

109TH CONGRESS  
1ST SESSION

# H. R. 3276

To provide for the establishment of Results Commissions to improve the results of executive branch agencies on behalf of the American people.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2005

Mr. PORTER (for himself, Mr. TOM DAVIS of Virginia, and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the establishment of Results Commissions to improve the results of executive branch agencies on behalf of the American people.

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 “Government Reorga-  
5 nization and Improvement of Performance Act”.

6 **SEC. 2. RESULTS COMMISSIONS.**

7 (a) ESTABLISHMENT OF COMMISSIONS.—

1           (1) PROPOSAL AND TRANSMITTAL.—The Presi-  
2     dent—

3           (A) may propose the establishment in the  
4     executive branch of one or more commissions  
5     for the purpose of improving the overall effec-  
6     tiveness, efficiency, or accountability of execu-  
7     tive branch operations through reorganization,  
8     with each such commission being known as a  
9     “Results Commission”; and

10          (B) may transmit such proposal to Con-  
11     gress for expedited consideration under section  
12     3.

13          (2) REASONS FOR ESTABLISHING RESULTS  
14     COMMISSIONS.—In each proposal to establish a Re-  
15     sults Commission, the President shall describe the  
16     agencies or programs being proposed for the Results  
17     Commission to study. In making a proposal to estab-  
18     lish a Results Commission, the President shall iden-  
19     tify areas where multiple Federal programs have  
20     similar, related, or overlapping responsibilities that  
21     are under the jurisdiction of multiple executive  
22     branch agencies and committees of Congress, and  
23     areas where reorganization may improve the overall  
24     effectiveness, efficiency, or accountability of execu-  
25     tive branch operations.

1 (b) PROCEDURE FOR MAKING RECOMMENDATIONS  
2 FOR IMPROVEMENTS IN EXECUTIVE BRANCH PERFORM-  
3 ANCE.—

4 (1) The President may, from time to time in his  
5 discretion, submit to a Results Commission estab-  
6 lished pursuant to this section one or more specific  
7 proposals to improve the performance of the execu-  
8 tive branch by reorganizing agencies or programs in  
9 the areas that the Results Commission is authorized  
10 to study.

11 (2) After receiving a specific proposal from the  
12 President under paragraph (1), a Results Commis-  
13 sion shall evaluate the proposal and shall provide a  
14 response to the President on the proposal, including  
15 any changes that the Commission may wish to rec-  
16 ommend. The Commission may recommend changes  
17 or additions to the proposal, and shall explain and  
18 justify any such recommended changes or additions,  
19 only if the Commission believes that such changes  
20 are necessary to better accomplish the stated pur-  
21 pose of the President's reorganization proposal.

22 (3) If the President disapproves the rec-  
23 ommendations of the Results Commission, in whole  
24 or in part, the President may transmit to the Re-  
25 sults Commission the reasons for that disapproval.

1 The Commission shall then transmit to the Presi-  
2 dent a report responding to the President's concerns  
3 and any changes in its recommendations.

4 (4) The President may transmit to Congress for  
5 expedited consideration under section 3 a copy of all  
6 of the final recommendations of each Results Com-  
7 mission, together with legislation to accomplish those  
8 recommendations.

9 (c) MEMBERSHIP, POWERS, AND OTHER MAT-  
10 TERS.—

11 (1) IN GENERAL.—Each Results Commission  
12 shall be composed of seven members, who shall be  
13 appointed within 60 days after the date of the enact-  
14 ment of the Act establishing the Commission.

15 (2) APPOINTMENTS.—(A) The President shall  
16 appoint the seven members, who shall serve at the  
17 pleasure of the President, as follows:

18 (i) One in consultation with the majority  
19 leader of the Senate.

20 (ii) One in consultation with the minority  
21 leader of the Senate.

22 (iii) One in consultation with the Speaker  
23 of the House of Representatives.

24 (iv) One in consultation with the minority  
25 leader of the House of Representatives.

1 (v) Three other members.

2 (B) Any vacancy on a Commission shall be  
3 filled in the manner in which the original appoint-  
4 ment was made.

5 (3) CHAIR AND VICE CHAIR.—The President  
6 shall designate one member of each Results Commis-  
7 sion to serve as Chair and one member as Vice  
8 Chair.

9 (4) LENGTH OF SERVICE.—The members of  
10 each Results Commission shall serve at the pleasure  
11 of the President.

12 (5) VACANCIES.—Any vacancy on a Results  
13 Commission shall be filled in the manner in which  
14 the original appointment was made.

15 (6) TERMINATION.—Each Results Commission  
16 shall cease to exist within nine months after the date  
17 it commences operations, unless provided otherwise  
18 in law.

19 (7) DUTIES.—Each Results Commission is au-  
20 thorized to—

21 (A) evaluate the merits of a specific pro-  
22 posal by the President for governmental reorga-  
23 nization; and

24 (B) provide views to the President on the  
25 proposal, including any changes or additions to

1 the proposal that the Commission may wish to  
2 recommend.

3 (8) POWERS RELATING TO OBTAINING INFOR-  
4 MATION FROM FEDERAL AGENCIES.—

5 (A) IN GENERAL.—Each Results Commis-  
6 sion is authorized to secure directly from any  
7 executive department, bureau, agency, board,  
8 commission, office, independent establishment,  
9 or instrumentality of the United States Govern-  
10 ment, information, suggestions, estimates, and  
11 statistics for purposes of carrying out its duties.  
12 Each department, bureau, agency, board, com-  
13 mission, office, independent establishment, or  
14 instrumentality shall, to the extent authorized  
15 by law, furnish such information, suggestions,  
16 estimates, and statistics directly to the Commis-  
17 sion, upon request made by the chair or any  
18 other member designated by a majority of the  
19 Commission.

20 (B) RECEIPT, HANDLING, STORAGE, AND  
21 DISSEMINATION.—Information shall be received,  
22 handled, stored, and disseminated only by mem-  
23 bers of the Commission and its staff consistent  
24 with all applicable statutes, regulations, and  
25 Executive orders.

1 (9) PUBLIC HEARINGS AND MEETINGS.—

2 (A) PUBLIC HEARINGS.—Each Results  
3 Commission shall hold public hearings and  
4 meetings to the extent appropriate. Any such  
5 public sessions shall be conducted in a manner  
6 consistent with the protection of information  
7 provided to or developed for or by the Commis-  
8 sion as required by applicable law.

9 (B) NONAPPLICABILITY OF FEDERAL AD-  
10 VISORY COMMITTEE ACT.—The Federal Advi-  
11 sory Committee Act (5 U.S.C. App.) shall not  
12 apply to any Results Commission.

13 (10) INTERNAL PROCEDURES.—

14 (A) PROCEEDINGS.—Each Results Com-  
15 mission shall commence operations within 6  
16 months after the date of enactment of the Act  
17 establishing the Commission and shall meet pe-  
18 riodically at the call of the Chair.

19 (B) QUORUM.—Four members of a Results  
20 Commission shall constitute a quorum but a  
21 lesser number may hold hearings.

22 (11) PERSONNEL MATTERS.—

23 (A) TRAVEL EXPENSES.—The members of  
24 each Results Commission shall be allowed travel  
25 expenses, including per diem in lieu of subsist-

1           ence, at rates authorized for employees of agen-  
2           cies under subchapter I of chapter 57 of title 5,  
3           United States Code, while away from their  
4           homes or regular places of business in the per-  
5           formance of services for the Commission.

6           (B) DIRECTOR.—The Chair of each Re-  
7           sults Commission may, without regard to the  
8           civil service laws and regulations, appoint and  
9           terminate a Director for the Commission. The  
10          Director shall be paid at a rate not to exceed  
11          the Level II of the Executive Schedule.

12          (C) STAFF.—The Director may appoint  
13          and compensate staff for each Results Commis-  
14          sion in accordance with section 3161 of title 5,  
15          United States Code.

16          (D) APPLICABILITY OF CERTAIN CIVIL  
17          SERVICE LAWS.—The Director and any staff of  
18          each Results Commission shall be employees  
19          under section 2105 of title 5, United States  
20          Code, for purposes of chapters 63, 81, 83, 84,  
21          85, 87, 89, and 90 of that title.

22          (E) DETAIL OF GOVERNMENT EMPLOY-  
23          EES.—Any Federal Government employee may  
24          be detailed to the Commission without reim-  
25          bursement, and such detail shall be without

1 interruption or loss of civil service status or  
2 privilege.

3 (F) PROCUREMENT OF TEMPORARY AND  
4 INTERMITTENT SERVICES.—The Chair of each  
5 Results Commission may procure temporary  
6 and intermittent services under section 3109(b)  
7 of title 5, United States Code, at rates for indi-  
8 viduals which do not exceed the daily equivalent  
9 of the annual rate of basic pay prescribed for  
10 Level II of the Executive Schedule under sec-  
11 tion 5316 of such title.

12 (12) OTHER ADMINISTRATIVE MATTERS.—

13 (A) POSTAL AND PRINTING SERVICES.—  
14 Each Results Commission may use the United  
15 States mails and obtain printing and binding  
16 services in the same manner and under the  
17 same conditions as other departments and  
18 agencies of the United States.

19 (B) ADMINISTRATIVE SUPPORT SERV-  
20 ICES.—Upon the request of a Results Commis-  
21 sion, the Administrator of General Services  
22 shall provide to the Results Commission, on a  
23 reimbursable basis, the administrative support  
24 services necessary for the Results Commission  
25 to carry out its duties.

1           (C) AUTHORIZATION OF APPROPRIA-  
2           TIONS.—Such sums as may be necessary are  
3           authorized to be appropriated for the purposes  
4           of carrying out the duties of each Results Com-  
5           mission. Such funds shall remain available until  
6           expended.

7           (d) EXPEDITED CONGRESSIONAL REVIEW PROCE-  
8           DURES.—In reviewing proposals by the President to estab-  
9           lish a Results Commission and in reviewing proposals by  
10          the President to implement reorganizations recommended  
11          by a Results Commission, the Congress shall follow the  
12          expedited review procedures set forth in section 3 of this  
13          Act.

14       **SEC. 3. EXPEDITED CONGRESSIONAL REVIEW PROCE-**  
15                               **DURES.**

16          (a) DEFINITIONS.—

17               (1) RESOLUTION OF APPROVAL.—

18                       (A) IN GENERAL.—For the purposes of  
19                       this section, the term “resolution” means only  
20                       a joint resolution described in either subpara-  
21                       graph (B) or (C).

22                       (B) JOINT RESOLUTION RELATING TO ES-  
23                       TABLISHING RESULTS COMMISSION.—For pur-  
24                       poses of subparagraph (A), a joint resolution

1 described in this subparagraph is a joint resolu-  
2 tion—

3 (i) which does not have a preamble;

4 (ii) the title of which is as follows:

5 “Joint resolution establishing the Results  
6 Commission proposed by the President  
7 under the Government Reorganization and  
8 Improvement of Performance Act”;

9 (iii) the matter after the resolving  
10 clause of which is as follows: “That Con-  
11 gress establishes a Results Commission  
12 proposed by the President, as follows, that  
13 was transmitted on \_\_\_\_\_ under the  
14 Government Reorganization and Improve-  
15 ment of Performance Act:”, the blank  
16 space being filled in with the appropriate  
17 date; and

18 (iv) the remaining text of which con-  
19 sists of the complete text of a legislative  
20 proposal transmitted by the President  
21 under section 2(a)(1).

22 (C) JOINT RESOLUTION RELATING TO AP-  
23 PROVING REORGANIZATION PROPOSAL.—For  
24 purposes of subparagraph (A), a joint resolu-

1           tion described in this subparagraph is a joint  
2           resolution—

3                   (i) which does not have a preamble;

4                   (ii) the title of which is as follows:

5                   “Joint resolution approving the reorganiza-  
6                   tion proposals of the President under the  
7                   Government Reorganization and Improve-  
8                   ment of Performance Act”;

9                   (iii) the matter after the resolving  
10                  clause of which is as follows: “That Con-  
11                  gress approves the reorganization pro-  
12                  posals of the President, as follows, that  
13                  were transmitted on \_\_\_\_\_ under the  
14                  Government Reorganization and Improve-  
15                  ment of Performance Act:”, the blank  
16                  space being filled in with the appropriate  
17                  date; and

18                  (iv) the remaining text of which con-  
19                  sists of the complete text of a legislative  
20                  proposal transmitted by the President  
21                  under section 2(b)(4).

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

1 (b) INTRODUCTION AND REFERENCE OF RESOLU-  
2 TION.—

3 (1) Not later than the first day of session fol-  
4 lowing the day on which a resolution is transmitted  
5 to Congress under section (2)(a)(1) or (2)(b)(4), the  
6 resolution shall be introduced (by request)—

7 (A) in the House of Representatives by the  
8 chairman of the Committee on Government Re-  
9 form, or by a member or members of the House  
10 designated by such chairman; and

11 (B) in the Senate by the chairman of the  
12 Committee on Homeland Security and Govern-  
13 mental Affairs, or by a member of members of  
14 the Senate designated by such chairman.

15 (2) A resolution with respect to a Results Com-  
16 mission or a reorganization proposal shall be re-  
17 ferred to the Committee on Government Reform of  
18 the House of Representatives and the Committee on  
19 on Homeland Security and Governmental Affairs of  
20 the Senate (and all resolutions with respect to the  
21 same commission or proposal shall be referred to the  
22 same committee) by the Speaker of the House or the  
23 President of the Senate, as the case may be. The  
24 committee shall makes its recommendations to the  
25 House of Representatives or the Senate, respectively,

1 within 75 calendar days of continuous session of  
2 Congress following the date of such resolutions’s in-  
3 troduction.

4 (c) EXPEDITED PROCEDURES RELATING TO DIS-  
5 CHARGE OF COMMITTEE CONSIDERING RESOLUTION,  
6 PROCEDURE AFTER REPORT OR DISCHARGE OF COM-  
7 MITTEE, DEBATE, AND VOTE ON FINAL PASSAGE.—Sec-  
8 tions 911 and 912 of title 5, United States Code, shall  
9 apply to a resolution introduced pursuant to subsection  
10 (b)(1). In applying such sections—

11 (1) the term “resolution” means a resolution  
12 described in subparagraph (B) or (C) of subsection  
13 (a)(1) of this section; and

14 (2) the term “reorganization plan” means a leg-  
15 islative proposal to establish a Results Commission  
16 transmitted under section 2(a)(1), or a reorganiza-  
17 tion proposal transmitted under section 2(b)(4).

18 (d) EFFECTIVE DATE, PUBLICATION, EFFECT ON  
19 OTHER LAWS, PENDING LEGAL PROCEEDINGS, AND UN-  
20 EXPENDED APPROPRIATIONS.—Sections 906 and 907 of  
21 title 5, United States Code, shall apply to a resolution in-  
22 troduced pursuant to subsection (b)(1). In applying such  
23 sections—

1           (1) the term “resolution” means a resolution  
2 described in subparagraph (C) of subsection (a)(1)  
3 of this section; and

4           (2) the term “reorganization plan” means a re-  
5 organization proposal transmitted under section  
6 2(b)(4).

○