

103D CONGRESS  
1ST SESSION

# S. 101

To establish a National Commission on Executive Organization Reform.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

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

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## A BILL

To establish a National Commission on Executive Organization Reform.

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 AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Executive Organization Reform Act of 1993”.

6 (b) PURPOSE.—The purpose of this Act is to estab-  
7 lish a commission to examine the performance of the Fed-  
8 eral Government’s public mission and to make rec-  
9 ommendations to improve that performance through more  
10 effective and efficient management and organization of the  
11 executive branch, particularly through the coordination

1 and consolidation of Government activities according to  
2 and within major functions, and the elimination of out-  
3 moded or duplicative Government activities.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act—

6 (1) the term “Commission” means the National  
7 Commission on Executive Organization Reform; and

8 (2) the term “executive entity” means any Fed-  
9 eral department, agency, quasi-independent agency,  
10 independent agency, Government-sponsored enter-  
11 prise or Government corporation.

12 **SEC. 3. THE NATIONAL COMMISSION ON EXECUTIVE ORGA-**  
13 **NIZATION.**

14 (a) ESTABLISHMENT.—There is established an inde-  
15 pendent commission to be known as the “National Com-  
16 mission on Executive Organization Reform”.

17 (b) DUTIES.—The Commission shall examine and  
18 make recommendations with respect to—

19 (1) criteria for use by the President and Con-  
20 gress in evaluating proposals to change the structure  
21 of the executive branch, including criteria for estab-  
22 lishing, altering, or overseeing the structure and or-  
23 ganization of any executive entity;

24 (2) the organization and structure of the execu-  
25 tive branch and its entities, including the advisability

1 of reorganizing, consolidating, or abolishing any  
2 such entity, and the advisability of establishing any  
3 new executive entity;

4 (3) the organization and delivery of Government  
5 services, including the advisability or reorganizing,  
6 consolidating or eliminating specific program activi-  
7 ties, and the advisability of transferring activities to  
8 State or local governments; and

9 (4) promoting economy, improving performance,  
10 and ensuring adequate capacity of executive entities  
11 to meet and manage their public missions.

12 (c) APPOINTMENT.—

13 (1) IN GENERAL.—(A) The Commission shall  
14 be composed of 12 members.

15 (B) Appointments to the Commission shall be  
16 made by no later than 60 days after the enactment  
17 of this Act.

18 (2) MEMBERSHIP.—(A) The President shall ap-  
19 point 4 members of the Commission who are not em-  
20 ployed by the Federal Government or elected to Fed-  
21 eral office (referred to as “citizen members”). No  
22 more than 2 of the members appointed by the Presi-  
23 dent may be from the same political party as the  
24 President.

1           (B) The Speaker of the House of Representa-  
2           tives shall appoint 2 members, 1 of whom shall be  
3           a citizen member and 1 of whom shall be a Member  
4           of the House of Representatives.

5           (C) The Majority Leader of the Senate shall  
6           appoint 2 members, 1 of whom shall be a citizen  
7           member and 1 of whom shall be a Senator.

8           (D) The Minority Leader of the House of Rep-  
9           resentatives shall appoint 2 members, 1 of whom  
10          shall be a citizen member and 1 of whom shall be  
11          a Member of the House of Representatives.

12          (E) The Minority Leader of the Senate shall  
13          appoint 2 members, 1 of whom shall be a citizen  
14          member and 1 of whom shall be a Senator.

15          (3) CHAIRMAN.—The President shall designate  
16          1 member of the Commission, after consultation  
17          with the Senate Majority Leader and the Speaker of  
18          the House of Representatives, who shall serve as  
19          Chairman of the Commission.

20          (d) TERMS.—Each member of the Commission shall  
21          serve until the termination of the Commission.

22          (e) MEETINGS.—

23                 (1) IN GENERAL.—The Commission shall meet  
24                 as necessary to carry out its responsibilities. The

1 Commission may conduct meetings outside the Dis-  
2 trict of Columbia when necessary.

3 (2) PUBLIC ACCESS.—The provisions of section  
4 552b of title 5, United States Code, shall apply to  
5 meetings held by the Commission.

6 (f) VACANCIES.—A vacancy in the Commission shall  
7 be filled in the same manner as the original appointment,  
8 but the individual appointed to fill the vacancy shall serve  
9 only for the unexpired portion of the term for which the  
10 individual's predecessor was appointed.

11 (g) PAY AND TRAVEL EXPENSES.—

12 (1) PAY.—(A) Each member, other than the  
13 Chairman and Members of Congress, shall be paid  
14 at a rate equal to the daily equivalent of the mini-  
15 mum annual rate of basic pay payable for level IV  
16 of the Executive Schedule under section 5315 of title  
17 5, United States Code, for each day (including travel  
18 time) during which the member is engaged in the ac-  
19 tual performance of duties vested in the Commis-  
20 sion.

21 (B) The Chairman shall be paid for each day  
22 referred to in subparagraph (A) at a rate equal to  
23 the daily equivalent of the minimum annual rate of  
24 basic pay payable for level III of the Executive

1 Schedule under section 5314 of title 5, United  
2 States Code.

3 (2) TRAVEL EXPENSES.—Members shall receive  
4 travel expenses, including per diem in lieu of subsist-  
5 ence, in accordance with sections 5702 and 5703 of  
6 title 5, United States Code.

7 (h) DIRECTOR OF STAFF.—

8 (1) IN GENERAL.—The Commission shall, with-  
9 out regard to section 5311(b) of title 5, United  
10 States Code, appoint a Director who has not served  
11 in Congress or been employed by the executive  
12 branch during the 1-year period preceding the date  
13 of such appointment.

14 (2) PAY.—The Director shall be paid at the  
15 rate of basic pay payable for level IV of the Execu-  
16 tive Schedule under section 5315 of title 5, United  
17 States Code.

18 (i) STAFF.—

19 (1) IN GENERAL.—Subject to paragraphs (2)  
20 and (3), the Director, with the approval of the Com-  
21 mission, may appoint and fix the pay of additional  
22 personnel.

23 (2) APPOINTMENTS WITHOUT REGARD TO COM-  
24 PETITIVE SERVICE LIMITS.—The Director may make  
25 such appointments without regard to the provisions

1 of title 5, United States Code, governing appoint-  
2 ments in the competitive service, and any personnel  
3 so appointed may be paid without regard to the pro-  
4 visions of chapter 51 and subchapter III of chapter  
5 53 of that title relating to classification and General  
6 Schedule pay rates, except that an individual so ap-  
7 pointed may not receive pay in excess of 120 percent  
8 of the rate of basic pay payable for GS-15 of the  
9 General Schedule.

10 (3) DETAILEES.—Upon request of the Director,  
11 the head of any Federal department or agency may  
12 detail any of the personnel of that department or  
13 agency to the Commission to assist the Commission  
14 in carrying out its duties under this Act.

15 (4) DETAIL OF GOVERNMENT EMPLOYEES.—  
16 Any Federal Government employee may be detailed  
17 to the Commission with or without reimbursement,  
18 and such detail shall be without interruption or loss  
19 of civil service status or privilege.

20 (j) OTHER AUTHORITY.—

21 (1) INTERMITTENT SERVICES.—The Commis-  
22 sion may procure by contract, to the extent funds  
23 are available, the temporary or intermittent services  
24 of experts or consultants pursuant to section 3109  
25 of title 5, United States Code.

1           (2) LEASING AND PERSONAL PROPERTY.—The  
2           Commission may lease space and acquire personal  
3           property to the extent funds are available.

4           (k) FUNDING.—There are authorized to be appro-  
5           priated to the Commission such funds as are necessary  
6           to carry out its duties under this Act. Such funds shall  
7           remain available until expended.

8           (l) TERMINATION.—The Commission shall terminate  
9           2 years after the date of enactment of this Act.

10 **SEC. 4. COMMISSION REPORT.**

11           (a) REPORT.—The Commission shall prepare and  
12           transmit a report to the President and Congress no later  
13           than 18 months after the first meeting of the Commission.  
14           The report shall include—

15                   (1) a description of the Commission's rec-  
16                   ommendations and reasons for such recommenda-  
17                   tions; and

18                   (2) statutory language necessary to accomplish  
19                   such terminations and combinations.

20           (b) DEPARTMENT AND AGENCY COOPERATION.—All  
21           Federal departments, agencies, and divisions and employ-  
22           ees of all departments, agencies, and divisions shall co-  
23           operate fully with all requests for information from the  
24           Commission and shall respond to any such requests for

1 information within 30 days or such other time agreed  
2 upon by the requesting and requested parties.

3 **SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORT.**

4 (a) INITIAL REPORT AND APPEAL PROCEDURE.—

5 The report required by section 4(a) shall be delivered to  
6 the President and Congress and made available to the  
7 public for 90 days after the date the initial report is sub-  
8 mitted. During the 90-day period, the Commission shall  
9 announce and hold public hearings for the purpose of re-  
10 ceiving comments on the report and any amendments to  
11 the report.

12 (b) FINAL REPORT.—The Commission shall prepare  
13 and submit to the President a final report not later than  
14 45 days after the conclusion of the period for public hear-  
15 ings under subsection (a).

16 (c) REVIEW BY THE PRESIDENT.—

17 (1) IN GENERAL.—Not later than 15 days after  
18 receipt of the final report pursuant to subsection (b),  
19 the President shall approve or disapprove the report.

20 (2) APPROVAL.—If the report is approved the  
21 President shall submit the report to the Congress for  
22 approval under section 6.

23 (3) DISAPPROVAL.—If the President dis-  
24 approves the final report, the President shall report  
25 specific issues and objections, including the reasons

1 for any changes recommended in the report, to the  
2 Commission and the Congress.

3 (4) FINAL REPORT AFTER DISAPPROVAL.—The  
4 Commission shall consider any issues or objections  
5 raised by the President and may modify the report  
6 at its discretion based on such issues and objections.  
7 Not later than 30 days after receipt of the Presi-  
8 dent’s disapproval pursuant to paragraph (3), the  
9 Commission shall submit the final report (as modi-  
10 fied if modified) to the Congress for approval pursu-  
11 ant to section 6.

12 **SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION**  
13 **REPORT.**

14 (a) DEFINITIONS.—For purposes of this section—

15 (1) the term “joint resolution” means only a  
16 joint resolution which is introduced within the 10-  
17 session day period beginning on the date on which  
18 the President or the Commission transmits the re-  
19 port to the Congress under section 5(c) (2) or (3),  
20 and—

21 (A) which does not have a preamble;

22 (B) the matter after the resolving clause of  
23 which is as follows: “That Congress approves  
24 the recommendations of the Federal Govern-  
25 ment Streamlining Commission as submitted by

1 the President on as follows:”,  
2 the blank space being filled in with the appro-  
3 priate date and the matter after the colon being  
4 the report; and

5 (C) the title of which is as follows: “Joint  
6 resolution approving the report of the Federal  
7 Government Streamlining Commission.”; and

8 (2) the term “session day” means a day that  
9 both the Senate and the House of Representatives  
10 are in session.

11 (b) REFERRAL.—A joint resolution described in sub-  
12 section (a) that is introduced in the House of Representa-  
13 tives shall be referred to the Committee on Government  
14 Operations of the House of Representatives. A joint reso-  
15 lution described in subsection (a) introduced in the Senate  
16 shall be referred to the Committee on Governmental Af-  
17 fairs of the Senate.

18 (c) DISCHARGE.—If the committee to which a joint  
19 resolution described in subsection (a) is referred has not  
20 reported such joint resolution by the end of the 5-session  
21 day period beginning on the date of introduction of a joint  
22 resolution pursuant to subsection (a), such committee  
23 shall be, at the end of such period, discharged from fur-  
24 ther consideration of such joint resolution, and such joint

1 resolution shall be placed on the appropriate calendar of  
2 the House involved.

3 (d) CONSIDERATION.—

4 (1) IN GENERAL.—On or after the fifth session  
5 day after the date on which the committee to which  
6 such a joint resolution is referred has reported, or  
7 has been discharged (under subsection (c)) from fur-  
8 ther consideration of, such a joint resolution, it is in  
9 order (even though a previous motion to the same  
10 effect has been disagreed to) for any Member of the  
11 respective House to move to proceed to the consider-  
12 ation of the joint resolution (but only on the day  
13 after the calendar day on which such Member an-  
14 nounces to the House concerned the Member's inten-  
15 tion to do so). All points of order against the joint  
16 resolution (and against consideration of the joint  
17 resolution) are waived. The motion is highly privi-  
18 leged in the House of Representatives and is privi-  
19 leged in the Senate and is not debatable. The motion  
20 is not subject to amendment, or to a motion to post-  
21 pone, or to a motion to proceed to the consideration  
22 of other business. A motion to reconsider the vote by  
23 which the motion is agreed to or disagreed to shall  
24 not be in order. If a motion to proceed to the consid-  
25 eration of the joint resolution is agreed to, the re-

1       pective House shall immediately proceed to consid-  
2       eration of the joint resolution without intervening  
3       motion, order, or other business, and the joint reso-  
4       lution shall remain the unfinished business of the re-  
5       spective House until disposed of.

6           (2) DEBATE.—Debate on the joint resolution,  
7       and on all debatable motions and appeals in connec-  
8       tion therewith, shall be limited to not more than 10  
9       hours, which shall be divided equally between the  
10      Majority Leader and the Minority Leader or their  
11      designees. An amendment to the joint resolution is  
12      not in order. A motion further to limit debate is in  
13      order and not debatable. A motion to postpone, or  
14      a motion to proceed to the consideration of other  
15      business, or a motion to recommit the joint resolu-  
16      tion is not in order. A motion to reconsider the vote  
17      by which the joint resolution is agreed to or dis-  
18      agreed to is not in order.

19           (3) FINAL PASSAGE.—Immediately following  
20      the conclusion of the debate on a joint resolution de-  
21      scribed in subsection (a) and a single quorum call at  
22      the conclusion of the debate if requested in accord-  
23      ance with the rules of the appropriate House, the  
24      vote on final passage of the joint resolution shall  
25      occur.

1           (4) APPEALS FROM CHAIR.—Appeals from the  
2 decisions of the Chair relating to the application of  
3 the rules of the Senate or the House of Representa-  
4 tives, as the case may be, to the procedure relating  
5 to a joint resolution described in subsection (a) shall  
6 be decided without debate.

7           (e) CONSIDERATION BY OTHER HOUSE.—

8           (1) IN GENERAL.—If, before the passage by one  
9 House of a joint resolution of that House described  
10 in subsection (a), that House receives from the other  
11 House a joint resolution described in subsection (a),  
12 then the following procedures shall apply:

13           (A) The joint resolution of the other House  
14 shall not be referred to a committee and may  
15 not be considered in the House receiving it ex-  
16 cept in the case of final passage as provided in  
17 subparagraph (B)(ii).

18           (B) With respect to a joint resolution de-  
19 scribed in subsection (a) of the House receiving  
20 the joint resolution—

21           (i) the procedure in that House shall  
22 be the same as if no joint resolution had  
23 been received from the other House; but

24           (ii) the vote on final passage shall be  
25 on the joint resolution of the other House.

1           (2) FINAL DISPOSITION.—Upon disposition of  
2           the joint resolution received from the other House,  
3           it shall no longer be in order to consider the joint  
4           resolution that originated in the receiving House.

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

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

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

20   **SEC. 7. IMPLEMENTATION.**

21          (a) RESPONSIBILITY FOR IMPLEMENTATION.—The  
22          Director of the Office of Management and Budget shall  
23          have primary responsibility for implementation of the  
24          Commission’s report. The Director of the Office of Man-  
25          agement and Budget shall notify and provide direction to

1 heads of affected departments, agencies, and programs.  
2 The head of an affected department, agency, or program  
3 in which the program or agency is to be closed or consoli-  
4 dated shall be responsible for the act of implementation  
5 and shall proceed with the recommendations contained in  
6 the report as provided in subsection (b).

7 (b) DEPARTMENTS AND AGENCIES.—After the ap-  
8 proval of the Commission’s report under section 5, each  
9 affected Federal department and agency as a part of its  
10 annual budget request shall transmit to the appropriate  
11 committees of Congress its schedule of closures and com-  
12 binations to be carried out under the Commission’s report  
13 for the fiscal year for which the closure or combination  
14 is to be accomplished. In addition, the Secretary’s report  
15 shall contain an estimate of the total expenditures re-  
16 quired and the cost savings to be achieved by each closure  
17 along with the Secretary’s assessment of the effect of the  
18 action. The report shall also include a report of the pro-  
19 grams and agencies consolidated or transferred to another  
20 department as the result of the consolidations with an as-  
21 sessment of the effect of the action.

22 (c) GAO OVERSIGHT.—The Comptroller General  
23 shall have oversight responsibility over the implementation  
24 of the Commission’s report. The Comptroller General shall  
25 periodically report to the Congress and the President re-

1 guarding the accomplishment, the costs, the timetable, and  
2 the effectiveness of the implementation process.

3 **SEC. 8. DISTRIBUTION OF ASSETS.**

4 Any proceeds from the sale of assets of any depart-  
5 ment or agency pursuant to the report of the Commission  
6 shall be—

- 7 (1) applied to reduce the Federal deficit; and
- 8 (2) deposited in the Treasury and treated as  
9 general receipts.

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