

114TH CONGRESS
1ST SESSION

S. 2269

To establish the Government Transformation Board to make certain recommendations to improve the economy of the United States and the efficiency and effectiveness of Federal programs.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2015

Mr. KIRK (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Government Transformation Board to make certain recommendations to improve the economy of the United States and the efficiency and effectiveness of Federal programs.

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 Trans-
5 formation Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “Board” means the Government
2 Transformation Board established under section 3 to
3 assist the President and Congress in transforming
4 the Federal Government;

5 (2) the term “duplicative program” means a
6 program performed by a Federal agency that per-
7 forms essentially the same or a very similar function
8 as a program performed by a different Federal agen-
9 cy with a different management and implementation
10 structure;

11 (3) the term “Federal agency” has the meaning
12 given the term “Executive agency” in section 105 of
13 title 5, United States Code;

14 (4) the term “Federal program” means any
15 function, project, or activity of a Federal agency
16 that is—

17 (A) an organized set of activities;

18 (B) directed towards a common purpose or
19 goal; and

20 (C) undertaken or proposed to be under-
21 taken in order to carry out the responsibilities
22 of the Federal agency;

23 (5) the term “implementation bill” means a bill
24 that—

25 (A) is introduced under section 8(a); and

1 (B) contains the proposed legislative text
 2 described in section 4(b)(2)(B)(i)(I)(aa), with-
 3 out modification; and
 4 (6) the term “member” means a member of the
 5 Board appointed under section 5(a).

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a Board to be known as the
 8 “Government Transformation Board”.

9 **SEC. 4. DUTIES OF THE BOARD.**

10 (a) IN GENERAL.—The Board shall—

11 (1) develop and maintain approved criteria for
 12 the selection, prioritization, and scheduling of pro-
 13 gram reviews required under paragraphs (2), (3),
 14 and (4);

15 (2) review programs of governmental and non-
 16 governmental entities and conduct original research
 17 on the organizational practices, operations, and re-
 18 form efforts of Federal agencies to—

19 (A) determine whether the practices, oper-
 20 ations, and efforts are—

- 21 (i) useful;
- 22 (ii) duplicative;
- 23 (iii) efficient;
- 24 (iv) effective; and
- 25 (v) economical; and

1 (B) make the recommendations required
2 under paragraphs (2) and (4) of subsection (b);
3 (3) analyze organizational practices and man-
4 agement challenges of Federal agencies and make
5 recommendations as described in paragraphs (2) and
6 (4) of subsection (b);

7 (4) identify—

8 (A) best practices of Federal agencies; and

9 (B) opportunities for Federal agencies to
10 share—

11 (i) methods;

12 (ii) tools;

13 (iii) systems; and

14 (iv) technologies;

15 (5) coordinate input from appropriate Federal
16 agencies and provide opportunities for the Board to
17 accept ideas on improving Government performance
18 from—

19 (A) Federal employees;

20 (B) citizens of the United States; and

21 (C) other interested parties;

22 (6) upon request, provide information on activi-
23 ties of the Board to—

24 (A) the Government Accountability Office;

25 (B) the Congressional Budget Office;

1 (C) the Office of Management and Budget;

2 (D) other Federal agencies;

3 (E) the Office of the Inspector General of
4 each Federal agency;

5 (F) the Committee on Homeland Security
6 and Governmental Affairs of the Senate; and

7 (G) the Committee on Oversight and Gov-
8 ernment Reform of the House of Representa-
9 tives;

10 (7) conduct post-transformation follow-up re-
11 views and report on the gains in efficiency and effec-
12 tiveness;

13 (8) serve as a repository for best practices and
14 successful processes, systems, and technologies to
15 support Federal agencies in efforts to improve effi-
16 ciency and effectiveness;

17 (9) in order to build a culture of efficiency and
18 effectiveness across the Government, provide train-
19 ing and education to Federal employees who are on
20 detail to the Board about—

21 (A) program improvement;

22 (B) Government transformation;

23 (C) efficiency; and

24 (D) effectiveness;

1 (10) review program assessments performed by
2 Federal agencies; and

3 (11) maintain the privacy and security of data
4 as required by law.

5 (b) REPORTS AND RECOMMENDATIONS.—

6 (1) SEMIANNUAL ACTIVITY REPORTS.—Not
7 later than 6 months after the date on which all
8 members of the Board have been appointed and
9 every 6 months thereafter, the Board shall submit to
10 the President and Congress an activity report that
11 describes the activities of the Board and that shall
12 include—

13 (A) the overall findings and conclusions of
14 the Board;

15 (B) suggestions for implementing the best
16 practices of Federal agencies identified under
17 subsection (a)(4) in other Federal agencies;

18 (C) a summary of proposals made in the
19 preceding 12-month period for legislation, ad-
20 ministrative action, or executive action that in-
21 clude recommendations for improvement or in-
22 vestment in Federal programs, or elimination,
23 reduction, or consolidation of Federal programs;
24 and

1 (D) other outcomes of the activities of the
2 Board, including—

3 (i) training;

4 (ii) Government transformation re-
5 sults; and

6 (iii) best practice and lessons learned
7 sharing.

8 (2) RECOMMENDATIONS FOR IMPROVEMENTS.—

9 (A) IN GENERAL.—The Board shall submit
10 to the President and Congress, as soon as prac-
11 ticable after the completion of an assessment of
12 a Federal program, specific recommendations
13 for the improvement of the effectiveness, effi-
14 ciency, and economy of the Federal program.

15 (B) RECOMMENDATIONS.—The rec-
16 ommendations described in subparagraph (A)—

17 (i) shall include—

18 (I) where appropriate, pro-
19 posed—

20 (aa) legislative text;

21 (bb) administrative action;

22 (cc) further investment; or

23 (dd) executive action;

24 (II) recommendations for the—

1 (aa) improvement of or in-
2 vestment in Federal programs; or

3 (bb) elimination, reduction,
4 or consolidation of Federal pro-
5 grams; and

6 (ii) may include recommendations
7 about areas for which—

8 (I) managerial accountability can
9 be enhanced; and

10 (II) administrative controls can
11 be improved.

12 (3) REPORTS ON HISTORICAL DATA.—Not later
13 than 4 years after the date on which all members of
14 the Board have been appointed, and every 2 years
15 thereafter, the Board shall submit to the President
16 and Congress a report on historical data and trends
17 in the information studied by the Board, including
18 any available evidence of cost savings.

19 (4) REPORTS MADE PUBLIC.—Each report sub-
20 mitted under this subsection shall be made available
21 to the public not later than 90 days after the date
22 on which the report is submitted, including all—

23 (A) findings;

24 (B) recommendations;

25 (C) justifications; and

1 (D) results of Federal program trans-
 2 formation efforts.

3 (c) OPPORTUNITY FOR FEDERAL EMPLOYEES.—Any
 4 reduction in force resulting from the implementation of
 5 Government transformation recommendations of the
 6 Board shall be governed by chapter 35 of title 5, United
 7 States Code.

8 **SEC. 5. MEMBERSHIP.**

9 (a) NUMBER AND APPOINTMENT.—The Board shall
 10 be composed of 7 members to be appointed as follows:

11 (1) The majority leader of the Senate shall ap-
 12 point 1 member.

13 (2) The minority leader of the Senate shall ap-
 14 point 1 member.

15 (3) The Speaker of the House of Representa-
 16 tives shall appoint 1 member.

17 (4) The minority leader of the House of Rep-
 18 resentatives shall appoint 1 member.

19 (5) The President shall appoint 3 members.

20 (b) RESTRICTION ON GOVERNMENT EMPLOYEES.—
 21 No individual may serve as a member of the Board while
 22 employed as an officer or employee of the Federal Govern-
 23 ment or any State or local government.

24 (c) MEMBERSHIP CRITERIA.—The members of the
 25 Board shall include individuals—

1 (1) recognized as having expertise in—

2 (A) accountability;

3 (B) efficiency;

4 (C) waste reduction;

5 (D) finance and economics; or

6 (E) actuarial sciences; and

7 (2) who represent different professional back-
8 grounds.

9 (d) POLITICAL AFFILIATION.—Not more than 3 of
10 the 7 members shall be registered as members of the same
11 political party.

12 (e) DEADLINE TO APPOINT MEMBERS.—All mem-
13 bers of the Board shall be appointed not later than 90
14 days after the date of enactment of this Act.

15 (f) TERMS.—

16 (1) IN GENERAL.—Each member shall be ap-
17 pointed for a term of 3 years.

18 (2) REAPPOINTMENT.—Each member may be
19 reappointed for 1 additional term of 3 years.

20 (3) VACANCIES.—A vacancy on the Board shall
21 be filled in the manner in which the original appoint-
22 ment was made not later than 90 days after the date
23 on which the member leaves the Board.

24 (g) CO-CHAIRS.—

1 (1) SELECTION.—Of the members appointed by
2 the President under subsection (a)(5), 2 members
3 shall serve as co-Chairpersons of the Board.

4 (2) POLITICAL AFFILIATION OF CO-CHAIR-
5 PERSONS.—The co-Chairpersons of the Board may
6 not be members of the same political party.

7 (h) TRAVEL EXPENSES.—While away from their
8 homes or regular places of business in the performance
9 of services for the Board, members shall receive travel ex-
10 penses, including per diem in lieu of subsistence, in ac-
11 cordance with applicable provisions under subchapter I of
12 chapter 57 of title 5, United States Code.

13 (i) QUORUM.—Four members shall constitute a
14 quorum but a lesser number may hold hearings.

15 (j) MEETINGS.—The Board shall meet at the call of
16 the co-Chairpersons or a majority of the members. Mem-
17 bers may attend meetings via teleconference.

18 (k) TERMINATION.—The Board shall terminate on
19 September 30 of the sixth fiscal year beginning after the
20 date of enactment of this Act.

21 **SEC. 6. PERSONNEL MATTERS OF THE BOARD.**

22 (a) EXECUTIVE DIRECTOR AND STAFF.—

23 (1) IN GENERAL.—The co-Chairpersons, in con-
24 sultation with the President and Congress, shall ap-
25 point and may terminate an Executive Director. The

1 Executive Director shall be paid at a rate equal to
2 the daily equivalent of the annual rate of basic pay
3 for level V of the Executive Schedule under section
4 5316 of title 5, United States Code.

5 (2) STAFF.—The Executive Director, with the
6 approval of a majority of the members of the Board,
7 may appoint, set the pay of, and terminate addi-
8 tional personnel.

9 (b) APPLICATION OF CERTAIN CIVIL SERVICE
10 LAWS.—The Executive Director and staff of the Board
11 may be appointed without regard to the provisions of title
12 5, United States Code, governing appointments in the
13 competitive service.

14 (c) CONFLICTS OF INTEREST.—A member or em-
15 ployee of the Board may not have a conflict of interest
16 that is relevant to any activity of the Board.

17 (d) STAFF OF FEDERAL AGENCIES.—Upon request
18 of the co-Chairpersons, the head of any Federal depart-
19 ment or agency may detail, on a reimbursable basis, any
20 of the personnel of the Federal department or agency to
21 the Board to assist the Board in carrying out the duties
22 of the Board under this Act.

23 (e) EXPERTS AND CONSULTANTS.—With the agree-
24 ment of the co-Chairpersons, the Board may procure tem-
25 porary and intermittent services under section 3109(b) of

1 title 5, United States Code, at a rate to be determined
2 by the co-Chairs.

3 (f) CONTRACTING AUTHORITY.—The Board may con-
4 tract with and compensate Federal agencies or private
5 persons for products or services that are necessary for the
6 Board to carry out the responsibilities of the Board under
7 this Act.

8 **SEC. 7. POWERS OF THE BOARD.**

9 (a) HEARINGS AND SESSIONS.—The Board may, for
10 the purpose of carrying out this Act and as the Board
11 considers appropriate—

- 12 (1) hold hearings;
- 13 (2) sit and act at certain times and places;
- 14 (3) take testimony;
- 15 (4) receive evidence; and
- 16 (5) administer oaths or affirmations to wit-
17 nesses appearing before the Board.

18 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
19 ber or agent of the Board may, if authorized by the Board,
20 take any action which the Board is authorized to take by
21 this section.

22 (c) OBTAINING OFFICIAL DATA.—The Board may se-
23 cure directly from any department or agency information
24 necessary to enable it to carry out this section. Upon re-
25 quest of the co-Chairpersons, the head of the department

1 or agency shall furnish that information to the Board on
 2 an agreed upon schedule.

3 (d) POSTAL SERVICES.—The Board may use the
 4 United States mails in the same manner and under the
 5 same conditions as other Federal agencies.

6 **SEC. 8. EXPEDITED CONSIDERATION OF PROPOSALS BY**
 7 **CONGRESS.**

8 (a) INTRODUCTION.—Legislation submitted by the
 9 Board based on the proposed legislative text described in
 10 section 4(b)(2)(B)(i)(I)(aa) shall—

11 (1) be introduced in the Senate (by request) on
 12 the next day on which the Senate is in session after
 13 the date on which the proposed legislation is sub-
 14 mitted by the majority leader of the Senate or by a
 15 Member of the Senate designated by the majority
 16 leader of the Senate; and

17 (2) shall be introduced in the House of Rep-
 18 resentatives (by request) on the next legislative day
 19 after the date on which the proposed legislation is
 20 submitted by the majority leader of the House of
 21 Representatives or by a Member of the House of
 22 Representatives designated by the majority leader of
 23 the House of Representatives.

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

1 (1) REFERRAL AND REPORTING.—Any com-
2 mittee of the House of Representatives to which an
3 implementation bill is referred shall report it to the
4 House of Representatives without amendment not
5 later than 15 legislative days after the date on which
6 the implementation bill is referred to the committee.
7 If a committee fails to report the implementation bill
8 within that period, it shall be in order to move that
9 the House of Representatives discharge the com-
10 mittee from further consideration of the implementa-
11 tion bill. Such a motion shall not be in order after
12 the last committee authorized to consider the imple-
13 mentation bill reports it to the House of Representa-
14 tives or after the House of Representatives has dis-
15 posed of a motion to discharge the implementation
16 bill. The previous question shall be considered as or-
17 dered on the motion to its adoption without inter-
18 vening motion except 20 minutes of debate equally
19 divided and controlled by the proponent and an op-
20 ponent. If such a motion is adopted, the House of
21 Representatives shall proceed immediately to con-
22 sider the implementation bill in accordance with
23 paragraphs (2) and (3). A motion to reconsider the
24 vote by which the motion is disposed of shall not be
25 in order.

1 (2) PROCEEDING TO CONSIDERATION.—After
2 the last committee authorized to consider an imple-
3 mentation bill reports it to the House of Representa-
4 tives or has been discharged (other than by motion)
5 from its consideration, it shall be in order to move
6 to proceed to consider the implementation bill in the
7 House of Representatives. Such a motion shall not
8 be in order after the House of Representatives has
9 disposed of a motion to proceed with respect to the
10 implementation bill. The previous question shall be
11 considered as ordered on the motion to its adoption
12 without intervening motion. A motion to reconsider
13 the vote by which the motion is disposed of shall not
14 be in order.

15 (3) CONSIDERATION.—An implementation bill
16 shall be considered as read. All points of order
17 against the implementation bill and against its con-
18 sideration are waived. The previous question shall be
19 considered as ordered on an implementation bill to
20 its passage without intervening motion except 2
21 hours of debate equally divided and controlled by the
22 proponent and an opponent and one motion to limit
23 debate on the implementation bill. A motion to re-
24 consider the vote on passage of an implementation
25 bill shall not be in order.

1 (4) VOTE ON PASSAGE.—The vote on passage
2 of an implementation bill shall occur not later than
3 90 days after the date on which the implementation
4 bill is submitted to Congress.

5 (c) EXPEDITED PROCEDURE IN THE SENATE.—

6 (1) COMMITTEE CONSIDERATION.—An imple-
7 mentation bill introduced in the Senate under sub-
8 section (a) shall be jointly referred to the committee
9 or committees of jurisdiction, which committees shall
10 report the bill without any revision and with a favor-
11 able recommendation, an unfavorable recommenda-
12 tion, or without recommendation, not later than 15
13 days after the date on which the implementation bill
14 is referred to the committee. If any committee fails
15 to report the implementation bill within that period,
16 that committee shall be automatically discharged
17 from consideration of the implementation bill, and
18 the implementation bill shall be placed on the appro-
19 priate calendar.

20 (2) MOTION TO PROCEED.—Notwithstanding
21 rule XXII of the Standing Rules of the Senate, it is
22 in order, not later than 2 days of session after the
23 date on which an implementation bill is reported or
24 discharged from all committees to which it was re-
25 ferred, for the majority leader of the Senate or the

1 majority leader's designee to move to proceed to the
2 consideration of the implementation bill. It shall also
3 be in order for any Member of the Senate to move
4 to proceed to the consideration of the implementa-
5 tion bill at any time after the conclusion of such 2-
6 day period. A motion to proceed is in order even
7 though a previous motion to the same effect has
8 been disagreed to. All points of order against the
9 motion to proceed to the implementation bill are
10 waived. The motion to proceed is not debatable. The
11 motion is not subject to a motion to postpone. A mo-
12 tion to reconsider the vote by which the motion is
13 agreed to or disagreed to shall not be in order. If
14 a motion to proceed to the consideration of the im-
15 plementation bill is agreed to, the implementation
16 bill shall remain the unfinished business until dis-
17 posed of.

18 (3) CONSIDERATION.—All points of order
19 against an implementation bill and against consider-
20 ation of an implementation bill are waived. Consider-
21 ation of an implementation bill and of all debatable
22 motions and appeals in connection therewith shall
23 not exceed a total of 30 hours which shall be divided
24 equally between the majority and minority leaders or
25 their designees. A motion further to limit debate on

1 an implementation bill is in order, shall require an
2 affirmative vote of three-fifths of the Members duly
3 chosen and sworn, and is not debatable. Any debat-
4 able motion or appeal is debatable for not to exceed
5 1 hour, to be divided equally between those favoring
6 and those opposing the motion or appeal. All time
7 used for consideration of an implementation bill, in-
8 cluding time used for quorum calls and voting, shall
9 be counted against the total 30 hours of consider-
10 ation.

11 (4) LIMITS.—During consideration of an imple-
12 mentation bill, a motion to postpone, a motion to
13 proceed to the consideration of other business, or a
14 motion to recommit an implementation bill is not in
15 order.

16 (5) VOTE ON PASSAGE.—If the Senate has pro-
17 ceeded to an implementation bill, the vote on pas-
18 sage of an implementation bill shall occur imme-
19 diately following the conclusion of the consideration
20 of the implementation bill, and a single quorum call
21 at the conclusion of the debate if requested. The
22 vote on passage of an implementation bill shall occur
23 not later than 90 days after the date on which the
24 implementation bill is submitted to Congress.

1 (6) RULINGS OF THE CHAIR ON PROCEDURE.—

2 Appeals from the decisions of the Chair relating to
3 the application of the rules of the Senate, as the
4 case may be, to the procedure relating to an imple-
5 mentation bill shall be decided without debate.

6 (d) AMENDMENT.—An implementation bill shall not
7 be subject to amendment in either the House of Rep-
8 resentatives or the Senate.

9 (e) CONSIDERATION BY THE OTHER HOUSE.—

10 (1) IN GENERAL.—If, before passing an imple-
11 mentation bill, one House receives from the other an
12 implementation bill—

13 (A) the implementation bill of the other
14 House shall not be referred to a committee; and

15 (B) the procedure in the receiving House
16 shall be the same as if no implementation bill
17 had been received from the other House until
18 the vote on passage, when the implementation
19 bill received from the other House shall sup-
20 plant the implementation bill of the receiving
21 House.

22 (2) REVENUE MEASURE.—This subsection shall
23 not apply to the House of Representatives if the im-
24 plementation bill received from the Senate is a rev-
25 enue measure.

1 (f) RULES TO COORDINATE ACTION WITH OTHER
2 HOUSE.—

3 (1) TREATMENT OF IMPLEMENTATION BILL OF
4 OTHER HOUSE.—If the Senate fails to introduce or
5 consider an implementation bill under this section,
6 the implementation bill of the House of Representa-
7 tives shall be entitled to expedited floor procedures
8 under this section.

9 (2) TREATMENT OF COMPANION MEASURES IN
10 THE SENATE.—If following passage of an implemen-
11 tation bill in the Senate, the Senate then receives
12 the implementation bill from the House of Rep-
13 resentatives, the House-passed implementation bill
14 shall not be debatable. The vote on passage of the
15 implementation bill in the Senate shall be considered
16 to be the vote on passage of the implementation bill
17 received from the House of Representatives.

18 (3) VETOES.—If the President vetoes an imple-
19 mentation bill, debate on a veto message in the Sen-
20 ate under this section shall be 1 hour equally divided
21 between the majority and minority leaders or their
22 designees.

23 (g) LOSS OF PRIVILEGE.—The provisions of this sec-
24 tion shall cease to apply to an implementation bill if the
25 implementation bill does not pass both Houses not later

1 than 180 days after the implementation bill is submitted
2 to Congress.

3 (h) RULEMAKING.—This section is enacted by Con-
4 gress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and House of Representatives, respec-
7 tively, and as such it is deemed a part of the rules
8 of each House, respectively, but applicable only with
9 respect to the procedure to be followed in that
10 House in the case of an implementation bill, and it
11 supersedes other rules only to the extent that it is
12 inconsistent with such rules; and

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

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated to the Board for fiscal years 2016 through 2021
21 such sums as may be necessary to carry out this Act.

22 (b) OFFSET.—For each fiscal year following fiscal
23 year 2016, the cost of carrying out this Act shall be offset,
24 to the maximum extent practicable, by the reductions in

- 1 sums appropriated because of recommendations proposed
- 2 by the Board.

