

107TH CONGRESS  
1ST SESSION

# S. 1613

To provide for expedited congressional consideration of “Freedom to Manage” legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2001

Mr. THOMPSON introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To provide for expedited congressional consideration of “Freedom to Manage” legislative proposals transmitted by the President to Congress to eliminate or reduce barriers to efficient government operations that are posed by laws that apply to one or more agencies, including government-wide laws.

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.**

4       This Act may be cited as the “Freedom to Manage Act  
5       of 2001”

1 **SEC. 2. PRESIDENTIAL TRANSMISSION OF “FREEDOM TO**  
2 **MANAGE” LEGISLATIVE PROPOSALS.**

3 (a) IN GENERAL.—Whenever the President transmits  
4 a set of legislative proposals to Congress in accordance  
5 with the requirements of subsections (b) and (c) of this  
6 section, the congressional consideration of those legislative  
7 proposals shall be governed by section 3 of this Act. The  
8 President may transmit one or more sets of legislative pro-  
9 posals to Congress for congressional consideration under  
10 section 3 of this Act.

11 (b) FORMAT OF LEGISLATIVE PROPOSALS.—A set of  
12 legislative proposals shall be in the form of a bill, con-  
13 sisting of up to four sections.

14 (1) One of the sections may consist of repeals  
15 of existing law. Such a section shall be entitled “Re-  
16 peals.”, shall begin with the introductory phrase  
17 “The following provisions of law are repealed:”, and  
18 shall then set forth the citations to each of the pro-  
19 visions of law to be repealed.

20 (2) Another of the sections may consist of  
21 amendments to existing law. Such a section shall be  
22 entitled “Amendments.”, shall begin with the intro-  
23 ductory phrase “The following provisions of law are  
24 amended as follows:”, and shall then set forth each  
25 of the provisions of law and how it is proposed to  
26 be amended.

1           (3) Another of the sections may consist of new  
2           authorities. Such a section shall be entitled “New  
3           Authorities.”, shall begin with the introductory  
4           phrase “The following provisions are enacted into  
5           law:”, and shall then set forth each of the provisions  
6           to be enacted into law.

7           (4) A final section shall set forth the effective  
8           date (or dates) of the repeals, amendments and en-  
9           actments made in the prior sections, and include any  
10          “transition” and “savings” provisions that are deter-  
11          mined to be necessary or appropriate in connection  
12          with carrying out these repeals, amendments, and  
13          enactments.

14          (c) SUBJECT OF LEGISLATIVE PROPOSALS.—The  
15          President’s legislative proposals under this section may  
16          only relate to the elimination or reduction of barriers to  
17          efficient government operations that are posed by existing  
18          laws that apply to one or more agencies, including govern-  
19          ment-wide laws, or new authorities that will allow for more  
20          efficient government operations.

21          (d) ACCOMPANYING MESSAGE TO CONGRESS.—  
22          When transmitting legislative proposals under this section,  
23          the President shall also transmit an accompanying Mes-  
24          sage to Congress that provides an explanation for each  
25          of his legislative proposals and its expected impact on Fed-

1 eral operations. In the Message, the President shall ex-  
 2 pressly state that he is making the transmission in accord-  
 3 ance with section 2 of the Freedom to Manage Act.

4 (e) PUBLICATION.—The Clerk of the House of Rep-  
 5 resentatives and the Secretary of the Senate shall ensure  
 6 that the President’s set of legislative proposals and accom-  
 7 panying Message to Congress are printed as a document  
 8 of each House.

9 **SEC. 3. CONGRESSIONAL CONSIDERATION OF THE PRESI-**  
 10 **DENT’S “FREEDOM TO MANAGE” LEGISLA-**  
 11 **TIVE PROPOSALS.**

12 (a) DEFINITIONS.—

13 (1) RESOLUTION OF APPROVAL.—For the pur-  
 14 poses of this section, the term “resolution” means  
 15 only a joint resolution which is introduced within the  
 16 10 legislative days beginning on the date on which  
 17 the President transmits his legislative proposals to  
 18 the Congress under section 2 of this Act, and—

19 (A) which does not have a preamble;

20 (B) the title of which is as follows: “Joint  
 21 resolution approving the legislative proposals of  
 22 the President under the Freedom to Manage  
 23 Act.”;

24 (C) the matter after the resolving clause of  
 25 which is as follows: “That Congress approves

1 the legislative proposals of the President, as fol-  
 2 lows, that were transmitted on \_\_\_\_\_ under  
 3 the Freedom to Manage Act:”, the blank space  
 4 being filled in with the appropriate date; and

5 (D) the remaining text which consists of  
 6 the complete text of the President’s legislative  
 7 proposals submitted under section 2 of this Act.

8 (2) LEGISLATIVE DAY.—For the purposes of  
 9 this section, the term “legislative day” refers to any  
 10 day on which either House of Congress is in session.

11 (b) INTRODUCTION OF RESOLUTION OF AP-  
 12 PROVAL.—In order for the resolution to be considered  
 13 under the procedures set forth in this section, the resolu-  
 14 tion must meet the definition set forth in subsection (a)  
 15 and must be introduced no later than 10 legislative days  
 16 after the President transmits his legislative proposals to  
 17 the Congress under section 2 of this Act.

18 (c) REFERRAL OF RESOLUTION OF APPROVAL.—A  
 19 resolution of approval for the President’s legislative pro-  
 20 posals transmitted under section 2 of this Act shall be re-  
 21 ferred to the Committee on Governmental Affairs in the  
 22 Senate and the Committee on Government Reform in the  
 23 House of Representatives.

24 (d) CONSIDERATION IN THE HOUSE OF REPRESENT-  
 25 ATIVES.—

- 1           (1) The Committee on Government Reform  
2       shall report the resolution without amendment, and  
3       with or without recommendation, not later than the  
4       30th legislative day after the date of its introduc-  
5       tion. If the committee fails to report the resolution  
6       within that period, it is thereafter in order for a  
7       Member to move that the House discharge the com-  
8       mittee from further consideration of the resolution.  
9       A motion to discharge may be made only by a Mem-  
10      ber favoring the resolution (but only at a time or  
11      place designated by the Speaker in the legislative  
12      schedule of the day after the calendar day on which  
13      the Member offering the motion announces to the  
14      House his intention to do so and the form of the  
15      motion). The motion is privileged. Debate thereon  
16      shall be limited to not more than one hour, the time  
17      to be divided in the House equally between a pro-  
18      ponent and an opponent. The previous question shall  
19      be considered as ordered on the motion to its adop-  
20      tion without intervening motion. A motion to recon-  
21      sider the vote by which the motion is agreed to or  
22      disagreed to shall not be in order.
- 23           (2) After the approval resolution is reported or  
24      the committee has been discharged from further con-  
25      sideration, it shall be in order to consider the resolu-

1       tion in the House. If the resolution is reported and  
2       the report has been available for at least one cal-  
3       endar day, all points of order against the resolution  
4       and against consideration of the resolution are  
5       waived. If the committee has been discharged from  
6       further consideration of the resolution, all points of  
7       order against the resolution and against consider-  
8       ation of the resolution are waived. The motion is  
9       privileged. A motion to reconsider the vote by which  
10      the motion is agreed to or disagreed to shall not be  
11      in order. During consideration of the resolution in  
12      the House, the first reading of the bill shall be dis-  
13      pensated with. Debate on the resolution shall be con-  
14      fined to the resolution, and shall not exceed one  
15      hour equally divided and controlled by a proponent  
16      and an opponent of the resolution. Amendments to  
17      the resolution are not in order. Only one motion to  
18      rise shall be in order, except if offered by the man-  
19      ager. The previous question shall be considered as  
20      ordered on the resolution without intervening mo-  
21      tion. A motion to reconsider the vote on passage of  
22      the resolution shall not be in order.

23           (3) Appeals from decisions of the Chair regard-  
24      ing application of the rules of the House of Rep-

1        representatives to the procedure relating to the ap-  
2        proval resolution shall be decided without debate.

3                (4) CONSIDERATION OF SENATE MESSAGE.—

4        Consideration in the House of all motions or appeals  
5        necessary to dispose of a message from the Senate  
6        on the resolution shall be limited to not more than  
7        one hour. Debate on each motion shall be limited to  
8        20 minutes. Debate on any appeal or point of order  
9        that is submitted in connection with the disposition  
10       of the Senate message shall be limited to 10 min-  
11       utes. Any time for debate shall be equally divided  
12       and controlled by the proponent and the majority  
13       manager, unless the majority manager is a pro-  
14       ponent of the motion, appeal, or point of order, in  
15       which case the minority manager shall be in control  
16       of the time in opposition.

17                (e) CONSIDERATION IN THE SENATE.—

18                (1) The Committee on Governmental Affairs  
19        shall report the resolution not later than the 30th  
20        legislative day following the date of introduction of  
21        the resolution. If the committee fails to report the  
22        resolution within that period, the committee shall be  
23        automatically discharged from further consideration  
24        of the resolution and the resolution shall be placed  
25        on the Calendar.



1           (2) RESOLUTION OF APPROVAL FROM HOUSE.—

2           When the Senate receives from the House of Rep-  
3           resentatives the approval resolution, such resolution  
4           shall not be referred to committee and shall be  
5           placed on the Calendar.

6           (3) MOTION NONDEBATABLE.—A motion to  
7           proceed to consideration of the resolution under this  
8           subsection shall not be debatable It shall not be in  
9           order to move to reconsider the vote by which the  
10          motion to proceed was adopted or rejected, although  
11          subsequent motions to proceed may be made under  
12          this paragraph.

13          (4) LIMIT ON CONSIDERATION.—

14                (A) Amendments to the resolution are not  
15                in order.

16                (B) After no more than 10 hours of con-  
17                sideration of the resolution, the Senate shall  
18                proceed, without intervening action or debate,  
19                to vote on the final disposition thereof to the  
20                exclusion of all motions, except a motion to re-  
21                consider or to table.

22                (C) A single motion to extend the time for  
23                consideration under subparagraph (B) for no  
24                more than an additional five hours is in order

1 prior to the expiration of such time and shall be  
 2 decided without debate.

3 (D) The time for debate on the resolution  
 4 shall be equally divided between the Majority  
 5 Leader and the Minority Leader or their des-  
 6 ignees.

7 (5) NO MOTION TO RECOMMIT.—A motion to  
 8 recommit the resolution shall not be in order.

9 (6) CONSIDERATION OF HOUSE MESSAGE.—  
 10 Consideration in the Senate of all motions or ap-  
 11 peals necessary to dispose of a message from the  
 12 House of Representatives on the resolution shall be  
 13 limited to not more than four hours. Debate on each  
 14 motion shall be limited to 30 minutes. Debate on  
 15 any appeal or point of order that is submitted in  
 16 connection with the disposition of the House mes-  
 17 sage shall be limited to 20 minutes. Any time for de-  
 18 bate shall be equally divided and controlled by the  
 19 proponent and the majority manager, unless the ma-  
 20 jority manager is a proponent of the motion, appeal,  
 21 or point of order, in which case the minority man-  
 22 ager shall be in control of the time in opposition.

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

1           (1) as an exercise of the rulemaking power of  
2       the Senate and House of Representatives, respec-  
3       tively, and as such it is deemed a part of the rules  
4       of each House, respectively, but applicable only with  
5       respect to the procedure to be followed in that  
6       House in the case of a resolution described in sub-  
7       section (a), and it supersedes other rules only to the  
8       extent that it is inconsistent with such rules; and

9           (2) with full recognition of the constitutional  
10      right of either House to change the rules (so far as  
11      relating to the procedure of that House) at any time,  
12      in the same manner, and to the same extent as in  
13      the case of any other rule of that House.

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