

106TH CONGRESS
2D SESSION

S. 2306

To increase the efficiency and effectiveness of the Federal Government, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2000

Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To increase the efficiency and effectiveness of the Federal
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,*

3 **SECTION 1. SHORT TITLE AND PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Government for the 21st Century Act”.

6 (b) **PURPOSE.**—

7 (1) **IN GENERAL.**—The purpose of this Act is to
8 reduce the cost and increase the effectiveness of the
9 Federal Government by reorganizing departments
10 and agencies, consolidating redundant activities,

1 streamlining operations, and decentralizing service
2 delivery in a manner that promotes economy, effi-
3 ciency, and accountability in Government programs.
4 This Act is intended to result in a Federal Govern-
5 ment that—

6 (A) utilizes a smaller and more effective
7 workforce;

8 (B) motivates its workforce by providing a
9 better organizational environment; and

10 (C) ensures greater access and account-
11 ability to the public in policy formulation and
12 service delivery.

13 (2) SPECIFIC GOALS.—This Act is intended to
14 achieve the following goals for improvements in the
15 performance of the Federal Government by October
16 1, 2004:

17 (A) A restructuring of the cabinet and sub-
18 cabinet level agencies.

19 (B) A substantial reduction in the costs of
20 administering Government programs.

21 (C) A dramatic and noticeable improve-
22 ment in the timely and courteous delivery of
23 services to the public.

1 (D) Responsiveness and customer-service
2 levels comparable to those achieved in the pri-
3 vate sector.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act, the term—

6 (1) “agency” includes all Federal departments,
7 independent agencies, Government-sponsored enter-
8 prises, and Government corporations; and

9 (2) “private sector” means any business, part-
10 nership, association, corporation, educational institu-
11 tion, nonprofit organization, or individuals.

12 **SEC. 3. THE COMMISSION.**

13 (a) ESTABLISHMENT.—There is established an inde-
14 pendent commission to be known as the Commission on
15 Government Restructuring and Reform (hereafter in this
16 Act referred to as the “Commission”).

17 (b) DUTIES.—The Commission shall examine and
18 make recommendations to reform and restructure the or-
19 ganization and operations of the executive branch of the
20 Federal Government to improve economy, efficiency, effec-
21 tiveness, consistency, and accountability in Government
22 programs and services, and shall include and be limited
23 to proposals to—

24 (1) consolidate or reorganize programs, depart-
25 ments, and agencies in order to—

1 (A) improve the effective implementation
2 of their statutory missions;

3 (B) eliminate activities not essential to the
4 effective implementation of statutory missions;

5 (C) reduce the duplication of activities
6 among agencies; or

7 (D) reduce layers of organizational hier-
8 archy and personnel where appropriate to im-
9 prove the effective implementation of statutory
10 missions and increase accountability for per-
11 formance;

12 (2) improve and strengthen management capac-
13 ity in departments and agencies (including central
14 management agencies) to maximize productivity, ef-
15 fectiveness, and accountability;

16 (3) propose criteria for use by the President
17 and Congress in evaluating proposals to establish, or
18 to assign a function to, an executive entity, including
19 a Government corporation or Government-sponsored
20 enterprise;

21 (4) define the missions, roles, and responsibil-
22 ities of any new, reorganized, or consolidated depart-
23 ment or agency proposed by the Commission;

1 (5) eliminate the departments or agencies
2 whose missions and functions have been determined
3 to be—

4 (A) obsolete, redundant, or complete; or

5 (B) more effectively performed by other
6 units of government (including other Federal
7 departments and agencies and State and local
8 governments) or by the private sector; and

9 (6) establish criteria for use by the President
10 and Congress in evaluating proposals to privatize, or
11 to contract with the private sector for the perform-
12 ance of, functions currently administered by the
13 Federal Government.

14 (c) LIMITATIONS ON COMMISSION RECOMMENDA-
15 TIONS.—The Commission’s recommendations or proposals
16 under this Act may not provide for or have the effect of—

17 (1) continuing an agency beyond the period au-
18 thorized by law for its existence;

19 (2) continuing a function beyond the period au-
20 thorized by law for its existence;

21 (3) authorizing an agency to exercise a function
22 which is not already being performed by any agency;

23 (4) eliminating the enforcement functions of an
24 agency, except such functions may be transferred to

1 another executive department or independent agen-
2 cy; or

3 (5) adding, deleting, or changing any rule of ei-
4 ther House of Congress.

5 (d) APPOINTMENT.—

6 (1) MEMBERS.—The Commissioners shall be
7 appointed for the life of the Commission and shall
8 be composed of nine members of whom—

9 (A) three shall be appointed by the Presi-
10 dent of the United States;

11 (B) two shall be appointed by the Speaker
12 of the House of Representatives;

13 (C) one shall be appointed by the minority
14 Leader of the House of Representatives;

15 (D) two shall be appointed by the majority
16 Leader of the Senate; and

17 (E) one shall be appointed by the minority
18 Leader of the Senate.

19 (2) CONSULTATION REQUIRED.—The President,
20 the Speaker of the House of Representatives, the mi-
21 nority leader of the House of Representatives, the
22 majority leader of the Senate, and the minority lead-
23 er of the Senate shall consult among themselves
24 prior to the appointment of the members of the
25 Commission in order to achieve, to the maximum ex-

1 tent possible, fair and equitable representation of
2 various points of view with respect to the matters to
3 be studied by the Commission under subsection (b).

4 (3) CHAIRMAN.—At the time the President
5 nominates individuals for appointment to the Com-
6 mission the President shall designate one such indi-
7 vidual who shall serve as Chairman of the Commis-
8 sion.

9 (4) MEMBERSHIP.—A member of the Commis-
10 sion may be any citizen of the United States who is
11 not an elected or appointed Federal public official,
12 a Federal career civil servant, or a congressional em-
13 ployee.

14 (5) CONFLICT OF INTERESTS.—For purposes of
15 the provisions of chapter 11 of part I of title 18,
16 United States Code, a member of the Commission
17 (to whom such provisions would not otherwise apply
18 except for this paragraph) shall be a special Govern-
19 ment employee.

20 (6) DATE OF APPOINTMENTS.—All members of
21 the Commission shall be appointed within 90 days
22 after the date of enactment of this Act.

23 (e) TERMS.—Each member shall serve until the ter-
24 mination of the Commission.

1 (f) VACANCIES.—A vacancy on the Commission shall
2 be filled in the same manner as was the original appoint-
3 ment.

4 (g) MEETINGS.—The Commission shall meet as nec-
5 essary to carry out its responsibilities. The Commission
6 may conduct meetings outside the District of Columbia
7 when necessary.

8 (h) PAY AND TRAVEL EXPENSES.—

9 (1) PAY.—

10 (A) CHAIRMAN.—Except for an individual
11 who is chairman of the Commission and is oth-
12 erwise a Federal officer or employee, the chair-
13 man shall be paid at a rate equal to the daily
14 equivalent of the minimum annual rate of basic
15 pay payable for level III of the Executive
16 Schedule under section 5314 of title 5, United
17 States Code, for each day (including traveltime)
18 during which the chairman is engaged in the
19 performance of duties vested in the Commis-
20 sion.

21 (B) MEMBERS.—Except for the chairman
22 who shall be paid as provided under subpara-
23 graph (A), each member of the Commission
24 who is not a Federal officer or employee shall
25 be paid at a rate equal to the daily equivalent

1 of the minimum annual rate of basic pay pay-
2 able for level IV of the Executive Schedule
3 under section 5315 of title 5, United States
4 Code, for each day (including traveltime) during
5 which the member is engaged in the perform-
6 ance of duties vested in the Commission.

7 (2) TRAVEL.—Members of the Commission
8 shall receive travel expenses, including per diem in
9 lieu of subsistence, in accordance with sections 5702
10 and 5703 of title 5, United States Code.

11 (i) DIRECTOR.—

12 (1) APPOINTMENT.—The Chairman of the
13 Commission shall appoint a Director of the Commis-
14 sion without regard to section 5311(b) of title 5,
15 United States Code.

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

20 (j) STAFF.—

21 (1) APPOINTMENT.—The Director may, with
22 the approval of the Commission, appoint and fix the
23 pay of employees of the Commission without regard
24 to the provisions of title 5, United States Code, gov-
25 erning appointment in the competitive service, and

1 any Commission employee may be paid without re-
2 gard to the provisions of chapter 51 and subchapter
3 III of chapter 53 of that title relating to classifica-
4 tion and General Schedule pay rates, except that a
5 Commission employee may not receive pay in excess
6 of the annual rate of basic pay payable for level V
7 of the Executive Schedule under section 5316 of title
8 5, United States Code.

9 (2) DETAIL.—

10 (A) DETAILS FROM AGENCIES.—Upon re-
11 quest of the Director, the head of any Federal
12 department or agency may detail any of the
13 personnel of the department or agency to the
14 Commission to assist the Commission in car-
15 rying out its duties under this Act.

16 (B) DETAILS FROM CONGRESS.—Upon re-
17 quest of the Director, a Member of Congress or
18 an officer who is the head of an office of the
19 Senate or House of Representatives may detail
20 an employee of the office or committee of which
21 such Member or officer is the head to the Com-
22 mission to assist the Commission in carrying
23 out its duties under this Act.

24 (C) REIMBURSEMENT.—Any Federal Gov-
25 ernment employee may be detailed to the Com-

1 mission with or without reimbursement, and
2 such detail shall be without interruption or loss
3 of civil service status or privilege.

4 (k) SUPPORT.—

5 (1) SUPPORT SERVICES.—The Office of Man-
6 agement and Budget shall provide support services
7 to the Commission.

8 (2) ASSISTANCE.—The Comptroller General of
9 the United States may provide assistance, including
10 the detailing of employees, to the Commission in ac-
11 cordance with an agreement entered into with the
12 Commission.

13 (l) OTHER AUTHORITY.—The Commission may pro-
14 cure by contract, to the extent funds are available, the
15 temporary or intermittent services of experts or consult-
16 ants pursuant to section 3109 of title 5, United States
17 Code. The Commission shall give public notice of any such
18 contract before entering into such contract.

19 (m) APPLICATION OF FEDERAL ADVISORY COM-
20 MITTEE ACT.—The Commission shall be subject to the
21 provisions of the Federal Advisory Committee Act (5
22 U.S.C. App.).

23 (n) FUNDING.—There are authorized to be appro-
24 priated to the Commission \$2,500,000 for fiscal year
25 2000, and \$5,000,000 for each of fiscal years 2001

1 through 2003 to enable the Commission to carry out its
2 duties under this Act.

3 (o) TERMINATION.—The Commission shall terminate
4 no later than September 30, 2003.

5 **SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.**

6 (a) PRESIDENTIAL RECOMMENDATIONS.—No later
7 than July 1, 2001, the President may submit to the Com-
8 mission a report making recommendations consistent with
9 the criteria under section 3 (b) and (c). Such a report
10 shall contain a single legislative proposal (including legis-
11 lation proposed to be enacted) to implement those rec-
12 ommendations for which legislation is necessary or appro-
13 priate.

14 (b) IN GENERAL.—No later than December 1, 2002,
15 the Commission shall prepare and submit a single prelimi-
16 nary report to the President and Congress, which shall
17 include—

18 (1) a description of the Commission’s findings
19 and recommendations, taking into account any rec-
20 ommendations submitted by the President to the
21 Commission under subsection (a); and

22 (2) reasons for such recommendations.

23 (c) COMMISSION VOTES.—No legislative proposal or
24 preliminary or final report (including a final report after
25 disapproval) may be submitted by the Commission to the

1 President and Congress without the affirmative vote of at
2 least 6 members.

3 (d) DEPARTMENT AND AGENCY COOPERATION.—All
4 Federal departments, agencies, and divisions and employ-
5 ees of all departments, agencies, and divisions shall co-
6 operate fully with all requests for information from the
7 Commission and shall respond to any such requests for
8 information expeditiously, or no later than 15 calendar
9 days or such other time agreed upon by the requesting
10 and requested parties.

11 **SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.**

12 (a) PRELIMINARY REPORT AND REVIEW PROCE-
13 DURE.—Any preliminary report submitted to the Presi-
14 dent and Congress under section 4(b) shall be made imme-
15 diately available to the public. During the 60-day period
16 beginning on the date on which the preliminary report is
17 submitted, the Commission shall announce and hold public
18 hearings for the purpose of receiving comments on the re-
19 ports.

20 (b) FINAL REPORT.—No later than 6 months after
21 the conclusion of the period for public hearing under sub-
22 section (a), the Commission shall prepare and submit a
23 final report to the President. Such report shall be made
24 available to the public on the date of submission to the
25 President. Such report shall include—

1 (1) a description of the Commission’s findings
2 and recommendations, including a description of
3 changes made to the report as a result of public
4 comment on the preliminary report;

5 (2) reasons for such recommendations; and

6 (3) a single legislative proposal (including legis-
7 lation proposed to be enacted) to implement those
8 recommendations for which legislation is necessary
9 or appropriate.

10 (c) EXTENSION OF FINAL REPORT.—By affirmative
11 vote pursuant to section 4(c), the Commission may extend
12 the deadline under subsection (b) by a period not to exceed
13 90 days.

14 (d) REVIEW BY THE PRESIDENT.—

15 (1) IN GENERAL.—

16 (A) PRESIDENTIAL ACTION.—No later
17 than 30 calendar days after receipt of a final
18 report under subsection (b), the President shall
19 approve or disapprove the report.

20 (B) PRESIDENTIAL INACTION.—

21 (i) IN GENERAL.—If the President
22 does not approve or disapprove the final
23 report within 30 calendar days in accord-
24 ance with subparagraph (A), Congress

1 shall consider the report in accordance
2 with clause (ii).

3 (ii) SUBMISSION.—Subject to clause
4 (i), the Commission shall submit the final
5 report, without further modification, to
6 Congress on the date occurring 31 cal-
7 endar days after the date on which the
8 Commission submitted the final report to
9 the President under subsection (b).

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

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

18 (4) FINAL REPORT AFTER DISAPPROVAL.—The
19 Commission shall consider any issues or objections
20 raised by the President and may modify the report
21 based on such issues and objections. No later than
22 30 calendar days after receipt of the President's dis-
23 approval under paragraph (3), the Commission shall
24 submit the final report (as modified if modified) to
25 the President and to Congress.

1 **SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM**
2 **PROPOSALS.**

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 in-
7 cluded in the final report submitted to the Congress
8 under section 5(d) (1)(B), (2), or (4), without modi-
9 fication; and

10 (2) the term “calendar day” means a calendar
11 day other than one on which either House is not in
12 session because of an adjournment of more than
13 three days to a date certain.

14 (b) INTRODUCTION, REFERRAL, AND REPORT OR
15 DISCHARGE.—

16 (1) INTRODUCTION.—On the first calendar day
17 on which both Houses are in session, on or imme-
18 diately following the date on which a final report is
19 submitted to the Congress under section 5(d)
20 (1)(B), (2), or (4), a single implementation bill shall
21 be introduced (by request)—

22 (A) in the Senate by the Majority Leader
23 of the Senate, for himself and the Minority
24 Leader of the Senate, or by Members of the
25 Senate designated by the Majority Leader and
26 Minority Leader of the Senate; and

1 (B) in the House of Representatives by the
2 Majority Leader of the House of Representa-
3 tives, for himself and the Minority Leader of
4 the House of Representatives, or by Members of
5 the House of Representatives designated by the
6 Majority Leader and Minority Leader of the
7 House of Representatives.

8 (2) REFERRAL.—The implementation bills in-
9 troduced under paragraph (1) shall be referred to
10 the appropriate committee of jurisdiction in the Sen-
11 ate and the appropriate committee of jurisdiction in
12 the House of Representatives. A committee to which
13 an implementation bill is referred under this para-
14 graph may report such bill to the respective House
15 with amendments proposed to be adopted. No such
16 amendment may be proposed unless such proposed
17 amendment is relevant to such bill.

18 (3) REPORT OR DISCHARGE.—If a committee to
19 which an implementation bill is referred has not re-
20 ported such bill by the end of the 30th calendar day
21 after the date of the introduction of such bill, such
22 committee shall be immediately discharged from fur-
23 ther consideration of such bill, and upon being re-
24 ported or discharged from the committee, such bill
25 shall be placed on the appropriate calendar.

1 (c) SENATE CONSIDERATION.—

2 (1) IN GENERAL.—On or after the fifth cal-
3 endar day after the date on which an implementa-
4 tion bill is placed on the Senate calendar under sub-
5 section (b)(3), it is in order (even if a previous mo-
6 tion to the same effect has been disagreed to) for
7 any Senator to make a motion to proceed to the con-
8 sideration of the implementation bill. The motion is
9 not debatable. All points of order against the imple-
10 mentation bill (and against consideration of the im-
11 plementation bill) other than points of order under
12 Senate Rule 15, 16, or for failure to comply with re-
13 quirements of this section are waived. The motion is
14 not subject to a motion to postpone. A motion to re-
15 consider the vote by which the motion to proceed is
16 agreed to or disagreed to shall not be in order. If
17 a motion to proceed to the consideration of the im-
18 plementation bill is agreed to, the Senate shall im-
19 mediately proceed to consideration of the implemen-
20 tation bill.

21 (2) DEBATE.—In the Senate, no amendment
22 which is not relevant to the bill shall be in order. A
23 motion to postpone is not in order. A motion to re-
24 commit the implementation bill is not in order. A
25 motion to reconsider the vote by which the imple-

1 mentation bill is agreed to or disagreed to is not in
2 order.

3 (3) APPEALS FROM CHAIR.—Appeals from the
4 decisions of the Chair relating to the application of
5 the rules of the Senate to the procedure relating to
6 an implementation bill shall be decided without de-
7 bate.

8 (d) CONSIDERATION IN THE HOUSE OF REPRESENT-
9 ATIVES.—

10 (1) IN GENERAL.—At any time on or after the
11 fifth calendar day after the date on which each com-
12 mittee of the House of Representatives to which an
13 implementation bill is referred has reported that bill,
14 or has been discharged under subsection (b)(3) from
15 further consideration of that bill, the Speaker may,
16 pursuant to clause 1(b) of rule XXIII, declare the
17 House resolved into the Committee of the Whole
18 House on the State of the Union for the consider-
19 ation of that bill. All points of order against the bill,
20 the consideration of the bill, and provisions of the
21 bill shall be waived, and the first reading of the bill
22 shall be dispensed with. After general debate, which
23 shall be confined to the bill and which shall not ex-
24 ceed 10 hours, to be equally divided and controlled
25 by the Majority Leader and the Minority Leader, the

1 bill shall be considered for amendment by title under
2 the five-minute rule and each title shall be consid-
3 ered as having been read.

4 (2) AMENDMENTS.—Each amendment shall be
5 considered as having been read, shall not be subject
6 to a demand for a division of the question in the
7 House or in the Committee of the Whole, and shall
8 be debatable for not to exceed 30 minutes, equally
9 divided and controlled by the proponent and a Mem-
10 ber opposed thereto, except that the time for consid-
11 eration, including debate and disposition, of all
12 amendments to the bill shall not exceed 20 hours.

13 (3) FINAL PASSAGE.—At the conclusion of the
14 consideration of the bill, the Committee shall rise
15 and report the bill to the House with such amend-
16 ments as may have been agreed to, and the previous
17 question shall be considered as ordered on the bill
18 and amendments thereto to final passage without in-
19 tervening motion except one motion to recommit.

20 (e) CONFERENCE.—

21 (1) APPOINTMENT OF CONFEREES.—In the
22 Senate, a motion to elect or to authorize the ap-
23 pointment of conferees by the presiding officer shall
24 not be debatable.

1 (2) CONFERENCE REPORT.—No later than 20
2 calendar days after the appointment of conferees,
3 the conferees shall report to their respective Houses.

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

6 (1) as an exercise of the rulemaking power of
7 the Senate and House of Representatives, respec-
8 tively, and as such it is deemed a part of the rules
9 of each House, respectively, but applicable only with
10 respect to the procedure to be followed in that
11 House in the case of an implementation bill de-
12 scribed in subsection (a), and it supersedes other
13 rules only to the extent that it is inconsistent with
14 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 and the Act enacted under section
25 6 (unless such Act provides otherwise). The Director of

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

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

19 (c) GAO OVERSIGHT.—The Comptroller General
20 shall periodically report to Congress and the President re-
21 garding the accomplishment, the costs, the timetable, and
22 the effectiveness of the implementation of any Act enacted
23 under section 6.

1 **SEC. 8. DISTRIBUTION OF ASSETS.**

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

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

6 (2) deposited in the Treasury and treated as
7 general receipts.

○