

104TH CONGRESS
2D SESSION

H. R. 3982

To establish a Permanent Performance Review Commission.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. FRANKS of New Jersey (for himself, Mr. HERGER, Mr. HOKE, Mr. KASICH, Mr. KOLBE, Mr. MEEHAN, Mr. SMITH, of Michigan and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Permanent Performance Review Commission.

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.**

4 This Act may be cited as the “Permanent Perform-
5 ance Review Act of 1996”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) the central purpose of our democratic gov-
9 ernment is to effectuate the will of a free people;

1 that, in its pursuit of that purpose, the Congress'
2 principal purpose is to enact laws which properly
3 embody that will and which ensure that agencies
4 charged with the execution of those laws are vested
5 with such authority and endowed with such re-
6 sources as may be requisite therefor and useful
7 thereto; that the corresponding principal function of
8 the executive is to pursue the implementation of
9 those laws through the exercise of the authority so
10 accorded to it; and that beyond the duties peculiar
11 to each, these two branches of government bear as
12 well a joint and ongoing responsibility for ensuring
13 that the implementation of public policy is conducted
14 effectively and efficiently, that the executive's exer-
15 cise of its authority advances the aims and respects
16 the restrictions incorporated in the law under which
17 the authority was conferred, that both the regulation
18 of private behavior and the expenditure of public
19 moneys continue to be justified by actual benefits
20 flowing therefrom, that the unintended harms or in-
21 equities arising from the operation of laws enacted
22 and implemented in good faith are promptly uncov-
23 ered and remedied, and that government maintains
24 in its conduct of the affairs of the people the high

1 standards which it is morally and legally obligated to
2 observe as their steward and trustee.

3 (2) The Congress finds that, to meet the re-
4 sponsibilities of government hereinabove declared, it
5 is necessary and appropriate that the performance of
6 government be reviewed and evaluated, and that the
7 scope of the review and evaluation should extend as
8 broadly as is practicable to the various organiza-
9 tional, program and budgetary elements of all public
10 service activities directly or indirectly funded in
11 whole or in part by the government. The Congress
12 finds in addition that the review and evaluation of
13 executive branch performance ought properly to be
14 undertaken jointly by the Congress and the executive
15 and with the assistance, where appropriate, of par-
16 ties outside of the national government; that the
17 Congress' participation in the review and evaluation
18 process can be most effectively conducted by a bipar-
19 tisan commission which shall, for each review and
20 evaluation of a particular agency, draw upon mem-
21 bers having substantial knowledge for the missions
22 and objectives of that agency; and that the commis-
23 sion should have available for its use and exercise all
24 resources and powers appropriate to the duties with
25 which it is charged. Furthermore, the Congress finds

1 that such a commission would also be the most suit-
2 able instrument through which to conduct the review
3 and evaluation of agency operations.

4 **SEC. 3. DEFINITIONS.**

5 For purposes of this Act:

6 (1) AGENCY.—The term “agency” means a cab-
7 inet-level department listed in section 101 of title 5,
8 United States Code, or any executive agency, as de-
9 fined in section 105 of such title 5, whose budget ex-
10 ceeded \$1,000,000,000 in fiscal year 1993.

11 (2) AGENCY SELF-STUDY.—The term “agency
12 self-study” means the initial collection, analysis, and
13 report of performance data developed by each agency
14 at the direction of the Commission. An agency self-
15 study is the basis for the subsequent analysis and
16 recommendations embodied in the Commission’s per-
17 formance review.

18 (3) COMMISSION.—The term “Commission”
19 means the Permanent Performance Review Commis-
20 sion established by section 4.

21 (4) IMPLEMENTATION BILL.—The term “imple-
22 mentation bill” means a bill introduced pursuant to
23 a recommendation from a committee that receives a
24 performance review from the Commission and holds
25 hearings regarding the performance review.

1 (5) PERFORMANCE GOAL.—The term “perform-
2 ance goal” means a target level of performance ex-
3 pressed as a tangible, measurable objective against
4 which actual achievement shall be compared, includ-
5 ing a goal expressed as a quantitative standard,
6 value, or rate.

7 (6) PERFORMANCE INDICATOR.—The term
8 “performance indicator” refers to a particular value
9 or characteristic used to measure, in either a quali-
10 tative or quantitative form, the results of a program
11 activity and how they compare to the program’s in-
12 tended results or performance goals.

13 (7) PERFORMANCE REVIEW.—The term “per-
14 formance review” refers to the Commission’s de-
15 scription and analysis of an agency’s programs
16 based on the programs’ performance goals and rel-
17 evant performance indicators, accompanied by a line-
18 by-line set of legislative recommendations developed
19 by the Commission, reviewed by the appropriate
20 Congressional committees, and then, if approved,
21 submitted in bill form by the chairpersons of the ap-
22 propriate Congressional committees.

23 (8) PROGRAM ACTIVITY.—The term “program
24 activity” means a specific activity or project as listed

1 in the program and financing schedules of the an-
2 nual budget of the United States Government.

3 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

4 There is established a commission to be known as the
5 “Permanent Performance Review Commission”.

6 **SEC. 5. FUNCTIONS OF COMMISSION.**

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

8 (1) establish and manage a schedule of agency
9 self-studies to be conducted by the agencies of the
10 United States over a fixed period of time;

11 (2) hold hearings as part of an overall assess-
12 ment and transformation of the data presented in an
13 agency’s self-study into a performance review to be
14 developed by the Commission;

15 (3) submit the performance review and legisla-
16 tive recommendations to the President and the Con-
17 gress; and

18 (4) make the performance review and legislative
19 recommendations available to the public.

20 (b) SPECIFIC DUTIES.—In carrying out its functions
21 under subsection (a), the Commission shall—

22 (1) ensure that each agency is reviewed at least
23 once every 10 years;

24 (2) by vote of the majority of the Commission
25 on or before February 5 of each year, establish a

1 schedule of the agencies that will be reviewed and
2 the order of review for the next 2 years;

3 (3) notify, in writing, each agency listed on the
4 schedule of its responsibility for conducting an agen-
5 cy self-study and the dates on which it must submit
6 progress reports and the final agency self-study re-
7 port;

8 (4) hold hearings on the agency self-study re-
9 port submitted by each agency;

10 (5) consult the chairpersons and the ranking
11 minority members of the appropriate congressional
12 committees regarding the agency self-study report
13 submitted by each agency; and

14 (6) submit a performance review and legislative
15 recommendations to the President and the Congress
16 not more than 21 months after receiving an agency
17 self-study report from an agency.

18 **SEC. 6. MEMBERSHIP OF COMMISSION.**

19 (a) NUMBER AND METHOD OF APPOINTMENT.—The
20 Commission shall be composed of 28 members, of which
21 23 will be voting members and 5 will be nonvoting, ex
22 officio members. The members shall be appointed as fol-
23 lows:

24 (1) VOTING MEMBERS.—All appointments of
25 voting members of the Commission shall be made

1 jointly by the majority and minority leaders of the
2 Senate and the Speaker and minority leader of the
3 House of Representatives from individuals rec-
4 ommended as follows:

5 (A) RECOMMENDATIONS BY PRESIDENT.—

6 15 voting members shall be appointed from
7 among individuals recommended by the Presi-
8 dent. In making the recommendations, the
9 President shall ensure that not more than 8
10 members are affiliated with the same political
11 party.

12 (B) RECOMMENDATIONS BY CONGRESS.—8

13 additional voting members shall be appointed,
14 with 2 members each appointed from individ-
15 uals recommended by each of the following:

16 (i) Majority leader of the Senate.

17 (ii) Minority leader of the Senate.

18 (iii) Speaker of the House.

19 (iv) Minority leader of the House.

20 (2) NONVOTING, EX OFFICIO MEMBERS.—The

21 nonvoting, ex officio members of the Commission are
22 the following:

23 (A) Director of the Office of Management
24 and Budget.

25 (B) Majority leader of the Senate.

1 (C) Minority leader of the Senate.

2 (D) Speaker of the House.

3 (E) Minority leader of the House.

4 (b) QUALIFICATIONS OF VOTING MEMBERS.—

5 (1) OFFICERS AND EMPLOYEES OF THE EXECU-
6 TIVE BRANCH.—An officer or employee of the execu-
7 tive branch of the Federal Government may not be
8 a voting member of the Commission.

9 (2) EXPERIENCE.—The President shall rec-
10 ommend for appointment to the commission individ-
11 uals with a variety of experiences and skills. Of the
12 individuals recommended under subsection
13 (a)(1)(A)—

14 (A) at least 1 shall be a person with ex-
15 plicit, in-depth experience in reforming large or-
16 ganizational systems;

17 (B) at least 1 shall be a person who both
18 has business experience and has held a high-
19 level position within an agency; and

20 (C) at least 1 shall be an individual who
21 has an extensive research background concern-
22 ing organizational reform, either in theoretical
23 work or in analysis of real world events.

24 (c) TERMS.—

1 (1) IN GENERAL.—Each member of the Com-
2 mission shall be appointed for a term of 2 years, ex-
3 cept as provided in paragraphs (2) and (3).

4 (2) TERMS OF INITIAL APPOINTEES.—The
5 members initially appointed to the Commission shall
6 serve until the beginning of the next Congress.

7 (3) VACANCIES.—A vacancy on the Commission
8 shall be filled in the manner in which the original
9 appointment was made. Any member of the Commis-
10 sion appointed to fill a vacancy shall be appointed
11 only for the remainder of the term for which the
12 member's predecessor was appointed. A member
13 may serve after the expiration of the member's term
14 until a successor has taken office.

15 (d) PAY.—

16 (1) IN GENERAL.—Each member of the Com-
17 mission shall be paid at a rate equal to the daily
18 equivalent of the minimum annual rate of basic pay
19 payable for level IV of the Executive Schedule under
20 section 5315 of title 5, United States Code, for each
21 day during which the member is engaged in the ac-
22 tual performance of duties of the Commission.

23 (2) EXCEPTION FOR GOVERNMENT OFFICERS
24 AND EMPLOYEES.—Members of the Commission who
25 are full-time officers or employees of the United

1 States shall receive no additional pay or compensa-
2 tion for their service on the Commission.

3 (e) CHAIRPERSON.—The President shall designate 1
4 member of the Commission to be the chairperson of the
5 Commission.

6 (f) APPOINTMENT DEADLINE.—All initial appointees
7 shall be appointed under this section within 60 days after
8 the date of the enactment of this Act.

9 **SEC. 7. DIRECTOR AND STAFF OF COMMISSION.**

10 (a) DIRECTOR.—The Commission shall appoint a Di-
11 rector. The Director shall be paid at a rate not to exceed
12 the rate of basic pay payable for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.

15 (b) STAFF.—

16 (1) APPOINTMENT.—The Director, with the ap-
17 proval of the Commission, may appoint and fix the
18 pay of additional personnel.

19 (2) ASSIGNMENT.—Upon request of the Direc-
20 tor, the head of any agency may assign any of the
21 personnel of the agency to the Commission to assist
22 in carrying out the Commission's review of the agen-
23 cy. Any employee of the Federal Government may be
24 assigned under this paragraph without reimburse-

1 ment to the assigning agency and without interrup-
2 tion or loss of civil service status or privilege.

3 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The staff of the Commission may be appointed
5 without regard to the provisions of title 5, United States
6 Code, governing appointments in the competitive service
7 and may be paid without regard to the provisions of chap-
8 ter 51 and subchapter III of chapter 53 of title 5, United
9 States Code, relating to classification and General Sched-
10 ule pay rates, except that an individual so appointed may
11 not receive pay in excess of 120 percent of the minimum
12 rate of basic pay payable for GS–15 of the General Sched-
13 ule.

14 (d) EXPERTS AND CONSULTANTS.—With the ap-
15 proval of the Commission, the Director may procure by
16 contract, to the extent funds are available, the temporary
17 or intermittent services of experts or consultants pursuant
18 to section 3109 of title 5, United States Code.

19 **SEC. 8. POWERS OF COMMISSION.**

20 (a) HEARINGS AND SESSIONS.—To carry out this
21 Act, the Commission may hold hearings, sit and act at
22 times and places, take testimony, and receive evidence as
23 the Commission considers appropriate. The Commission
24 may also administer oaths or affirmations to witnesses ap-
25 pearing before it.

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action that the Commission is au-
4 thorized to take.

5 (c) OBTAINING OFFICIAL DATA.—The Commission
6 may secure additional information necessary for it to carry
7 out this Act from the head of any agency. Upon request
8 of the chairperson of the Commission, the head of an
9 agency shall furnish the requested information within 30
10 days after the request or within the time specified by the
11 chairperson of the Commission.

12 (d) MAILS.—The Commission may use the United
13 States mails in the same manner and under the same con-
14 ditions as other agencies.

15 (e) AUTHORITY TO ENTER INTO CONTRACTS.—The
16 Commission may lease space to the extent that funds are
17 available.

18 **SEC. 9. DUTIES OF AGENCIES SUBJECT TO PERFORMANCE**

19 **REVIEW.**

20 (a) IN GENERAL.—An agency notified by the Com-
21 mission that it is on the performance review schedule
22 shall—

23 (1) conduct an agency self-study beginning 90
24 days before the agency self-study report is due and

1 write an agency self-study report meeting the cri-
2 teria established in subsection (c);

3 (2) submit a progress report to the Commission
4 60 days before the agency self-study report is due;

5 (3) submit a 2d progress report to the Commis-
6 sion 30 days before the agency self-study report is
7 due; and

8 (4) submit the agency self-study report to the
9 Commission on the date scheduled by the Commis-
10 sion.

11 (b) PROGRESS REPORTS.—Each progress report shall
12 present in detail the full range of programs being reviewed
13 and the status of each review.

14 (c) AGENCY SELF-STUDY REPORT.—Each agency
15 self-study report shall include the following:

16 (1) MISSION STATEMENT.—A comprehensive
17 mission statement covering the functions and oper-
18 ations of the agency and all its subdivisions.

19 (2) CENSUS.—A complete census of all the sep-
20 arate programs, with the name and a full description
21 of the current organizational subdivision that has re-
22 sponsibility for the conduct and administration of
23 each program.

24 (3) STATUTORY REFERENCES.—A citation to
25 the statute that establishes or authorizes the estab-

1 lishment of each program, a statement of the objec-
2 tives of the program as prescribed by statute or ad-
3 ministrative order, and for each of the objectives, a
4 detailed statement of the way in which each program
5 activity contributes to the attainment or furtherance
6 of the objectives.

7 (4) BUDGETS.—A review of the budgets for
8 each program for each of the preceding 5 years.

9 (5) PERSONNEL LEVELS.—A statement of the
10 personnel levels associated with each program for
11 the previous fiscal year, the preceding 4 fiscal years,
12 and the 10th and 15th fiscal years preceding the
13 most recent fiscal year.

14 (6) PRIORITY OF PROGRAMS.—A comparative
15 assessment that establishes a priority order for each
16 program in the overall institutional mission of the
17 agency.

18 (7) PERFORMANCE GOALS.—A statement of the
19 specific performance goals that are used to define
20 the levels of performance achieved by the particular
21 activities of each program. When possible the goals
22 shall be measured in quantifiable forms and applica-
23 ble across program activities.

1 (8) PERFORMANCE LEVEL.—A comparison of
2 each performance goal with the actual level of per-
3 formance measured using a performance indicator.

4 (9) CUSTOMER SATISFACTION.—An analysis of
5 how effectively each program met the expectations
6 and needs of its customers, with special attention to
7 the handling of complaints and suggestions for im-
8 provements as well as an explicit discussion of the
9 sources for such an analysis.

10 (10) RESULTS AND ACCOMPLISHMENTS.—A full
11 statement of the results and accomplishments of
12 each program, described in terms relating as closely
13 as possible to the purpose of the program as em-
14 bodied in the enabling legislation as well as to the
15 performance indicators currently used by the pro-
16 gram.

17 (11) VERIFICATION AND VALIDATION.—An ex-
18 plicit review of the means used by each agency to
19 verify and validate all of the above measured values,
20 as well as a description of the current annual evalua-
21 tions in place used to update and reformulate pro-
22 gram goals and operations.

23 (12) COST EFFECTIVENESS.—An assessment of
24 the cost effectiveness of each program activity, in-

1 cluding, when possible, a quantifiable cost-benefit
2 analysis.

3 (13) PAPERWORK AND PROCEDURAL REQUIRE-
4 MENTS.—A review of the paperwork and procedural
5 requirements of each program and the costs associ-
6 ated with the requirements.

7 (14) CONTRACTS AND PROCUREMENT.—A re-
8 view of each program's contracts and procurement
9 histories.

10 (15) FEDERAL GRANTS TO STATE AND LOCAL
11 GOVERNMENTS.—A review of Federal grants to
12 State or local governments in any program over the
13 preceding 5 years, and an analysis of the explicit cri-
14 teria for awarding the grants, with the goal of iden-
15 tifying any criteria that are performance based.

16 (16) FINANCIAL AND INFORMATION SYS-
17 TEMS.—A review and analysis of the agencywide fi-
18 nancial and information systems and the extent to
19 which the introduction of new, more efficient forms
20 of financial- and information-systems management
21 could contribute significantly to better service.

22 (17) EMPLOYEE INVOLVEMENT.—A review of
23 the effect of current managerial practices intended
24 to involve employees more effectively in assessing

1 and reformulating the goals and procedures of each
2 program activity.

3 (18) TRAINING.—A survey of all training pro-
4 grams for managers and other employees, and an
5 analysis of their effectiveness.

6 (19) RESPONSE TO FEDERAL FUNDING LEV-
7 ELS.—A statement setting forth in detail all reason-
8 able actions, whether in conjunction with or as alter-
9 natives to other actions, that the agency would take
10 in response to the fixing of the total amount of Fed-
11 eral funds available during the upcoming fiscal year
12 for all program activities, including, when appro-
13 priate, actions requiring the enactment, amendment,
14 or repeal of a statute. The statement shall include—

15 (A) actions the agency would take if the
16 funds available were fixed at—

17 (i) an amount equal to 90 percent of
18 the amount of funds available during the
19 fiscal year ending on the September 30
20 preceding submission of the agency self-
21 study;

22 (ii) an amount equal to 95 percent of
23 the amount of funds available during the
24 fiscal year ending on the June 30 preced-
25 ing submission of the agency self-study;

1 (iii) an amount equal to the same
2 amount of funds available during the fiscal
3 year ending on the preceding September
4 30;

5 (iv) an amount equal to 105 percent
6 of the amount of funds available during
7 the fiscal year ending on the preceding
8 September 30; or

9 (v) an amount equal to 110 percent of
10 the amount of funds available during the
11 fiscal year ending on the preceding Sep-
12 tember 30; and

13 (B) an assessment of the effect that taking
14 each action could be expected to have on—

15 (i) the mission and operations of the
16 agency as a whole;

17 (ii) the activities and accomplishments
18 of each program for which any of its orga-
19 nizational subdivisions is responsible; and

20 (iii) the health, safety, and welfare of
21 the citizens of the country.

22 **SEC. 10. PERFORMANCE REVIEW BY COMMISSION.**

23 (a) **EVALUATION OF DATA BY COMMISSION.**—The
24 performance review shall include an evaluation of the data
25 contained in an agency self-study report and presented at

1 the hearings held by the Commission, including an assess-
2 ment of—

3 (1) the effectiveness of the agency in perform-
4 ing the responsibilities assigned by law;

5 (2) the operational efficiency of the agency in
6 performing its responsibilities;

7 (3) the effect of the policies and programs of
8 the agency upon the economy and the environment
9 of the country, and upon the health, safety, and wel-
10 fare of the people of the United States;

11 (4) the accessibility and responsiveness of the
12 agency as demonstrated in each of its programs, in-
13 cluding the way in which the agency has handled
14 complaints, suggestions, and requests for informa-
15 tion or assistance;

16 (5) the conduct of internal functions, such as
17 planning, information and records management, and
18 overall resource controls; and

19 (6) the existence of other programs within the
20 agency, in another agency, or at another level of
21 government with objectives or operations that dupli-
22 cate or are in conflict with the objectives or oper-
23 ations of any program in the agency under review.

1 (b) DEVELOPMENT OF RECOMMENDATIONS.—In de-
2 veloping the recommendations required by section 5(b)(6)
3 regarding an agency, the Commission shall consider—

4 (1) the extent to which the statutory mandates
5 of each program are currently being served;

6 (2) the adequacy of the agency’s performance;

7 (3) whether a reduction in the scope or degree
8 of the agency’s regulations would endanger the goals
9 of each program; and

10 (4) whether specific regulations governing the
11 management of any program can be rewritten.

12 (c) REPORTING THE PERFORMANCE REVIEW.—The
13 Commission will deliver its performance review to the
14 Speaker of the House of Representatives not later than
15 21 months after receiving an agency self-study report from
16 an agency.

17 **SEC. 11. CONGRESSIONAL ACTION ON PERFORMANCE RE-**
18 **VIEW.**

19 (a) PROCEDURES IN HOUSE OF REPRESENTA-
20 TIVES.—

21 (1) REFERRAL OF REPORT.—After the House
22 of Representatives receives a performance review
23 from the Commission, the Speaker shall refer it to
24 only 1 standing committee of the House. To the ex-
25 tent possible, the Speaker shall rely on the rules of

1 the House of Representatives to determine the ap-
2 propriate committee to receive the performance re-
3 view.

4 (2) PUBLIC HEARINGS ON PERFORMANCE RE-
5 VIEWS.—During the 30-legislative-day period after
6 the referral of a performance review to a committee
7 under paragraph (1), the committee shall hold public
8 hearings for the purpose of receiving comments on
9 the performance review and the recommendations.
10 After the hearings, the chairperson of the committee
11 shall submit to the House an implementation bill
12 with an accompanying report that comments on all
13 the recommendations made by the Commission and
14 sets forth the reasons why certain recommendations
15 are not legislatively addressed.

16 (3) DISCHARGE OF COMMITTEE.—If a commit-
17 tee receiving an implementation bill under paragraph
18 (1) has not reported the bill by the end of the 15
19 calendar days after the date on which the bill was
20 introduced, the committee shall be discharged from
21 further consideration of the bill and the bill shall be
22 placed on the appropriate calendar of the House.

23 (4) FLOOR CONSIDERATION.—

24 (A) MOTION TO PROCEED TO CONSIDER-
25 ATION.—On or after the 4th day after the date

1 on which the committee reports an implementa-
2 tion bill or is discharged under paragraph (3),
3 any Member of the House may announce to the
4 House the Member's intention to move to pro-
5 ceed to the consideration of the implementation
6 bill. The following day, it shall be in order for
7 the Member to move to proceed to the consider-
8 ation of the bill, even if a previous motion is
9 disagreed to. The motion shall be highly privi-
10 leged and shall not be subject to amendment, to
11 a motion to postpone, or to a motion to proceed
12 to the consideration of other business. A motion
13 to reconsider the vote by which the motion is
14 agreed to or disagreed to shall not be in order.
15 If a motion to proceed to consideration of the
16 bill is agreed to, the House shall immediately
17 proceed to consideration of the bill without an
18 intervening motion, order, or other business,
19 and the bill shall remain the unfinished busi-
20 ness of the House until disposed of.

21 (B) POINTS OF ORDER.—All points of
22 order against an implementation bill and
23 against consideration of the bill shall be consid-
24 ered to be waived.

1 (C) DEBATE.—Debate on an implementa-
2 tion bill, and on all debatable motions and ap-
3 peals in connection with the bill, shall be limited
4 to not more than 10 hours, which shall be di-
5 vided equally between the chairperson and the
6 ranking minority member of the committee that
7 considered the bill or their designees. A motion
8 further to limit debate shall be in order and
9 shall not be debatable. The following shall not
10 be in order:

11 (i) An amendment to the bill.

12 (ii) A motion to postpone.

13 (iii) A motion to proceed to the con-
14 sideration of other business.

15 (iv) A motion to recommit the bill.

16 (v) A motion to reconsider the vote by
17 which the bill is agreed to or disagreed to.

18 (D) FINAL PASSAGE.—Immediately follow-
19 ing the conclusion of the debate on an imple-
20 mentation bill and a single quorum call at the
21 conclusion of the debate, if requested in accord-
22 ance with the rules of the House, the vote on
23 final passage of the implementation bill shall
24 occur.

1 (E) APPEALS FROM CHAIR.—Appeals from
2 the decisions of the Chair relating to the appli-
3 cation of the rules of the House to the proce-
4 dure relating to an implementation bill shall be
5 decided without debate.

6 (5) CONSIDERATION OF SENATE BILL.—If the
7 House receives an implementation bill regarding an
8 agency from the Senate before it passes its own im-
9 plementation bill regarding the same agency, then
10 the following procedures apply:

11 (A) REFERRAL.—The implementation bill
12 from the Senate shall not be referred to a com-
13 mittee.

14 (B) FLOOR CONSIDERATION.—The proce-
15 dure in the House shall be the same as if no
16 implementation bill had been received from the
17 Senate, except that the vote on final passage
18 shall be on the implementation bill received
19 from the Senate.

20 (C) FINAL DISPOSITION.—Upon disposi-
21 tion of the implementation bill received from
22 the Senate, it shall no longer be in order to con-
23 sider the implementation bill that originated in
24 the House.

1 (b) EXERCISE OF RULEMAKING POWER.—This sec-
2 tion is promulgated—

3 (1) as an exercise of the rulemaking power of
4 the House of Representatives, and as such, it is
5 deemed a part of the rules of the House, except that
6 this section supersedes other rules of the House only
7 to the extent that it is inconsistent with such other
8 rules; and

9 (2) with full recognition of the constitutional
10 right of the House to change the rules at any time,
11 in the same manner, and to the same extent as in
12 the case of any other rule of the House.

13 **SEC. 12. DURATION OF COMMISSION.**

14 Section 14(a)(2)(B) of the Federal Advisory Commit-
15 tee Act (5 U.S.C. App.), relating to the termination of
16 advisory committees, shall not apply to the Commission.

17 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Com-
19 mission to carry out its duties under this Act \$1,000,000
20 for each fiscal year.

○