

Calendar No. 617

116TH CONGRESS
2D SESSION

S. 2967

[Report No. 116–314]

To establish the Commission on Intergovernmental Relations of the United States to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2019

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

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the Commission on Intergovernmental Relations of the United States to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Restore the Partner-
3 ship Act”.

4 **SEC. 2. ESTABLISHMENT.**

5 There is established a permanent, bipartisan commis-
6 sion to be known as the “Commission on Intergovern-
7 mental Relations of the United States” (in this Act re-
8 ferred to as the “Commission”).

9 **SEC. 3. DECLARATION OF PURPOSE.**

10 (a) IN GENERAL.—In order to facilitate the fullest
11 cooperation, coordination, and mutual accountability
12 among all levels of government and thus better serve the
13 people of the United States in an increasingly complex so-
14 ciety, it is essential that a commission be established to
15 give continuing attention to federalism and intergovern-
16 mental issues.

17 (b) ACTIVITIES.—It is intended that the Commission,
18 in the performance of the duties of the Commission, will—

19 (1) convene representatives of Federal, State,
20 Tribal, and local governments for the consideration
21 of common problems;

22 (2) provide a forum for discussing ways to im-
23 prove the administration and coordination of Federal
24 grant-in-aid, regulatory, tax, and other programs re-
25 quiring intergovernmental cooperation, and to give
26 State, Tribal, and local governments more flexibility

1 and discretion in implementing Federal policies and
2 programs;

3 ~~(3) give critical attention to the conditions, con-~~
4 ~~trols, and oversight involved in the administration of~~
5 ~~such Federal programs;~~

6 ~~(4) share lessons and best practices with Fed-~~
7 ~~eral, State, Tribal, and local governments;~~

8 ~~(5) encourage discussion and study during the~~
9 ~~early stages of emerging public challenges that are~~
10 ~~likely to require intergovernmental cooperation;~~

11 ~~(6) advise the executive and legislative branches~~
12 ~~of the Federal Government on ways to improve the~~
13 ~~intergovernmental operations of the White House~~
14 ~~and Federal agencies, including their offices of inter-~~
15 ~~governmental affairs and use of administrative waiv-~~
16 ~~ers;~~

17 ~~(7) identify the intergovernmental impacts of~~
18 ~~rulings by the United States Supreme Court on Fed-~~
19 ~~eral, State, Tribal, and local governments; and~~

20 ~~(8) recommend, within the framework of the~~
21 ~~United States Constitution, the appropriate alloc-~~
22 ~~ation of governmental functions, responsibilities, reve-~~
23 ~~nuues, and expenditures among the levels of govern-~~
24 ~~ment.~~

1 **SEC. 4. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of ~~31~~ members, of whom—

4 (1) 6 members shall be appointed by the Presi-
5 dent, of whom—

6 (A) ~~3~~ shall be officers of the executive
7 branch of the Federal Government; and

8 (B) ~~3~~ shall be private citizens, each of
9 whom, respectively, shall have experience or fa-
10 miliarity with relations between the levels of
11 government;

12 (2) ~~3~~ members shall be appointed by the major-
13 ity leader of the Senate, who shall be Members of
14 the Senate;

15 (3) ~~3~~ members shall be appointed by the Speak-
16 er of the House of Representatives, who shall be
17 Members of the House of Representatives;

18 (4) 4 members shall be appointed by the Presi-
19 dent from a panel of not less than 8 Governors sub-
20 mitted by the National Governors Association;

21 (5) 4 members shall be appointed by the Presi-
22 dent from a panel of not less than 8 members of
23 State legislative bodies submitted by the National
24 Conference of State Legislatures;

25 (6) 4 members shall be appointed by the Presi-
26 dent from a panel of not less than 8 mayors sub-

mitted jointly by the National League of Cities and
the United States Conference of Mayors;

~~(7)~~ 4 members shall be appointed by the President from a panel of not less than 8 elected county officers submitted by the National Association of Counties;

~~(8)~~ 1 member shall be appointed by the President from a panel of not less than 4 town or township elected governing board members submitted by the National Association of Towns and Townships;
and

~~(9)~~ 2 members shall be appointed by the President from a panel of not less than 4 Tribal officials submitted by the National Congress of American Indians.

~~(b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—~~

The political and geographic composition of the Commission shall be as follows:

~~(1)~~ The private citizen members under subsection ~~(a)(1)~~ shall be appointed without regard to political affiliation.

~~(2)~~ Two of the appointees under paragraphs ~~(2)~~ and ~~(3)~~ of subsection ~~(a)~~, respectively, shall be from the majority party of the applicable House of Congress.

1 ~~(3)~~ Not more than 2 of the appointees under
2 paragraphs ~~(4)~~, ~~(5)~~, ~~(6)~~, and ~~(7)~~ of subsection (a),
3 respectively, shall be from any 1 political party.

4 ~~(4)~~ Not more than 1 of the appointees under
5 paragraphs ~~(5)~~, ~~(6)~~, ~~(7)~~, and ~~(9)~~ of subsection (a),
6 respectively, shall be from any 1 State.

7 ~~(5)~~ Not less than 1 of the appointees under
8 subsection (a)~~(6)~~ shall be from cities with a popu-
9 lation of more than 500,000, and not less than 1 of
10 the appointees under subsection (a)~~(6)~~ shall be from
11 cities with a population of less than 50,000.

12 ~~(6)~~ Not less than 1 of the appointees under
13 subsection (a)~~(7)~~ shall be from counties with a popu-
14 lation of more than 500,000, and not less than 1 of
15 the appointees under subsection (a)~~(7)~~ shall be from
16 counties with a population of less than 50,000.

17 ~~(7)~~ The appointee under subsection (a)~~(8)~~ shall
18 not be a member of the party of the President.

19 ~~(8)~~ One of the appointees under subsection
20 (a)~~(9)~~ shall be an official of an Indian tribe engaged
21 in class II gaming or class III gaming, as such
22 terms are defined in section 4 of the Indian Gaming
23 Regulatory Act (25 U.S.C. 2703), respectively, and
24 the other appointee under subsection (a)~~(9)~~ shall be

1 an official of an Indian tribe that is not engaged in
 2 such gaming.

3 ~~(c) INITIAL APPOINTMENTS.—~~Each initial appoint-
 4 ment under subsection (a) shall be made not later than
 5 60 days after the date of enactment of this Act.

6 ~~(d) TERMS.—~~

7 ~~(1) IN GENERAL.—~~Each member of the Com-
 8 mission shall—

9 ~~(A) serve a term of 2 years;~~

10 ~~(B) be eligible for reappointment; and~~

11 ~~(C) except as provided in paragraph (2),~~
 12 ~~continue to serve until a successor is appointed.~~

13 ~~(2) TERMINATION OF SERVICE IN OFFICIAL PO-~~
 14 ~~SITION FROM WHICH ORIGINALLY APPOINTED.—~~If
 15 any member of the Commission ceases to serve in
 16 the official position to which the member was ap-
 17 pointed under subsection (a), the place of the mem-
 18 ber on the Commission shall be deemed to be vacant.

19 ~~(3) VACANCIES IN MEMBERSHIP.—~~

20 ~~(A) IN GENERAL.—~~Except as provided in
 21 subparagraph (B), any vacancy in the member-
 22 ship of the Commission shall be filled for the
 23 remainder of the vacant term in the same man-
 24 ner in which the original appointment was
 25 made.

(B) EXCEPTION.—If the number of vacancies in the membership of the Commission is fewer than the number of members specified in paragraphs (4), (5), (6), (7), and (8) of subsection (a), each panel of names submitted in accordance with the those paragraphs shall contain not less than 2 names for each vacancy.

SEC. 5. ORGANIZATION OF COMMISSION.

(a) INITIAL MEETING.—The President shall convene the Commission not later than 90 days after the date of enactment of this Act at such time and place as the President may designate.

(b) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The President shall designate a Chair and a Vice Chair of the Commission from among the members of the Commission.

(2) PROCESS FOR ELECTION.—After the President designates a Chair and Vice Chair under paragraph (1), the Commission may subsequently establish a process for electing a Chair and Vice Chair.

(c) QUORUM.—Seventeen members of the Commission shall constitute a quorum, but 2 or more members, representing more than 1 of the class of members described in section 4(a), shall constitute a quorum for the purpose of conducting hearings.

1 **SEC. 6. DUTIES OF COMMISSION.**

2 (a) IN GENERAL.—The Commission shall—

3 (1) engage in such activities and make such
4 studies, investigations, convenings, and communica-
5 tions as are necessary or desirable in the accomplish-
6 ment of the purposes set forth in section 3;

7 (2) consider, on its own initiative, mechanisms
8 for fostering better relations and more productive
9 partnerships between and among the levels of gov-
10 ernment;

11 (3) make available technical assistance to the
12 executive and legislative branches of the Federal
13 Government in the review of proposed legislation to
14 determine the overall effect of the proposed legisla-
15 tion on all levels of government;

16 (4) recommend, within the framework of the
17 United States Constitution, the appropriate alloca-
18 tion of governmental functions, responsibilities, reve-
19 nues, and expenditures among the levels of govern-
20 ment;

21 (5) recommend ways to improve the manage-
22 ment, performance, and coordination of Federal
23 grant-in-aid and regulatory programs on State, Trib-
24 al, and local governments, including metrics to in-
25 form intergovernmental improvements; and

1 (6) recommend methods of coordinating and
 2 simplifying tax laws and administrative policies and
 3 practices to achieve a more orderly and less competi-
 4 tive fiscal relationship between the levels of govern-
 5 ment and to reduce the burden of compliance for
 6 taxpayers.

7 (b) REPORTS.—

8 (1) ANNUAL REPORT.—Not later than 1 year
 9 after the date of enactment of this Act, and on or
 10 before January 31 of each year thereafter, the Com-
 11 mission shall submit to the President and Congress
 12 a report that—

13 (A) identifies trends in federalism, emerg-
 14 ing and persistent issues needing intergovern-
 15 mental attention, data needs, and areas requir-
 16 ing intergovernmental cooperation and coordi-
 17 nation for better outcomes;

18 (B) summarizes any actions taken in ac-
 19 cordance with the recommendations of the Com-
 20 mission contained in any prior report, and the
 21 results thereof;

22 (C) contains the recommendations de-
 23 scribed in subsection (a) made in the year pre-
 24 ceding the submission of the report;

1 ~~(D)~~ provide details on the activities, ad-
 2 ministration, expenditures, and receipts of the
 3 Commission; and

4 ~~(E)~~ communicate any other matters as the
 5 Commission may determine important.

6 ~~(2) ADDITIONAL REPORTS.—~~The Commission
 7 may submit additional reports to the President, to
 8 Congress or any committee of Congress, and to any
 9 unit of government or organization as the Commis-
 10 sion may determine appropriate.

11 ~~(c) HEARINGS.—~~Not later than 90 days after the
 12 date on which Congress receives a report described in sub-
 13 section (b)(1), Congress shall hold hearings on the rec-
 14 ommendations of the Commission.

15 **SEC. 7. POWERS AND ADMINISTRATIVE PROVISIONS.**

16 ~~(a) HEARINGS AND SESSIONS.—~~

17 ~~(1) IN GENERAL.—~~The Commission or, on the
 18 authorization of the Commission, any subcommittee
 19 or members thereof, may, for the purpose of ear-
 20 rying out the provisions of this Act, hold such hear-
 21 ings, take such testimony, and sit and act at such
 22 times and places as the Commission determines to
 23 be advisable.

24 ~~(2) OATHS AND AFFIRMATIONS.—~~Any member
 25 authorized by the Commission may administer oaths

1 or affirmations to witnesses appearing before the
2 Commission or any subcommittee or members there-
3 of.

4 (b) COOPERATION BY EXECUTIVE AGENCIES.—

5 (1) REQUEST FOR INFORMATION.—Each de-
6 partment, agency, and instrumentality of the execu-
7 tive branch of the Federal Government, including
8 each independent agency, is authorized and directed,
9 consistent with law, to furnish to the Commission,
10 upon request made by the Chair or Vice Chair, such
11 information as the Commission determines to be
12 necessary to carry out the functions of the Commis-
13 sion under this Act.

14 (2) RECOMMENDATIONS.—The Commission
15 shall furnish to any department, agency, or instru-
16 mentality of the executive branch of the Federal
17 Government, including independent agencies, any
18 recommendations directed toward the department,
19 agency, or instrumentality, and the department,
20 agency, or instrumentality shall furnish the Commis-
21 sion within 90 days a written response that shall be
22 included in any publication of the recommendations
23 of the Commission.

1 (c) EXECUTIVE DIRECTOR.—The Commission shall
 2 have power to appoint and remove an Executive Direc-
 3 tor—

4 (1) who shall be paid at the rate of basic pay
 5 for level III of the Executive Schedule under section
 6 5314 of title 5, United States Code; and

7 (2) the appointment of whom shall be made
 8 solely on the basis of fitness to perform the duties
 9 of the position and without regard to political affili-
 10 ation.

11 (d) STAFF.—Subject to such rules and regulations as
 12 may be adopted by the Commission, the Executive Direc-
 13 tor shall have the power to—

14 (1) appoint, fix the compensation of, and re-
 15 move such other personnel as he or she determines
 16 to be necessary; and

17 (2) procure temporary and intermittent services
 18 to the same extent as is authorized by section 3109
 19 of title 5, United States Code.

20 (e) APPLICABILITY OF OTHER LAWS TO EMPLOY-
 21 EES.—Except as otherwise provided in this Act, persons
 22 in the employ of the Commission under subsections (c)
 23 and (d)(1) shall be considered Federal employees for all
 24 purposes.

1 (f) ~~MAXIMUM COMPENSATION OF EMPLOYEES.~~—Any
 2 individual in the employ of the Commission under sub-
 3 section (d)(1) may not be paid at a rate of pay greater
 4 than the highest rate of basic pay provided under the Gen-
 5 eral Schedule under section 5332 of title 5, United States
 6 Code.

7 **SEC. 8. APPLICATION OF THE FEDERAL ADVISORY COM-**
 8 **MITTEE ACT.**

9 Section 3(2) of the Federal Advisory Committee Act
 10 (5 U.S.C. App) is amended, in the matter following sub-
 11 paragraph (C)—

- 12 (1) by striking “and” before “(ii)”; and
 13 (2) by striking “Administration” and inserting
 14 “Administration, and (iii) the Commission on Inter-
 15 governmental Relations of the United States”.

16 **SEC. 9. REIMBURSEMENT.**

17 Members of the Commission shall be entitled to reim-
 18 bursement for travel, subsistence, and other necessary ex-
 19 penses incurred by them in the performance of their duties
 20 as members of the Commission.

21 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
 23 as may be necessary to carry out the provisions of this
 24 Act.

1 **SEC. 11. RECEIPT OF OTHER FUNDS.**

2 The Commission is authorized to receive funds
3 through grants, contracts, and contributions from govern-
4 mental agencies, foundations, and nonprofit organizations.
5 Such funds may be received and expended by the Commis-
6 sion only for the purposes of carrying out this Act.

7 **SEC. 12. REPEAL OF ADVISORY COMMISSION ON INTER-**
8 **GOVERNMENTAL AFFAIRS.**

9 “An Act to establish an Advisory Commission on
10 Intergovernmental Affairs”, approved September 24, 1959
11 (Public Law 86–380; 42 U.S.C. 4271 et seq.), is repealed.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Restore the Partnership*
14 *Act”.*

15 **SEC. 2. ESTABLISHMENT.**

16 *There is established in the executive branch a perma-*
17 *nent, bipartisan commission to be known as the “Commis-*
18 *sion on Intergovernmental Relations of the United States”*
19 *(in this Act referred to as the “Commission”).*

20 **SEC. 3. DECLARATION OF PURPOSE.**

21 (a) *IN GENERAL.*—*In order to facilitate the fullest co-*
22 *operation, coordination, and mutual accountability among*
23 *all levels of government and thus better serve the people of*
24 *the United States in an increasingly complex society, it is*
25 *essential that a commission be established to give con-*

1 *tinuing attention to federalism and intergovernmental*
 2 *issues.*

3 **(b) ACTIVITIES.**—*It is intended that the Commission,*
 4 *in the performance of the duties of the Commission, will—*

5 (1) *convene representatives of Federal, State,*
 6 *Tribal, and local governments for the consideration of*
 7 *common problems;*

8 (2) *provide a forum for discussing ways to im-*
 9 *prove the administration and coordination of Federal*
 10 *grant-in-aid, regulatory, tax, and other programs re-*
 11 *quiring intergovernmental cooperation, and to give*
 12 *State, Tribal, and local governments more flexibility*
 13 *and discretion in implementing Federal policies and*
 14 *programs;*

15 (3) *give critical attention to the conditions, con-*
 16 *trols, and oversight involved in the administration of*
 17 *such Federal programs;*

18 (4) *share lessons and best practices with Federal,*
 19 *State, Tribal, and local governments;*

20 (5) *encourage discussion and study during the*
 21 *early stages of emerging public challenges that are*
 22 *likely to require intergovernmental cooperation;*

23 (6) *advise the executive and legislative branches*
 24 *of the Federal Government on ways to improve the*
 25 *intergovernmental operations of the White House and*

1 *Federal agencies, including their offices of intergov-*
 2 *ernmental affairs and use of administrative waivers;*

3 *(7) identify the intergovernmental impacts of*
 4 *rulings by the Supreme Court of the United States on*
 5 *Federal, State, Tribal, and local governments; and*

6 *(8) recommend, within the framework of the*
 7 *Constitution of the United States, the appropriate al-*
 8 *location of governmental functions, responsibilities,*
 9 *revenues, and expenditures among the levels of govern-*
 10 *ment.*

11 **SEC. 4. MEMBERSHIP.**

12 *(a) NUMBER AND APPOINTMENT.—The Commission*
 13 *shall be composed of 31 members, of whom—*

14 *(1) 6 members shall be appointed by the Presi-*
 15 *dent, of whom—*

16 *(A) 3 shall be officers of the executive*
 17 *branch of the Federal Government; and*

18 *(B) 3 shall be private citizens, each of*
 19 *whom shall have experience or familiarity with*
 20 *relations between the levels of government;*

21 *(2) 3 members shall be appointed by the major-*
 22 *ity leader of the Senate, who shall be Members of the*
 23 *Senate;*

1 (3) 3 members shall be appointed by the Speaker
2 of the House of Representatives, who shall be Members
3 of the House of Representatives;

4 (4) 4 members shall be appointed by the Presi-
5 dent from a panel of not less than 8 Governors sub-
6 mitted by the National Governors Association;

7 (5) 4 members shall be appointed by the Presi-
8 dent from a panel of not less than 8 members of State
9 legislative bodies submitted by the National Con-
10 ference of State Legislatures;

11 (6) 4 members shall be appointed by the Presi-
12 dent from a panel of not less than 8 mayors sub-
13 mitted jointly by the National League of Cities and
14 the United States Conference of Mayors;

15 (7) 4 members shall be appointed by the Presi-
16 dent from a panel of not less than 8 elected county
17 officers submitted by the National Association of
18 Counties;

19 (8) 1 member shall be appointed by the President
20 from a panel of not less than 4 town or township
21 elected governing board members submitted by the Na-
22 tional Association of Towns and Townships; and

23 (9) 2 members shall be appointed by the Presi-
24 dent from a panel of not less than 4 Tribal officials

1 *submitted by the National Congress of American Indi-*
 2 *ans.*

3 ***(b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—***

4 *The political and geographic composition of the Commis-*
 5 *sion shall be as follows:*

6 *(1) The private citizen members under subsection*
 7 *(a)(1) shall be appointed without regard to political*
 8 *affiliation.*

9 *(2) Two of the appointees under paragraphs (2)*
 10 *and (3) of subsection (a), respectively, shall be from*
 11 *the majority party of the applicable House of Con-*
 12 *gress.*

13 *(3) Not more than 2 of the appointees under*
 14 *paragraphs (4), (5), (6), and (7) of subsection (a), re-*
 15 *spectively, shall be from any 1 political party.*

16 *(4) Not more than 1 of the appointees under*
 17 *paragraphs (5), (6), (7), and (9) of subsection (a), re-*
 18 *spectively, shall be from any 1 State.*

19 *(5) Not less than 1 of the appointees under sub-*
 20 *section (a)(6) shall be from cities with a population*
 21 *of more than 500,000, and not less than 1 of the ap-*
 22 *pointees under subsection (a)(6) shall be from cities*
 23 *with a population of less than 50,000.*

24 *(6) Not less than 1 of the appointees under sub-*
 25 *section (a)(7) shall be from counties with a popu-*

1 *lation of more than 500,000, and not less than 1 of*
 2 *the appointees under subsection (a)(7) shall be from*
 3 *counties with a population of less than 50,000.*

4 *(7) The appointee under subsection (a)(8) shall*
 5 *not be a member of the party of the President.*

6 *(8) One of the appointees under subsection (a)(9)*
 7 *shall be an official of an Indian Tribe engaged in*
 8 *class II gaming or class III gaming, as such terms*
 9 *are defined in section 4 of the Indian Gaming Regu-*
 10 *latory Act (25 U.S.C. 2703), and the other appointee*
 11 *under subsection (a)(9) shall be an official of an In-*
 12 *dian Tribe that is not engaged in such gaming.*

13 *(c) INITIAL APPOINTMENTS.—Each initial appoint-*
 14 *ment under subsection (a) shall be made not later than 60*
 15 *days after the date of enactment of this Act.*

16 *(d) TERMS.—*

17 *(1) IN GENERAL.—Each member of the Commis-*
 18 *sion shall—*

19 *(A) serve a term of 2 years;*

20 *(B) be eligible for reappointment; and*

21 *(C) except as provided in paragraph (2),*
 22 *continue to serve until a successor is appointed.*

23 *(2) TERMINATION OF SERVICE IN OFFICIAL POSI-*
 24 *TION FROM WHICH ORIGINALLY APPOINTED.—If any*
 25 *member of the Commission ceases to serve in the offi-*

1 *cial position from which the member was appointed*
 2 *under subsection (a), the place of the member on the*
 3 *Commission shall be deemed to be vacant.*

4 (3) *VACANCIES IN MEMBERSHIP.—*

5 (A) *IN GENERAL.—Except as provided in*
 6 *subparagraph (B), any vacancy in the member-*
 7 *ship of the Commission shall be filled for the re-*
 8 *mainder of the vacant term in the same manner*
 9 *in which the original appointment was made.*

10 (B) *EXCEPTION.—If the number of vacan-*
 11 *cies in the membership of the Commission is*
 12 *fewer than the number of members specified in*
 13 *paragraphs (4), (5), (6), (7), and (8) of sub-*
 14 *section (a), each panel of names submitted in ac-*
 15 *cordance with the those paragraphs shall contain*
 16 *not less than 2 names for each vacancy.*

17 **SEC. 5. ORGANIZATION OF COMMISSION.**

18 (a) *INITIAL MEETING.—The President shall convene*
 19 *the Commission not later than 90 days after the date of*
 20 *enactment of this Act at such time and place as the Presi-*
 21 *dent may designate.*

22 (b) *CHAIR AND VICE CHAIR.—*

23 (1) *IN GENERAL.—The President shall designate*
 24 *a Chair and a Vice Chair of the Commission from*
 25 *among the members of the Commission.*

1 (2) *PROCESS FOR ELECTION.*—After the Presi-
 2 dent designates a Chair and Vice Chair under para-
 3 graph (1), the Commission may subsequently establish
 4 a process for electing a Chair and Vice Chair.

5 (c) *QUORUM.*—Seventeen members of the Commission
 6 shall constitute a quorum, but 2 or more members, rep-
 7 resenting more than 1 of the class of members described in
 8 section 4(a), shall constitute a quorum for the purpose of
 9 conducting hearings.

10 **SEC. 6. DUTIES OF COMMISSION.**

11 (a) *IN GENERAL.*—The Commission shall—

12 (1) *engage in such activities and make such*
 13 *studies, investigations, convenings, and communica-*
 14 *tions as are necessary or desirable in the accomplish-*
 15 *ment of the purposes set forth in section 3;*

16 (2) *consider, on its own initiative, mechanisms*
 17 *for fostering better relations and more productive*
 18 *partnerships between and among the levels of govern-*
 19 *ment;*

20 (3) *make available technical assistance to the ex-*
 21 *ecutive and legislative branches of the Federal Gov-*
 22 *ernment in the review of proposed legislation to deter-*
 23 *mine the overall effect of the proposed legislation on*
 24 *all levels of government;*

1 (4) *recommend, within the framework of the*
 2 *Constitution of the United States, the appropriate al-*
 3 *location of governmental functions, responsibilities,*
 4 *revenues, and expenditures among the levels of govern-*
 5 *ment;*

6 (5) *recommend ways to improve the manage-*
 7 *ment, performance, and coordination of Federal*
 8 *grant-in-aid and regulatory programs for State, Trib-*
 9 *al, and local governments, including metrics to in-*
 10 *form intergovernmental improvements; and*

11 (6) *recommend methods of coordinating and sim-*
 12 *plifying tax laws and administrative policies and*
 13 *practices to achieve a more orderly and less competi-*
 14 *tive fiscal relationship between the levels of govern-*
 15 *ment and to reduce the burden of compliance for tax-*
 16 *payers.*

17 **(b) REPORTS.—**

18 (1) **ANNUAL REPORT.**—*Not later than 1 year*
 19 *after the date of enactment of this Act, and on or be-*
 20 *fore January 31 of each year thereafter until the*
 21 *Commission terminates, the Commission shall submit*
 22 *to the President and Congress a report that—*

23 (A) *identifies trends in federalism, emerging*
 24 *and persistent issues needing intergovernmental*
 25 *attention, data needs, and areas requiring inter-*

1 *governmental cooperation and coordination for*
2 *better outcomes;*

3 *(B) summarizes any actions taken in ac-*
4 *cordance with the recommendations of the Com-*
5 *mission contained in any prior report, and the*
6 *results thereof;*

7 *(C) contains the recommendations described*
8 *in subsection (a) made in the year preceding the*
9 *submission of the report;*

10 *(D) provides details on the activities, ad-*
11 *ministration, expenditures, and receipts of the*
12 *Commission; and*

13 *(E) communicates any other matters as the*
14 *Commission may determine important.*

15 *(2) REPORT ON PROGRAMS CARRIED OUT USING*
16 *FEDERAL FUNDS.—*

17 *(A) IN GENERAL.—Not later than 1 year*
18 *after the date on which the Commission holds its*
19 *initial meeting under section 5(a), and annually*
20 *thereafter, the Commission shall submit to Con-*
21 *gress a report detailing, to the greatest extent*
22 *practicable, the programs, initiatives, depart-*
23 *ments, offices, and any other efforts carried out*
24 *under the authority of a State, local, or Tribal*

1 government for which not less than 50 percent of
2 the funding is derived from Federal sources.

3 (B) *EXPLANATORY STATEMENT.*—Each re-
4 port required under subparagraph (A) may con-
5 tain an explanatory statement that—

6 (i) states that the report does not con-
7 tain an exhaustive list of State, local, or
8 Tribal government activities funded by Fed-
9 eral sources; and

10 (ii) describes any difficulties in obtain-
11 ing and compiling that information.

12 (C) *IMPROVEMENT.*—The Commission shall
13 improve the detail and quantity of information
14 included in each subsequent report required
15 under subparagraph (A).

16 (3) *ADDITIONAL REPORTS.*—The Commission
17 may submit additional reports to the President, to
18 Congress or any committee of Congress, and to any
19 unit of government or organization as the Commis-
20 sion may determine appropriate.

21 (c) *HEARINGS.*—Not later than 90 days after the date
22 on which Congress receives a report described in subsection
23 (b)(1), Congress shall hold hearings on the recommendations
24 of the Commission.

1 **SEC. 7. POWERS AND ADMINISTRATIVE PROVISIONS.**

2 *(a) HEARINGS AND SESSIONS.—*

3 *(1) IN GENERAL.—The Commission or, on the*
4 *authorization of the Commission, any subcommittee*
5 *or members thereof, may, for the purpose of carrying*
6 *out the provisions of this Act, hold such hearings, take*
7 *such testimony, and sit and act at such times and*
8 *places as the Commission determines to be advisable.*

9 *(2) OATHS AND AFFIRMATIONS.—Any member*
10 *authorized by the Commission may administer oaths*
11 *or affirmations to witnesses appearing before the*
12 *Commission or any subcommittee or members thereof.*

13 *(b) COOPERATION BY EXECUTIVE AGENCIES.—*

14 *(1) REQUEST FOR INFORMATION.—Each depart-*
15 *ment, agency, and instrumentality of the executive*
16 *branch of the Federal Government, including each*
17 *independent agency, is authorized and directed, con-*
18 *sistent with law, to furnish to the Commission, upon*
19 *request made by the Chair or Vice Chair, such infor-*
20 *mation as the Commission determines to be necessary*
21 *to carry out the functions of the Commission under*
22 *this Act.*

23 *(2) DETAIL OF AGENCY PERSONNEL.—Upon re-*
24 *quest of the Executive Director of the Commission, the*
25 *head of any department, agency, and instrumentality*
26 *of the executive branch of the Federal Government, in-*

cluding any independent agency, may detail on a reimbursable basis any of the personnel of that department, agency, and instrumentality to the Commission to assist in carrying out this Act.

(3) *RECOMMENDATIONS.*—The Commission shall furnish to any department, agency, or instrumentality of the executive branch of the Federal Government, including independent agencies, any recommendations directed toward the department, agency, or instrumentality, and the department, agency, or instrumentality shall furnish the Commission within 90 days a written response that shall be included in any publication of the recommendations of the Commission.

(c) *EXECUTIVE DIRECTOR.*—The Commission shall have power to appoint and remove an Executive Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates—

(1) who shall be paid at the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

1 (2) *the appointment of whom shall be made sole-*
 2 *ly on the basis of fitness to perform the duties of the*
 3 *position and without regard to political affiliation.*

4 (d) *STAFF.*—*Subject to such rules and regulations as*
 5 *may be adopted by the Commission, without regard to the*
 6 *provisions of title 5, United States Code, governing ap-*
 7 *pointments in the competitive service, and without regard*
 8 *to the provisions of chapter 51 and subchapter III of chap-*
 9 *ter 53 of such title relating to classification and General*
 10 *Schedule pay rates, the Executive Director shall have the*
 11 *power to—*

12 (1) *appoint, fix the compensation of, and remove*
 13 *such other personnel as the Executive Director deter-*
 14 *mines to be necessary; and*

15 (2) *procure temporary and intermittent services*
 16 *to the same extent as is authorized by section 3109 of*
 17 *title 5, United States Code.*

18 (e) *APPLICABILITY OF OTHER LAWS TO EMPLOY-*
 19 *EES.*—*Except as otherwise provided in this Act, persons in*
 20 *the employ of the Commission under subsections (c) and*
 21 *(d)(1) shall be considered Federal employees for all pur-*
 22 *poses.*

23 (f) *MAXIMUM COMPENSATION OF EMPLOYEES.*—*Any*
 24 *individual in the employ of the Commission under sub-*
 25 *section (d)(1) may not be paid at a rate of pay greater*

1 *than the highest rate of basic pay provided under the Gen-*
 2 *eral Schedule under section 5332 of title 5, United States*
 3 *Code.*

4 **SEC. 8. TERMINATION.**

5 *The Commission shall terminate on the date that is*
 6 *8 years after the date of enactment of this Act.*

7 **SEC. 9. REIMBURSEMENT.**

8 *Members of the Commission shall be entitled to reim-*
 9 *bursement for travel, subsistence, and other necessary ex-*
 10 *penses incurred by them in the performance of their duties*
 11 *as members of the Commission.*

12 **SEC. 10. RECEIPT OF OTHER FUNDS.**

13 *The Commission is authorized to receive funds through*
 14 *grants, contracts, and contributions from governmental*
 15 *agencies, foundations, and nonprofit organizations. Such*
 16 *funds may be received and expended by the Commission*
 17 *only for the purposes of carrying out this Act.*

18 **SEC. 11. REPEAL OF ADVISORY COMMISSION ON INTERGOV-**
 19 **ERNMENTAL RELATIONS.**

20 *The Act entitled “An Act to establish an Advisory*
 21 *Commission on Intergovernmental Relations”, approved*
 22 *September 24, 1959 (Public Law 86–380; 42 U.S.C. 4271*
 23 *et seq.), is repealed.*

Calendar No. 617

116TH CONGRESS
2D Session

S. 2967

[Report No. 116-314]

A BILL

To establish the Commission on Intergovernmental Relations of the United States to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of government, and for other purposes.

DECEMBER 14, 2020

Reported with an amendment