

109TH CONGRESS  
2D SESSION

# H. R. 4735

To create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. ROYCE introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies.

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 Reform  
5       Act of 2005”.

1 **SEC. 2. ESTABLISHMENT.**

2       There is established a national commission to be  
3 known as the “Government Reform Commission”.

4 **SEC. 3. DEFINITIONS.**

5       In this Act:

6           (1) The term “Commission” means the Govern-  
7 ment Reform Commission.

8           (2) The term “documents” means books,  
9 records, papers, accounts, transcripts, transcriptions,  
10 and reports, in whatever form or medium they may  
11 be preserved.

12           (3) The term “executive agency” has the mean-  
13 ing given the term in section 105 of title 5, United  
14 States Code.

15           (4) The term “member” means a member of  
16 the Commission.

17 **SEC. 4. MEMBERSHIP.**

18       (a) NUMBERS, APPOINTMENT, AND QUALIFICA-  
19 TIONS.—The Commission shall be composed of 12 mem-  
20 bers, appointed by the President, from among persons who  
21 possess—

22           (1) a degree or an advanced degree in the field  
23 of business management or public administration; or

24           (2) a significant background in business super-  
25 vision, management, and administration.

1 (b) CONSULTATION.—Of the members appointed  
2 under subsection (a)—

3 (1) one member shall be appointed following  
4 consultation with the Speaker of the House of Rep-  
5 resentatives;

6 (2) one member shall be appointed following  
7 consultation with the minority leader of the House  
8 of Representatives;

9 (3) one member shall be appointed following  
10 consultation with the President pro Tempore of the  
11 Senate; and

12 (4) one member shall be appointed following  
13 consultation with the minority leader of the Senate.

14 (c) ADDITIONAL REQUIREMENTS.—The members  
15 shall also satisfy the following additional requirements:

16 (1) Each member shall be a United States cit-  
17 izen and shall reside in the United States.

18 (2) Not more than four members shall be from  
19 the same political party, excluding those members  
20 appointed following consultation required under sub-  
21 section (b).

22 (3) A member may not currently hold or have  
23 held within the preceding five years any paid posi-  
24 tion with any local or State government or executive  
25 agency.

1           (4) A member may not be a party to an ongoing and continuing contract with any local or State government or executive agency, or be an employee of an entity that is a party to such a contract.

2           (5) A member may not be a lobbyist, as defined by either State or Federal law at the time of the appointment of the member.

3           (d) OPERATION.—

4           (1) APPOINTMENT.—Members shall be appointed not later than 30 days from the date of enactment of this Act.

5           (2) CHAIRPERSON.—The President shall designate one member to serve as chairperson of the Commission.

6           (3) TERMS.—Each member shall be appointed for a term of two years and may be reappointed for a second term of two years. No member shall serve more than four years on the Commission.

7           (4) QUORUM.—Six members shall constitute a quorum for the purpose of conducting a session of the Commission, but a lesser number may conduct hearings.

8           (5) COMPENSATION.—Members shall serve without pay, but members shall receive travel expenses, including per diem in lieu of subsistence, in

1 accordance with applicable provisions under sub-  
2 chapter I of chapter 57 of title 5, United States  
3 Code.

4 (6) PROFESSIONAL STAFF.—The Commission  
5 may employ, pursuant to laws and regulations gov-  
6 erning the civil service, an executive secretary and  
7 any clerical, professional, and technical assistants as  
8 may be necessary.

9 (7) MANDATORY RESIGNATION.—In the event  
10 that a member accepts a position as an officer or  
11 employee of any local or State government or execu-  
12 tive agency, the member shall resign from the Com-  
13 mission within 30 days from the date the member  
14 accepts such position.

15 (8) VACANCIES.—A vacancy in the Commission  
16 shall be filled in the manner in which the original  
17 appointment was made. The appointment of the re-  
18 placement member shall be made not later than 30  
19 days after the date on which the vacancy occurs.

20 **SEC. 5. DUTIES, RESPONSIBILITIES, AND POWERS.**

21 (a) REVIEW OF EXECUTIVE AGENCIES.—

22 (1) IN GENERAL.—The Commission shall—

23 (A) examine the current configuration of  
24 executive agencies and investigate their duties  
25 and responsibilities; and

1 (B) review the operational jurisdictions of  
2 executive agencies to determine whether areas  
3 of overlap exist and whether the mission of any  
4 agency has become obsolete.

5 (2) PROCESS.—As part of the review under  
6 paragraph (1), the Commission shall identify and  
7 address—

8 (A) opportunities for increasing efficiency  
9 and reducing costs in executive agencies as a  
10 result of executive action or legislation;

11 (B) areas within executive agencies where  
12 managerial accountability can be enhanced and  
13 administrative control can be improved;

14 (C) any Federal programs that have ac-  
15 complished their original objectives and should  
16 be terminated;

17 (D) any Federal services that could be pro-  
18 vided at lower cost by the private sector;

19 (E) budget process reforms that could  
20 yield savings, increase accountability and effi-  
21 ciency, and enhance public confidence in the  
22 budget process; and

23 (F) areas for further study based on likeli-  
24 hood for potential savings.

25 (b) REVIEW OF PRIOR REFORM EFFORTS.—

1           (1) IN GENERAL.—The Commission shall review  
2       existing Government Accountability Office, Congres-  
3       sional Budget Office, and Inspector General reports,  
4       together with any other existing governmental and  
5       nongovernmental recommendations, including rec-  
6       ommendations offered by the President’s Private  
7       Sector Survey on Cost Control, for reducing waste in  
8       executive agencies.

9           (2) REPORTS.—Based on the review under  
10      paragraph (1), the Commission shall periodically  
11      submit to the President and Congress reports which  
12      shall include the following:

13                (A) A list of such recommendations to re-  
14      duce waste in executive agencies that the Com-  
15      mission determines are most significant.

16                (B) The estimated cost savings of the rec-  
17      ommendations.

18                (C) A determination of whether the rec-  
19      ommendations can be implemented by executive  
20      order or whether they instead require legislative  
21      action.

22      (c) PROPOSED REORGANIZATION PLAN.—

23           (1) IN GENERAL.—Upon completion of the re-  
24      views required under subsections (a) and (b), but  
25      not later than July 15, 2006, the Commission shall

1 submit to the President and Congress a proposed re-  
2 organization plan for executive agencies. The pro-  
3 posed reorganization plan shall provide for the re-  
4 alignment or closure of executive agencies to reduce  
5 duplication of services and increase productivity.

6 (2) VISITATION.—The Commission may not  
7 recommend an executive agency for realignment or  
8 closure unless at least one member has visited the  
9 executive agency prior to January 1, 2006, as part  
10 of the review conducted under subsection (a).

11 (3) TRANSMITTAL.—The Commission shall  
12 transmit a copy of the proposed reorganization plan  
13 to the Director of the Office of Management and  
14 Budget, who shall prepare and issue a public report  
15 that details the predicted savings in Federal expend-  
16 itures that would result from implementing the reor-  
17 ganization plan.

18 (d) HEARINGS AND SESSIONS.—

19 (1) IN GENERAL.—The Commission shall meet  
20 in session at least once per month at the call of the  
21 chairperson. Additionally, as part of its review proc-  
22 ess, the Commission shall conduct three public hear-  
23 ings across the United States. The final hearing  
24 shall be held in Washington, D.C., not later than  
25 March 1, 2006.

1           (2) ADDITIONAL POWERS.—The Commission  
2       may—

3           (A) meet at additional times and places  
4       that it may consider appropriate;

5           (B) issue subpoenas to compel the attend-  
6       ance of witnesses and the production of docu-  
7       ments;

8           (C) administer oaths; and

9           (D) contract, as it considers appropriate,  
10       for the provision of services, facilities, studies,  
11       and reports that will assist the Commission in  
12       carrying out its duties, responsibilities, and  
13       powers.

14 **SEC. 6. PRESIDENTIAL ACTION ON REORGANIZATION PLAN.**

15       (a) PRESIDENTIAL CONSIDERATION.—No later than  
16       August 1, 2006, the President shall act on the proposed  
17       reorganization plan submitted by the Commission, either  
18       by approving the plan without alteration or amendment,  
19       or by returning the plan to the Commission for review.  
20       If the President returns the plan to the Commission, the  
21       President shall include such proposed revisions to the plan  
22       as the President considers appropriate.

23       (b) REVIEW AND REVISION.—If the proposed reorga-  
24       nization plan is returned to the Commission for revision,  
25       the Commission shall have 30 days in which to review the

1 Presidential recommendations submitted under subsection  
2 (a) and to revise the plan. The Commission may, at its  
3 discretion, incorporate any recommendations proposed by  
4 the President to the plan.

5 (c) RESUBMISSION.—At the conclusion of the 30-day  
6 period, the Commission shall resubmit the reorganization  
7 plan to the President and Congress and retransmit a copy  
8 of such plan to the Director of the Office of Management  
9 and Budget. The Director shall prepare and issue a re-  
10 vised public report that details the predicted savings in  
11 federal expenditures that would result from implementing  
12 the revised reorganization.

13 (d) EFFECT OF REJECTION.—If the President rejects  
14 the resubmitted reorganization plan, such rejection shall  
15 conclude the reorganization process for the year under this  
16 Act. The Commission may, following reconsideration and  
17 at least one public hearing, resubmit a revised reorganiza-  
18 tion plan in the following year.

19 **SEC. 7. CONGRESSIONAL ACTION ON REORGANIZATION**  
20 **PLAN.**

21 (a) SUBMISSION TO CONGRESS.—If the President ap-  
22 proves the proposed reorganization plan submitted by the  
23 Commission, the President shall submit the reorganization  
24 plan, free of alterations or amendments, to Congress.

25 (b) EFFECTIVE DATE.—

1           (1) CONGRESSIONAL CONSIDERATION.—The re-  
2       organization plan submitted under subsection (a)  
3       shall be deemed to be a reorganization plan sub-  
4       mitted under chapter 9 of title 5, United States  
5       Code, except that the reorganization plan shall take  
6       effect on the first day following 60 calendar days of  
7       continuous session of Congress, beginning on the  
8       date on which the plan is submitted, or a later date  
9       as may be provided by the plan, unless Congress en-  
10      acts a joint resolution rejecting the reorganization  
11      plan.

12           (2) SUSPENSION OF SECTION.—This Act shall  
13      be valid for all intents and purposes notwithstanding  
14      section 905(b) of title 5, United States Code.

15           (c) REORGANIZATION.—Unless the reorganization  
16      plan is rejected as provided in subsection (b), those execu-  
17      tive agencies recommended for realignment or closure in  
18      the reorganization plan shall be realigned or closed begin-  
19      ning as soon as practicable after the effective date of the  
20      reorganization plan, and completed within three years  
21      after the effective date.

22   **SEC. 8. TERMINATION.**

23           The Commission shall terminate at the end of the 30-  
24      day period beginning on the effective date of the reorga-

1 nization plan or the date a joint resolution rejecting the  
2 reorganization plan is enacted.

3 **SEC. 9. FUNDING AND SUPPORT.**

4       The Commission shall be funded, staffed, and  
5 equipped without cost to the Federal Government. To ac-  
6 complish this objective, the Secretary of Commerce shall  
7 engage in a joint project with a nonprofit organization in  
8 accordance with the first section of Public Law 91–412  
9 (15 U.S.C. 1525).

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