnel of the department
24 or agency to the Commission to assist the Commis-
25 sion in carrying out its duties under this Act.

1 (B) Upon request of the Director, a Member of
2 Congress or an officer who is the head of an office
3 of the Senate or House of Representatives may de-
4 tail an employee of the office or committee of which
5 such Member or officer is the head to the Commis-
6 sion to assist the Commission in carrying out its du-
7 ties under this Act.

8 (C) Any Federal Government employee may be
9 detailed to the Commission with or without reim-
10 bursement, and such detail shall be without inter-
11 ruption or loss of civil service status or privilege.

12 (k) SUPPORT.—

13 (1) SUPPORT SERVICES.—The Office of Man-
14 agement and Budget shall provide support services
15 to the Commission.

16 (2) ASSISTANCE.—The Comptroller General of
17 the United States may provide assistance, including
18 the detailing of employees, to the Commission in ac-
19 cordance with an agreement entered into with the
20 Commission.

21 (l) OTHER AUTHORITY.—The Commission may pro-
22 cure by contract, to the extent funds are available, the
23 temporary or intermittent services of experts or consult-
24 ants pursuant to section 3109 of title 5, United States

1 Code. The Commission shall give public notice of any such
 2 contract before entering into such contract.

3 (m) APPLICATION OF FEDERAL ADVISORY COMMIT-
 4 TEE ACT.—The Commission shall be subject to the provi-
 5 sions of the Federal Advisory Committee Act (5 U.S.C.
 6 App.).

7 (n) FUNDING.—There are authorized to be appro-
 8 priated to the Commission \$5,000,000 for fiscal year 1998
 9 and \$5,000,000 for fiscal year 1999 to enable the Com-
 10 mission to carry out its duties under this Act.

11 (o) TERMINATION.—The Commission shall terminate
 12 no later than October 1, 1999.

13 **SEC. 3. DEFINITION.**

14 For purposes of this Act the term “agency” includes
 15 all Federal departments, independent agencies, Govern-
 16 ment-sponsored enterprises, and Government corpora-
 17 tions.

18 **SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.**

19 (a) PRESIDENTIAL RECOMMENDATIONS.—No later
 20 than July 1, 1998, the President may submit to the Com-
 21 mission a report making recommendations consistent with
 22 the criteria under section 2(b)(1). Such a report shall con-
 23 tain a single legislative proposal (including legislation pro-
 24 posed to be enacted) to implement those recommendations
 25 for which legislation is necessary or appropriate.

1 (b) IN GENERAL.—No later than December 1, 1998,
2 the Commission shall prepare and submit a single prelimi-
3 nary report to the President and Congress, which shall
4 include—

5 (1) a description of the Commission’s findings
6 and recommendations, taking into account any rec-
7 ommendations submitted by the President to the
8 Commission under subsection (a); and

9 (2) reasons for such recommendations.

10 (c) COMMISSION VOTES.—No legislative proposal or
11 preliminary or final report (including a final report after
12 disapproval) may be submitted by the Commission to the
13 President and the Congress without the affirmative vote
14 of at least 6 members.

15 (d) DEPARTMENT AND AGENCY COOPERATION.—All
16 Federal departments, agencies, and divisions and employ-
17 ees of all departments, agencies, and divisions shall co-
18 operate fully with all requests for information from the
19 Commission and shall respond to any such requests for
20 information expeditiously, or no later than 15 calendar
21 days or such other time agreed upon by the requesting
22 and requested parties.

23 **SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.**

24 (a) PRELIMINARY REPORT AND REVIEW PROCE-
25 DURE.—Any preliminary report submitted to the Presi-

1 dent and Congress under section 4(b) shall be made imme-
2 diately available to the public. During the 60-day period
3 beginning on the date on which the preliminary report is
4 submitted, the Commission shall announce and hold public
5 hearings for the purpose of receiving comments on the re-
6 ports.

7 (b) FINAL REPORT.—No later than 6 months after
8 the conclusion of the period for public hearing under sub-
9 section (a), the Commission shall prepare and submit a
10 final report to the President. Such report shall be made
11 available to the public on the date of submission to the
12 President. Such report shall include—

13 (1) a description of the Commission’s findings
14 and recommendations, including a description of
15 changes made to the report as a result of public
16 comment on the preliminary report;

17 (2) reasons for such recommendations; and

18 (3) a single legislative proposal (including legis-
19 lation proposed to be enacted) to implement those
20 recommendations for which legislation is necessary
21 or appropriate.

22 (c) EXTENSION OF FINAL REPORT.—By affirmative
23 vote pursuant to section 4(c), the Commission may extend
24 the deadline under subsection (b) by a period not to exceed
25 90 days.

1 (d) REVIEW BY THE PRESIDENT.—

2 (1) IN GENERAL.—No later than 30 calendar
3 days after receipt of a final report under subsection
4 (b), the President shall approve or disapprove the re-
5 port.

6 (2) APPROVAL.—If the report is approved, the
7 President shall submit the report to the Congress for
8 legislative action under section 6.

9 (3) DISAPPROVAL.—If the President dis-
10 approves a final report, the President shall report
11 specific issues and objections, including the reasons
12 for any changes recommended in the report, to the
13 Commission and the Congress.

14 (4) FINAL REPORT AFTER DISAPPROVAL.—The
15 Commission shall consider any issues or objections
16 raised by the President and may modify the report
17 based on such issues and objections. No later than
18 30 calendar days after receipt of the President's dis-
19 approval under paragraph (3), the Commission shall
20 submit the final report (as modified if modified) to
21 the President and to the Congress.

22 **SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM**
23 **PROPOSALS.**

24 (a) DEFINITIONS.—For purposes of this section—

1 (1) the term “implementation bill” means only
 2 a bill which is introduced as provided under sub-
 3 section (b), and contains the proposed legislation in-
 4 cluded in the final report submitted to the Congress
 5 under section 5(d) (2) or (4), without modification;
 6 and

7 (2) the term “calendar day of session” means
 8 a calendar day other than one on which either
 9 House is not in session because of an adjournment
 10 of more than three days to a date certain.

11 (b) INTRODUCTION, REFERRAL, AND REPORT OR
 12 DISCHARGE.—

13 (1) INTRODUCTION.—On the first calendar day
 14 of session on which both Houses are in session, on
 15 or immediately following the date on which a final
 16 report is submitted to the Congress under section
 17 5(d) (2) or (4), a single implementation bill shall be
 18 introduced (by request)—

19 (A) in the Senate by the Majority Leader
 20 of the Senate, for himself and the Minority
 21 Leader of the Senate, or by Members of the
 22 Senate designated by the Majority Leader and
 23 Minority Leader of the Senate; and

24 (B) in the House of Representatives by the
 25 Majority Leader of the House of Representa-

1 tives, for himself and the Minority Leader of
2 the House of Representatives, or by Members of
3 the House of Representatives designated by the
4 Majority Leader and Minority Leader of the
5 House of Representatives.

6 (2) REFERRAL.—The implementation bills in-
7 troduced under paragraph (1) shall be referred to
8 the appropriate committee of jurisdiction in the Sen-
9 ate and the appropriate committees of jurisdiction in
10 the House of Representatives. A committee to which
11 an implementation bill is referred under this para-
12 graph may report such bill to the respective House
13 with amendments proposed to be adopted. No such
14 amendment may be proposed unless such proposed
15 amendment is relevant to such bill.

16 (3) REPORT OR DISCHARGE.—If any committee
17 to which an implementation bill is referred has not
18 reported such bill by the end of the 30th calendar
19 day of session after the date of the introduction of
20 such bill, such committee shall be immediately dis-
21 charged from further consideration of such bill, and
22 upon being reported or discharged from all commit-
23 tees, such bill shall be placed on the appropriate cal-
24 endar.

25 (c) SENATE CONSIDERATION.—

1 (1) IN GENERAL.—On or after the fifth cal-
2 endar day of session after the date on which an im-
3 plementation bill is placed on the Senate calendar
4 under subsection (b)(3), it is in order (even if a pre-
5 vious motion to the same effect has been disagreed
6 to) for any Senator to make a privileged motion to
7 proceed to the consideration of the implementation
8 bill (but only on the day after the calendar day on
9 which such Senator announces on the floor of the
10 Senate an intention to make such motion). The mo-
11 tion is not debatable. All points of order against the
12 implementation bill (and against consideration of the
13 implementation bill) other than points of order
14 under Senate Rule 15, 16, or for failure to comply
15 with requirements of this section are waived. The
16 motion is not subject to a motion to postpone. A mo-
17 tion to reconsider the vote by which the motion to
18 proceed is agreed to or disagreed to shall not be in
19 order. If a motion to proceed to the consideration of
20 the implementation bill is agreed to, the Senate shall
21 immediately proceed to consideration of the imple-
22 mentation bill.

23 (2) DEBATE.—In the Senate, no amendment
24 which is not relevant to the bill shall be in order. A
25 motion to postpone is not in order. A motion to re-

1 commit the implementation bill is not in order. A
 2 motion to reconsider the vote by which the imple-
 3 mentation bill is agreed to or disagreed to is not in
 4 order.

5 (3) MOTION TO SUSPEND OR WAIVE APPLICA-
 6 TION.—No motion to suspend or waive the applica-
 7 tion of this subsection shall be in order, nor shall it
 8 be in order for the Presiding Officer to entertain a
 9 request to suspend the application of this subsection
 10 by unanimous consent.

11 (4) APPEALS FROM CHAIR.—Appeals from the
 12 decisions of the Chair relating to the application of
 13 the rules of the Senate to the procedure relating to
 14 an implementation bill shall be decided without de-
 15 bate.

16 (d) CONSIDERATION IN THE HOUSE OF REPRESENT-
 17 ATIVES.—

18 (1) IN GENERAL.—At any time on or after the
 19 fifth session day after the date on which each com-
 20 mittee of the House of Representatives to which an
 21 implementation bill is referred has reported that bill,
 22 or has been discharged under subsection (b)(3) from
 23 further consideration of that bill, the Speaker may,
 24 pursuant to clause 1(b) of rule XXIII, declare the
 25 House resolved into the Committee of the Whole

1 House on the State of the Union for the consider-
2 ation of that bill. All points of order against the bill,
3 the consideration of the bill, and provisions of the
4 bill shall be waived, and the first reading of the bill
5 shall be dispensed with. After general debate, which
6 shall be confined to the bill and which shall not ex-
7 ceed 10 hours, to be equally divided and controlled
8 by the Majority Leader and the Minority Leader, the
9 bill shall be considered for amendment by title under
10 the five-minute rule and each title shall be consid-
11 ered as having been read.

12 (2) AMENDMENTS.—Each amendment shall be
13 considered as having been read, shall not be subject
14 to a demand for a division of the question in the
15 House or in the Committee of the Whole, and shall
16 be debatable for not to exceed 30 minutes, equally
17 divided and controlled by the proponent and a Mem-
18 ber opposed thereto, except that the time for consid-
19 eration, including debate and disposition, of all
20 amendments to the bill shall not exceed 20 hours.

21 (3) FINAL PASSAGE.—At the conclusion of the
22 consideration of the bill, the Committee shall rise
23 and report the bill to the House with such amend-
24 ments as may have been agreed to, and the previous
25 question shall be considered as ordered on the bill

1 and amendments thereto to final passage without in-
 2 tervening motion except one motion to recommit.

3 (e) CONFERENCE.—

4 (1) APPOINTMENT OF CONFEREES.—In the
 5 Senate, a motion to elect or to authorize the ap-
 6 pointment of conferees shall not be debatable.

7 (2) CONFERENCE REPORT.—No later than 20
 8 calendar days of session after the appointment of
 9 conferees, the conferees shall report to their respec-
 10 tive Houses.

11 (f) RULES OF THE SENATE AND HOUSE.—This sec-
 12 tion is enacted by Congress—

13 (1) as an exercise of the rulemaking power of
 14 the Senate and House of Representatives, respec-
 15 tively, and as such it is deemed a part of the rules
 16 of each House, respectively, but applicable only with
 17 respect to the procedure to be followed in that
 18 House in the case of an implementation bill de-
 19 scribed in subsection (a), and it supersedes other
 20 rules only to the extent that it is inconsistent with
 21 such rules; and

22 (2) with full recognition of the constitutional
 23 right of either House to change the rules (so far as
 24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **SEC. 7. IMPLEMENTATION.**

4 (a) **RESPONSIBILITY FOR IMPLEMENTATION.**—The
5 Director of the Office of Management and Budget shall
6 have primary responsibility for implementation of the
7 Commission's report and the Act enacted under section
8 6 (unless such Act provides otherwise). The Director of
9 the Office of Management and Budget shall notify and
10 provide direction to heads of affected departments, agen-
11 cies, and programs. The head of an affected department,
12 agency, or program shall be responsible for implementa-
13 tion and shall proceed with the recommendations con-
14 tained in the report as provided under subsection (b).

15 (b) **DEPARTMENTS AND AGENCIES.**—After the enact-
16 ment of an Act under section 6, each affected Federal de-
17 partment and agency as a part of its annual budget re-
18 quest shall transmit to the appropriate committees of Con-
19 gress its schedule for implementation of the provisions of
20 the Act for each fiscal year. In addition, the report shall
21 contain an estimate of the total expenditures required and
22 the cost savings to be achieved by each action, along with
23 the Secretary's assessment of the effect of the action. The
24 report shall also include a report of any activities that

1 have been eliminated, consolidated, or transferred to other
2 departments or agencies.

3 (c) GAO OVERSIGHT.—The Comptroller General
4 shall periodically report to the Congress and the President
5 regarding the accomplishment, the costs, the timetable,
6 and the effectiveness of the implementation of any Act en-
7 acted under section 6.

8 **SEC. 8. DISTRIBUTION OF ASSETS.**

9 Any proceeds from the sale of assets of any depart-
10 ment or agency resulting from the enactment of an Act
11 under section 6 shall be—

- 12 (1) applied to reduce the Federal deficit; and
13 (2) deposited in the Treasury and treated as
14 general receipts.

○