

103D CONGRESS  
1ST SESSION

# S. 15

To establish a Commission on Government Reform.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. ROTH (for himself and Mr. CAMPBELL) 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 on Government 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 FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Reinventing Government Act”.

6 (b) FINDINGS.—

7 The Congress finds that the American people  
8 face a crisis of confidence in the Federal Govern-  
9 ment that cannot be remedied without dramatic and  
10 fundamental reform. Recent polls indicate that an  
11 all-time low of only 17 percent of the public ap-  
12 proves of Congress, that 78 percent are dissatisfied

1 or angry about the Federal Government, and that  
2 Americans think an average of 48 cents out of every  
3 dollar in Federal taxes is wasted. While the Amer-  
4 ican people are demanding more performance from  
5 their Government for less money, Congress and the  
6 executive branch still debate the same old options of  
7 fewer services or higher taxes.

8 The Federal Government has many talented  
9 and hardworking employees whose effectiveness is  
10 hindered by existing organizations and operations.  
11 Such organizations have too often become inefficient  
12 and have structures and missions not reflecting cur-  
13 rent domestic and international priorities. These or-  
14 ganizations were developed during the industrial era  
15 and have large, centralized bureaucracies, a pre-  
16 occupation with rules and regulations, and a hier-  
17 archical chain of command. Such governmental orga-  
18 nizations are so obsessed with regulating processes  
19 and procedures that they have ignored the outcomes  
20 of their programs.

21 Unlike the Federal Government, American cor-  
22 porations have spent the last decade making revolu-  
23 tionary changes by streamlining their organizations,  
24 decentralizing authority, flattening hierarchies, fo-  
25 cusing on quality, and emphasizing responsiveness to

1 the customer. State and local governments have also  
2 begun to apply those same principles of post-indus-  
3 trial organization and uses of technology in success-  
4 ful efforts aimed at reinventing government. There  
5 is now a crucial need for a serious examination of  
6 how the Federal Government might apply such orga-  
7 nizational and operational reforms to its own institu-  
8 tions.

9 **SEC. 2. DEFINITIONS.**

10 In this Act—

11 (1) “Commission” means the Commission on  
12 Government Reform established by section 3.

13 (2) “executive entities” includes all Federal de-  
14 partments, independent agencies, Government-spon-  
15 sored enterprises, and Government corporations.

16 **SEC. 3. THE COMMISSION.**

17 (a) ESTABLISHMENT.—There is established an inde-  
18 pendent commission to be known as the “Commission on  
19 Government Reform”.

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

22 (c) APPOINTMENT.—(1) The Commission shall be bi-  
23 partisan, composed of 9 members appointed by the Presi-  
24 dent, by and with the advice and consent of the Senate,

1 of whom there must be at least 4 members from each of  
2 the two major political parties.

3 (2) The President shall transmit to the Senate the  
4 nominations for the appointment to the Commission not  
5 later than 60 days after the date of enactment of this Act.

6 (3) In selecting nominees for appointment to the  
7 Commission, the President shall consult with—

8 (A) the Speaker of the House of Representa-  
9 tives;

10 (B) the majority leader of the Senate;

11 (C) the minority leader of the House of Rep-  
12 resentatives; and

13 (D) the minority leader of the Senate.

14 (4) When the President submits to the Congress  
15 nominations for appointment to the Commission, the  
16 President shall designate 1 nominee to serve as chairman  
17 of the Commission.

18 (d) TERMS.—Each member of the Commission ap-  
19 pointed under paragraph (1)(A) shall serve until the ter-  
20 mination of the Commission.

21 (e) MEETINGS.—(1) Each meeting of the Commis-  
22 sion, except a meeting in which classified information is  
23 to be discussed, shall be open to the public.

24 (2) All the proceedings, information, and delibera-  
25 tions of the Commission shall be open, upon request, to

1 the chairman and the ranking minority member of the  
2 Committee on Governmental Affairs of the Senate and the  
3 chairman and the ranking minority member of the Com-  
4 mittee on Government Operations of the House of Rep-  
5 resentatives.

6 (f) VACANCIES.—A vacancy on the Commission shall  
7 be filled in the same manner as was the original appoint-  
8 ment.

9 (g) PAY AND TRAVEL EXPENSES.—(1)(A) The chair-  
10 man of the Commission shall be paid at a rate equal to  
11 the daily equivalent of the minimum annual rate of basic  
12 pay payable for level III of the Executive Schedule under  
13 section 5314 of title 5, United States Code, for each day  
14 (including traveltime) during which the chairman is en-  
15 gaged in the performance of duties vested in the Commis-  
16 sion.

17 (B) Each member of the Commission other than the  
18 chairman shall be paid at a rate equal to the daily equiva-  
19 lent of the minimum annual rate of basic pay payable for  
20 level IV of the Executive Schedule under section 5315 of  
21 title 5, United States Code, for each day (including travel-  
22 time) during which the member is engaged in the perform-  
23 ance of duties vested in the Commission.

24 (2) Members of the Commission shall receive travel  
25 expenses, including per diem in lieu of subsistence, in ac-

1 cordance with sections 5702 and 5703 of title 5, United  
2 States Code.

3 (h) DIRECTOR AND STAFF.—(1) The Commission  
4 shall appoint a director of the Commission without regard  
5 to section 5311(b) of title 5, United States Code.

6 (2) The director shall be paid at the rate of basic  
7 pay payable for level IV of the Executive Schedule under  
8 section 5315 of title 5, United States Code.

9 (i) STAFF.—(1) The Director may, with the approval  
10 of the Commission, appoint and fix the pay of employees  
11 of the Commission without regard to the provisions of title  
12 5, United States Code, governing appointment in the com-  
13 petitive service, and any Commission employee may be  
14 paid without regard to the provisions of chapter 51 and  
15 subchapter III of chapter 53 of that title relating to classi-  
16 fication and General Schedule pay rates, except that a  
17 Commission employee may not receive pay in excess of the  
18 annual rate of basic pay payable for level V of the Execu-  
19 tive Schedule under section 5316 of title 5, United States  
20 Code.

21 (2) Upon request of the director, the head of any  
22 Federal department or agency may detail any of the per-  
23 sonnel of the department or agency to the Commission to  
24 assist the Commission in carrying out its duties under this  
25 title.

1       (3) The Comptroller General of the United States  
2 shall provide assistance, including the detailing of employ-  
3 ees, to the Commission in accordance with an agreement  
4 entered into with the Commission.

5       (j) OTHER AUTHORITY.—(1) The Commission may  
6 procure by contract the temporary or intermittent services  
7 of experts or consultants pursuant to section 3109 of title  
8 5, United States Code.

9       (2) The Commission may lease space and acquire per-  
10 sonal property to the extent that funds are available for  
11 that purpose.

12       (k) FUNDING.—There are authorized to be appro-  
13 priated to the Commission such sums as are necessary to  
14 enable the Commission to carry out its duties under this  
15 Act, such sums to remain available until expended.

16       (l) TERMINATION.—The Commission shall terminate  
17 2 years after the date of enactment of this Act.

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

19       (a) IN GENERAL.—The Commission shall transmit to  
20 the President findings and recommendations regarding  
21 reforms of the organization and operations of the executive  
22 branch of the Federal Government that would improve  
23 governmental performance while minimizing costs. Such  
24 recommendations shall promote economy, efficiency, and

1 improved service in the transaction of the public business,  
2 and shall include ways to—

3 (1) define program missions in terms of meas-  
4 urable outcomes, emphasizing quality of service, cus-  
5 tomer satisfaction, and result-oriented accountabil-  
6 ity;

7 (2) reform personnel and management systems  
8 so as to improve morale, inspire initiative, maximize  
9 productivity and effectiveness, promote personal ac-  
10 countability, and reward excellence;

11 (3) increase program responsiveness by reduc-  
12 ing paperwork and procedural requirements and in-  
13 creasing managerial discretion, in return for greater  
14 accountability for achieving results;

15 (4) consolidate and streamline departments,  
16 agencies, and programs so as to reduce costs, mini-  
17 mize hierarchy, and focus responsibility;

18 (5) reduce the size of the Federal work force  
19 through attrition and redirect funding toward im-  
20 proved training and rewarding excellence in the work  
21 force;

22 (6) promote the application of new information  
23 technologies to improve management and reduce ad-  
24 ministrative costs;



1           (7) consolidate Federal grant programs to State  
2           and local governments and establish criteria for  
3           awarding grants on the basis of performance;

4           (8) develop procedures for the substantive re-  
5           view and reauthorization of each Federal program at  
6           least once every 5 years; and

7           (9) develop mechanisms to promote greater co-  
8           operation and coordination between the legislative  
9           and executive branches and greater attention to the  
10          long-term impacts of budgetary and policy decisions.

11          (b) ACTION BY THE CONGRESS, COMPTROLLER GEN-  
12          ERAL, AND THE DIRECTOR OF THE OFFICE OF MANAGE-  
13          MENT AND BUDGET.—The Comptroller General of the  
14          United States and the Director of the Office of Manage-  
15          ment and Budget shall—

16               (1) assist the Commission, to the extent re-  
17               quested, in the Commission's review and analysis of  
18               the matters described in subsection (a); and

19               (2) not later than January 1, 1994, transmit to  
20               the Congress and to the Commission a report con-  
21               taining a detailed analysis of any findings and statu-  
22               tory recommendations they may choose to offer.

23          (c) REPORTS.—Not later than June 1, 1994, the  
24          Commission shall transmit to the President and Congress  
25          not more than 5 reports containing the Commission's find-

1 ings and statutory recommendations for the restructuring  
2 of, or improving the operations of, governmental entities.

3 (d) UNDERLYING INFORMATION.—After June 1,  
4 1994, the Commission shall, upon request, promptly pro-  
5 vide to any member of Congress information used by the  
6 Commission in making its findings and statutory rec-  
7 ommendations.

8 (e) REPORTS BY THE PRESIDENT.—(1) Not later  
9 than July 1, 1994, the President shall transmit to the  
10 Commission and Congress separate reports containing the  
11 President's approval or disapproval of the Commission's  
12 reports made pursuant to subsection (c).

13 (2) If the President approves a report of the Commis-  
14 sion, the President shall transmit a copy of the report to  
15 the Congress, together with a certification of the approval.

16 (3) If the President disapproves a report of the Com-  
17 mission, in whole or in part—

18 (A) the President shall transmit to the Commis-  
19 sion and Congress the reasons for the disapproval;  
20 and

21 (B) not later than July 15, 1994, the Commis-  
22 sion shall transmit to the President a revised report  
23 containing revised findings and statutory rec-  
24 ommendations.

1 (4) If the President approves a revised report of the  
2 Commission submitted to the President pursuant to para-  
3 graph (3)(B), the President shall transmit to Congress a  
4 copy of the revised report together with a certification of  
5 such approval.

6 (5) If the President does not transmit to the Con-  
7 gress an approval and certification of a report or reports  
8 by August 1, 1994, the process by which the report or  
9 reports of the Commission are to be implemented shall be  
10 terminated.

11 **SEC. 5. IMPLEMENTATION OF COMMISSION RECOMMENDA-**  
12 **TIONS FOR THE EXECUTIVE BRANCH.**

13 (a) IN GENERAL.—Subject to subsection (b), the  
14 President shall—

15 (1) restructure and improve the operation of all  
16 executive branch organizations recommended for re-  
17 form by the Commission in its reports transmitted  
18 to the Congress by the President pursuant to section  
19 4 (c) and (e);

20 (2) initiate all such restructuring and improve-  
21 ments not later than 2 years after the date on which  
22 the President transmits a report to the Congress  
23 pursuant to section 4 (c) and (e) containing such  
24 restructurings and improvements; and

1           (3) complete all such restructurings and im-  
2           provements not later than the end of the 6-year pe-  
3           riod beginning on the date on which the President  
4           transmits the report pursuant to section 4 (c) and  
5           (e) containing such restructurings and improve-  
6           ments.

7           (b) CONGRESSIONAL DISAPPROVAL.—

8           (1) IN GENERAL.—The President may not  
9           carry out any restructuring and improvements rec-  
10          ommended by the Commission in a report transmit-  
11          ted from the President pursuant to section 4 (c) and  
12          (e) if a joint resolution is enacted, in accordance  
13          with subsection (c), disapproving the recommenda-  
14          tions of the Commission before the earlier of—

15                 (A) the end of the 30-day period beginning  
16                 on the date on which the President transmits  
17                 the report; or

18                 (B) the adjournment of Congress sine die  
19                 for the session during which the report is trans-  
20                 mitted.

21           (2) CONGRESS NOT IN SESSION.— For the pur-  
22           poses of paragraph (1) and subsection (c) (1) and  
23           (3), the days on which either the House of Rep-  
24           resentatives or the Senate is not in session because  
25           of an adjournment of more than 3 days to a day cer-

1       tain shall be excluded in the computation of a pe-  
2       riod.

3       (c) CONGRESSIONAL CONSIDERATION OF COMMIS-  
4       SION REPORT.—

5           (1) TERMS OF THE RESOLUTION.—For the pur-  
6       poses of subsection (b), the term “joint resolution”  
7       means a joint resolution that—

8           (A) is introduced within the 5-day period  
9       beginning on the date on which the President  
10      transmits a report to the Congress under sec-  
11      tion 4 (c) and (e);

12          (B) does not have a preamble;

13          (C) states after the resolving clause “That  
14      Congress disapproves the recommendations of  
15      the Commission on Government Reform submit-  
16      ted by the President on           ”, the blank  
17      space being filled in with the appropriate date;  
18      and

19          (D) is entitled a “Joint resolution dis-  
20      approving the recommendations of the Commis-  
21      sion on Government Reform.”.

22          (2) REFERRAL.—(A) A resolution described in  
23      paragraph (1) that is introduced in the House of  
24      Representatives shall be referred to the Committee

1 on Government Operations of the House of Rep-  
2 resentatives.

3 (B) A resolution described in paragraph (1)  
4 that is introduced in the Senate shall be referred to  
5 the Committee on Governmental Affairs of the Sen-  
6 ate.

7 (3) DISCHARGE.—If the committee to which a  
8 resolution described in paragraph (1) is referred has  
9 not reported the resolution (or an identical resolu-  
10 tion) by the end of the 20-day period beginning on  
11 the date on which the President transmits the report  
12 to the Congress under section 4 (c) and (e), such  
13 committee shall, at the end of that period, be dis-  
14 charged from further consideration of the resolution,  
15 and the resolution shall be placed on the appropriate  
16 calendar of the House of Representatives or the Sen-  
17 ate, as the case may be.

18 (4) CONSIDERATION.—(A)(i) On or after the  
19 third day after the date on which the committee to  
20 which a joint resolution described in paragraph (1)  
21 is referred has reported, or has been discharged  
22 (under paragraph (3)) from further consideration of,  
23 such a resolution, it is in order (even though a pre-  
24 vious motion to the same effect has been disagreed  
25 to) for any member of the House of Representatives

1 or the Senate, respectively, to move to proceed to the  
2 consideration of the resolution (but only on the date  
3 after the calendar day on which the member an-  
4 nounces to the House concerned the member's inten-  
5 tion to do so).

6 (ii) All points of order against a resolution de-  
7 scribed in paragraph (1) (and against consideration  
8 of the resolution) are waived.

9 (iii)(I) A motion to proceed to the consideration  
10 of a joint resolution described in paragraph (1) is  
11 highly privileged in the House of Representatives  
12 and is privileged in the Senate and is not debatable.

13 (II) A motion described in subclause (I) is not  
14 subject to amendment, to a motion to postpone con-  
15 sideration of the resolution, or to a motion to pro-  
16 ceed to the consideration of other business.

17 (III) A motion to reconsider the vote by which  
18 a motion described in subclause (I) is agreed to or  
19 not agreed to shall not be in order.

20 (IV) If a motion described in subclause (I) is  
21 agreed to, the House of Representatives or the Sen-  
22 ate, as the case may be, shall immediately proceed  
23 to consideration of the joint resolution without inter-  
24 vening motion, order, or other business, and the res-  
25 olution shall remain the unfinished business of the

1 House of Representatives or the Senate, as the case  
2 may be, until disposed of.

3 (B)(i) Debate on a joint resolution described in  
4 paragraph (1) and on all debatable motions and ap-  
5 peals in connection therewith shall be limited to not  
6 more than 5 hours, which shall be divided equally  
7 between those favoring and those opposing the reso-  
8 lution.

9 (ii) An amendment to a joint resolution de-  
10 scribed in paragraph (1) is not in order.

11 (iii) A motion further to limit debate on a joint  
12 resolution described in paragraph (1) is in order and  
13 not debatable.

14 (iv) A motion to postpone consideration of a  
15 joint resolution described in paragraph (1), a motion  
16 to proceed to the consideration of other business, or  
17 a motion to recommit the resolution is not in order.

18 (v) A motion to reconsider the vote by which a  
19 resolution described in paragraph (1) is agreed to or  
20 not agreed to is not in order.

21 (C) Immediately following the conclusion of the  
22 debate on a joint resolution described in paragraph  
23 (1) and a single quorum call at the conclusion of the  
24 debate if requested in accordance with the rules of  
25 the House of Representatives or the Senate, as the



1 case may be, the vote on final passage of the resolu-  
2 tion shall occur.

3 (D) Appeals from the decisions of the Chair re-  
4 lating to the application of the rules of the House  
5 of Representatives or of the Senate, as the case may  
6 be, to the procedure relating to a joint resolution de-  
7 scribed in paragraph (1) shall be decided without de-  
8 bate.

9 (5) CONSIDERATION BY OTHER HOUSE.—(A) If,  
10 before the passage by one House of a joint resolu-  
11 tion described in paragraph (1) that was introduced  
12 in that House, that House receives from the other  
13 House a joint resolution described in paragraph  
14 (1)—

15 (i) the resolution of the other House shall  
16 not be referred to a committee and may not be  
17 considered in the House that receives it other-  
18 wise than on final passage under clause (ii)(II);  
19 and

20 (ii)(I) the procedure in the House that re-  
21 ceives such a resolution with respect to such a  
22 resolution that was introduced in that House  
23 shall be the same as if no resolution had been  
24 received from the other House; but

1           (II) the vote on final passage shall be on  
2           the resolution of the other House.

3           (B) Upon disposition of a joint resolution de-  
4           scribed in paragraph (1) that is received by one  
5           House from the other House, it shall no longer be  
6           in order to consider such a resolution that was intro-  
7           duced in the receiving House.

8           (6) RULES OF THE SENATE AND HOUSE OF  
9           REPRESENTATIVES.—This subsection is enacted by  
10          Congress—

11           (A) as an exercise of the rulemaking power  
12           of the Senate and House of Representatives, re-  
13           spectively, and is deemed to be part of the rules  
14           of each House, respectively, but applicable only  
15           with respect to the procedure to be followed in  
16           that House in the case of a joint resolution de-  
17           scribed in paragraph (1), and it supersedes  
18           other rules only to the extent that it is incon-  
19           sistent with such rules; and

20           (B) with full recognition of the constitu-  
21           tional right of either House to change the rules  
22           (so far as they relate to the procedure of that  
23           House) at any time, in the same manner, and  
24           to the same extent as in the case of any other  
25           rule of that House.

