

103D CONGRESS  
1ST SESSION

# S. 432

To establish a commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, JANUARY 5), 1993

Mr. LIEBERMAN (for himself and Mr. KERREY) 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 commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services.

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 “Federal Government Streamlining and Efficiency Act of  
6 1993”.

7 (b) PURPOSE.—The purpose of this Act is to make  
8 the Federal Government more effective by consolidating  
9 or eliminating redundant or obsolete programs or agen-

1 cies, and promoting economy, efficiency, and consistency  
2 in Government programs and services.

3 **SEC. 2. THE COMMISSION.**

4 (a) ESTABLISHMENT.—There is established an inde-  
5 pendent commission to be known as the Commission for  
6 a Government That Works (hereafter in this Act referred  
7 to as the “Commission”).

8 (b) DUTIES.—The Commission shall carry out the  
9 duties specified for it in this Act.

10 (c) APPOINTMENT.—

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

13 (B) Appointments to the Commission shall be  
14 made by no later than 30 days after the date of the  
15 enactment of this Act.

16 (2) MEMBERSHIP.—(A) The President shall ap-  
17 point 4 members to the Commission, of whom 2  
18 shall not be employed by the Federal Government or  
19 elected to Federal office at the time of appointment  
20 (hereafter in this Act referred to as “citizen mem-  
21 bers”).

22 (B) The Speaker of the House of Representa-  
23 tives shall appoint 3 members, of whom—

24 (i) 2 shall be citizen members; and

1           (ii) 1 shall be a Member of the House of  
2           Representatives.

3           (C) The Majority Leader of the Senate shall  
4           appoint 3 members, of whom—

5                 (i) 2 shall be citizen members; and

6                 (ii) 1 shall be a Senator.

7           (D) The Minority Leader of the House of Rep-  
8           resentatives shall appoint 2 members, of whom—

9                 (i) 1 shall be a citizen member; and

10                (ii) 1 shall be a Member of the House of  
11           Representatives.

12           (E) The Minority Leader of the Senate shall  
13           appoint 2 members, of whom—

14                 (i) 1 shall be a citizen member; and

15                 (ii) 1 shall be a Senator.

16           (3) CHAIRMAN.—The President, after consulta-  
17           tion with the Senate Majority Leader and the  
18           Speaker of the House of Representatives, shall des-  
19           ignate 1 member of the Commission who shall serve  
20           as Chairman of the Commission.

21           (d) TERMS.—

22                 (1) IN GENERAL.—The terms of the first mem-  
23           bers of the Commission shall begin on October 1,  
24           1993. The term of each appointment shall be 2

1 years. An individual may be appointed to serve any  
2 number of terms on the Commission.

3 (2) SUCCESSIVE APPOINTMENTS.—Subject to  
4 the provisions of section 5, appointments shall be  
5 made to the Commission in accordance with sub-  
6 section (c) at the expiration of the terms of the  
7 Commission.

8 (e) MEETINGS.—

9 (1) IN GENERAL.—The Commission shall meet  
10 as necessary to carry out its responsibilities. The  
11 Commission may conduct meetings outside the Dis-  
12 trict of Columbia when necessary.

13 (2) PUBLIC ACCESS.—The provisions of section  
14 552b of title 5, United States Code, shall apply to  
15 meetings held by the Commission.

16 (f) VACANCIES.—A vacancy in the Commission shall  
17 be filled in the same manner as the original appointment.  
18 The individual appointed to fill the vacancy shall serve for  
19 the unexpired portion of the term for which the individ-  
20 ual's predecessor was appointed.

21 (g) PAY AND TRAVEL EXPENSES.—

22 (1) PAY.—(A) Each member, other than the  
23 Chairman and Members of Congress, shall be paid  
24 at a rate equal to the daily equivalent of the mini-  
25 mum annual rate of basic pay payable for level IV

1 of the Executive Schedule under section 5315 of title  
2 5, United States Code, for each day (including travel  
3 time) during which the member is engaged in the ac-  
4 tual performance of duties of the Commission.

5 (B) The Chairman shall be paid for each day  
6 referred to in subparagraph (A) at a rate equal to  
7 the daily equivalent of the minimum annual rate of  
8 basic pay payable for level III of the Executive  
9 Schedule under section 5314 of title 5, United  
10 States Code.

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

15 (h) DIRECTOR OF STAFF.—

16 (1) IN GENERAL.—The Commission shall, with-  
17 out regard to section 5311(b) of title 5, United  
18 States Code, appoint a Staff Director.

19 (2) PAY.—The Director shall be paid at a rate  
20 not to exceed the rate of basic pay payable for level  
21 IV of the Executive Schedule under section 5315 of  
22 title 5, United States Code.

23 (i) STAFF.—

24 (1) IN GENERAL.—Subject to paragraphs (2)  
25 and (3), the Director, with the approval of the Com-

1 mission, may appoint and fix the pay of additional  
2 personnel.

3 (2) APPOINTMENTS WITHOUT REGARD TO COM-  
4 PETITIVE SERVICE LIMITS.—The Director may make  
5 such appointments without regard to the provisions  
6 of title 5, United States Code, governing appoint-  
7 ments in the competitive service, and any personnel  
8 so appointed may be paid without regard to the pro-  
9 visions of chapter 51 and subchapter III of chapter  
10 53 of such title relating to classification and General  
11 Schedule pay rates, except that an individual so ap-  
12 pointed may not receive pay in excess of 120 percent  
13 of the minimum rate of basic pay payable for GS-  
14 15 of the General Schedule.

15 (3) DETAILEES.—Upon request of the Director,  
16 the head of any Federal department or agency may  
17 detail any of the personnel of that department or  
18 agency to the Commission to assist the Commission  
19 in carrying out its duties under this Act.

20 (4) DETAIL OF GOVERNMENT EMPLOYEES.—  
21 Any Federal Government employee may be detailed  
22 to the Commission with or without reimbursement,  
23 and such detail shall be without interruption or loss  
24 of civil service status or privilege.

25 (j) OTHER AUTHORITY.—

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

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

9           (k) DEPARTMENT AND AGENCY COOPERATION.—All  
10          Federal departments and agencies shall cooperate fully  
11          with all requests for information from the Commission and  
12          shall respond to requests for information by the Commis-  
13          sion within 30 days after a request or such other time  
14          as determined by the Commission.

15          (l) AUTHORIZATION OF APPROPRIATIONS.—There  
16          are authorized to be appropriated \$2,000,000 for each of  
17          the fiscal years 1994 through 2000 to the Commission to  
18          carry out its duties under this Act, which shall remain  
19          available until expended.

20          **SEC. 3. PROCEDURES FOR MAKING RECOMMENDATIONS.**

21          (a) IN GENERAL.—The Commission shall undertake  
22          an examination of Federal agencies and programs, includ-  
23          ing entitlement programs, and submit to the President  
24          and Congress findings and recommendations regarding re-  
25          forms of the organization and operations of the executive

1 branch of the Federal Government to make Government  
2 more effective by promoting economy, efficiency, and con-  
3 sistency in Government programs and services. Such rec-  
4 ommendations shall include proposals to—

5 (1) consolidate, eliminate, or reorganize agen-  
6 cies or programs that—

7 (A) are outdated and no longer meet their  
8 statutory objectives;

9 (B) are duplicated by, or are similar to  
10 other programs or agencies in the same or dif-  
11 ferent departments; and

12 (C) provide services or benefits which are  
13 not consistent with or counter initiatives in  
14 other agencies or programs;

15 (2) improve the delivery of Government services  
16 to regions, States, localities, and individuals, includ-  
17 ing recommendations to—

18 (A) consolidate the delivery of services  
19 through coordination of service providers or  
20 similar means;

21 (B) integrate the use of information tech-  
22 nologies to improve management and reduce ad-  
23 ministrative costs; and

24 (C) incorporate marketplace principles of  
25 accountability and competition; and

1           (3) streamline and coordinate the regulatory  
2 process and regulatory functions of Government  
3 agencies and programs.

4           (b) REPORT.—No later than January 1, 1995, the  
5 Commission shall prepare and submit a report to the  
6 President and Congress which shall include—

7           (1) a description of the Commission’s rec-  
8 ommendations under subsection (a);

9           (2) reasons for such recommendations; and

10           (3) proposed legislation (containing specific lan-  
11 guage proposed to be enacted) necessary to imple-  
12 ment the Commission’s recommendations to—

13           (A) consolidate, eliminate, or reorganize  
14 programs or agencies;

15           (B) improve the delivery of Government  
16 services; and

17           (C) streamline and coordinate the regu-  
18 latory process and regulatory functions of Gov-  
19 ernment agencies and programs.

20 **SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT.**

21           (a) INITIAL REPORT AND REVIEW PROCEDURE.—  
22 The report required by section 3(b) shall be submitted to  
23 the President and Congress and made available to the  
24 public for 60 days after the date the initial report is sub-  
25 mitted. During the 60-day period, the Commission shall

1 announce and hold public hearings for the purpose of re-  
2 ceiving comments on the report and any amendments to  
3 the report.

4 (b) FINAL REPORT.—No later than 45 days after the  
5 conclusion of the period for public hearings under sub-  
6 section (a), the Commission shall prepare and submit a  
7 final report to the President .

8 (c) REVIEW BY THE PRESIDENT.—

9 (1) IN GENERAL.—No later than 15 days after  
10 receipt of the final report under subsection (b), the  
11 President shall approve or disapprove the report.

12 (2) APPROVAL.—If the report is approved the  
13 President shall submit the report to the Congress for  
14 legislative action under section 6.

15 (3) DISAPPROVAL.—If the President dis-  
16 approves the final report, the President shall report  
17 specific issues and objections, including the reasons  
18 for any changes recommended in the report, to the  
19 Commission and the Congress.

20 (4) FINAL REPORT AFTER DISAPPROVAL.—The  
21 Commission shall consider any issues or objections  
22 raised by the President and may modify the report  
23 based on such issues and objections. No later than  
24 30 days after receipt of the President's disapproval  
25 under paragraph (3), the Commission shall submit

1 the final report (as modified if modified) to the Con-  
2 gress for legislative action under section 6.

3 **SEC. 5. RENEWAL OF THE COMMISSION.**

4 (a) IN GENERAL.—(1) If, after completion of con-  
5 gressional consideration of the Commission report, the  
6 President finds that a renewal of the Commission would  
7 make a constructive and beneficial contribution to improv-  
8 ing the organization and operations of the executive  
9 branch of the Government, the Commission shall be re-  
10 newed for a 2-year period. The terms of the members of  
11 the renewed Commission shall begin at the conclusion of  
12 the terms of the members of the previous Commission  
13 under section 2(d).

14 (2) If the Commission is not renewed under para-  
15 graph (1), the Commission shall terminate at the conclu-  
16 sion of the terms of the members under section 2(d).

17 (b) SUBSEQUENT REPORTS.—A renewed Commission  
18 shall submit a report, in accordance with the provisions  
19 of this Act, on January 1 of the first odd-numbered year  
20 following its renewal.

21 (c) TERMINATION.—The Commission shall terminate  
22 on October 1, 1999, and shall not be renewed after such  
23 date.

1 **SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION**  
2 **REPORT.**

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

4 (1) the term “implementation bill” means only  
5 a bill which is introduced as provided under sub-  
6 section (b), and contains the proposed legislation  
7 contained in the final report submitted to the Con-  
8 gress under section 4(c) (2) or (4) without modifica-  
9 tion; and

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

13 (b) INTRODUCTION AND REFERRAL.—

14 (1) INTRODUCTION.—On the first session day  
15 on or immediately following the date on which a  
16 final report is submitted to the Congress under sec-  
17 tion 4(c) (2) or (4), an implementation bill shall be  
18 introduced—

19 (A) in the Senate by the Majority Leader  
20 of the Senate, for himself, the Minority Leader  
21 of the Senate, or by Members of the Senate  
22 designated by the Majority Leader and Minority  
23 Leader of the Senate; and

24 (B) in the House of Representatives by the  
25 Majority Leader of the House of Representa-  
26 tives, for himself and the Minority Leader of

1           the House of Representatives, or by Members of  
2           the House of Representatives designated by the  
3           Majority Leader and Minority Leader of the  
4           House of Representatives.

5           (2) REFERRAL.—The implementation bill intro-  
6           duced in the Senate shall be referred concurrently to  
7           the Committee on Governmental Affairs of the Sen-  
8           ate, and other committees with jurisdiction. The im-  
9           plementation bill introduced in the House of Rep-  
10          resentatives shall be referred concurrently to the  
11          Committee on Government Operations of the House  
12          of Representatives, and other committees with juris-  
13          diction.

14          (c) DISCHARGE.—If the committee to which an im-  
15          plementation bill is referred has not reported such bill by  
16          the end of the 15 calendar day period beginning on the  
17          date of introduction of such bill, such committee shall be,  
18          at the end of such period, discharged from further consid-  
19          eration of such bill, and such bill shall be placed on the  
20          appropriate calendar of the House involved.

21          (d) CONSIDERATION.—

22                 (1) IN GENERAL.—On or after the fifth session  
23                 day after the date on which the committee to which  
24                 such a bill is referred has reported, or has been dis-  
25                 charged (under subsection (c)) from further consid-

1       eration of, such a bill, it is in order (even though a  
2       previous motion to the same effect has been dis-  
3       agreed to) for any Member of the respective House  
4       to move to proceed to the consideration of the imple-  
5       mentation bill (but only on the day after the cal-  
6       endar day on which such Member announces to the  
7       House concerned the Member's intention to do so).  
8       All points of order against the implementation bill  
9       (and against consideration of the implementation  
10      bill) are waived. The motion is highly privileged in  
11      the House of Representatives and is privileged in the  
12      Senate and is not debatable. The motion is not sub-  
13      ject to amendment, or to a motion to postpone, or  
14      to a motion to proceed to the consideration of other  
15      business. A motion to reconsider the vote by which  
16      the motion is agreed to or disagreed to shall not be  
17      in order. If a motion to proceed to the consideration  
18      of the implementation bill is agreed to, the respec-  
19      tive House shall immediately proceed to consider-  
20      ation of the implementation bill without intervening  
21      motion, order, or other business, and the implemen-  
22      tation bill shall remain the unfinished business of  
23      the respective House until disposed of.

24           (2) DEBATE.—Debate on the implementation  
25      bill, and on all debatable motions and appeals in

1 connection therewith, shall be limited to not more  
2 than 10 hours, which shall be divided equally be-  
3 tween the Majority Leader and the Minority Leader  
4 or their designees. An amendment to the implemen-  
5 tation bill is not in order. A motion further to limit  
6 debate is in order and not debatable. A motion to  
7 postpone, or a motion to proceed to the consider-  
8 ation of other business, or a motion to recommit the  
9 implementation bill is not in order. A motion to re-  
10 consider the vote by which the implementation bill is  
11 agreed to or disagreed to is not in order.

12 (3) FINAL PASSAGE.—Immediately following  
13 the conclusion of the debate on an implementation  
14 bill and a single quorum call at the conclusion of the  
15 debate if requested in accordance with the rules of  
16 the appropriate House, the vote on final passage of  
17 the implementation bill shall occur.

18 (4) APPEALS FROM CHAIR.—Appeals from the  
19 decisions of the Chair relating to the application of  
20 the rules of the Senate or the House of Representa-  
21 tives, as the case may be, to the procedure relating  
22 to an implementation bill shall be decided without  
23 debate.

24 (e) CONSIDERATION BY OTHER HOUSE.—

1           (1) IN GENERAL.—If, before the passage by one  
2 House of an implementation bill of that House de-  
3 scribed in subsection (a), that House receives from  
4 the other House an implementation bill described in  
5 subsection (a), then the following procedures shall  
6 apply:

7           (A) The implementation bill of the other  
8 House shall not be referred to a committee and  
9 may not be considered in the House receiving it  
10 except in the case of final passage as provided  
11 in subparagraph (B)(ii).

12           (B) With respect to an implementation bill  
13 described in subsection (a) of the House receiv-  
14 ing such bill—

15           (i) the procedure in that House shall  
16 be the same as if no implementation bill  
17 had been received from the other House;  
18 but

19           (ii) the vote on final passage shall be  
20 on the implementation bill of the other  
21 House, except that if the implementation  
22 bill is a bill for the raising of revenue, the  
23 vote of final passage shall be upon the im-  
24 plementation bill which originates in the  
25 House of Representatives.

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

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

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

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

22 **SEC. 7. IMPLEMENTATION.**

23           (a) RESPONSIBILITY FOR IMPLEMENTATION.—The  
24 Director of the Office of Management and Budget shall  
25 have primary responsibility for implementation of the

1 Commission's report and the Act enacted under section  
2 6 (unless such Act provides otherwise). The Director of  
3 the Office of Management and Budget shall notify and  
4 provide direction to heads of affected departments, agen-  
5 cies, and programs. The head of an affected department,  
6 agency, or program shall be responsible for implementa-  
7 tion and shall proceed with the recommendations con-  
8 tained in the report as provided under subsection (b).

9 (b) DEPARTMENTS AND AGENCIES.—After the enact-  
10 ment of an Act under section 6, each affected Federal de-  
11 partment and agency as a part of its annual budget re-  
12 quest shall transmit to the appropriate committees of Con-  
13 gress its schedule for implementation of the provisions of  
14 the Act for each fiscal year. In addition, the Secretary's  
15 report shall contain an estimate of the total expenditures  
16 required and the cost savings to be achieved by each ac-  
17 tion, along with the Secretary's assessment of the effect  
18 of the action. The report shall also include a report of the  
19 programs and agencies that have been eliminated and pro-  
20 grams and agencies that have been consolidated or trans-  
21 ferred to other departments.

22 (c) GAO OVERSIGHT.—The Comptroller General  
23 shall have oversight responsibility over the implementation  
24 of the Commission's report and the Act enacted under sec-  
25 tion 6. The Comptroller General shall periodically report

1 to the Congress and the President regarding the accom-  
2 plishment, the costs, the timetable, and the effectiveness  
3 of the implementation process.

4 **SEC. 8. DISTRIBUTION OF ASSETS.**

5 Any proceeds from the sale of assets of any depart-  
6 ment or agency resulting from the enactment of an Act  
7 under section 6 shall be—

8 (1) applied to reduce the Federal deficit; and

9 (2) deposited in the Treasury and treated as  
10 general receipts.

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