To create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies.

IN THE HOUSE OF REPRESENTATIVES

April 3, 2003

Mr. ROYCE introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3
4 This Act may be cited as the “Government Reform
5 Act of 2003”.
SEC. 2. ESTABLISHMENT.

There is established a national commission to be known as the “Government Reform Commission”.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term “Commission” means the Government Reform Commission.

(2) The term “documents” means books, records, papers, accounts, transcripts, transcriptions, and reports, in whatever form or medium they may be preserved.

(3) The term “executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(4) The term “member” means a member of the Commission.

SEC. 4. MEMBERSHIP.

(a) Numbers, Appointment, and Qualifications.—The Commission shall be composed of 12 members, appointed by the President, from among persons who possess—

(1) a degree or an advanced degree in the field of business management or public administration; or

(2) a significant background in business supervision, management, and administration.
(b) **CONSULTATION.**—Of the members appointed under subsection (a)—

(1) one member shall be appointed following consultation with the Speaker of the House of Representatives;

(2) one member shall be appointed following consultation with the minority leader of the House of Representatives;

(3) one member shall be appointed following consultation with the President pro Tempore of the Senate; and

(4) one member shall be appointed following consultation with the minority leader of the Senate.

(c) **ADDITIONAL REQUIREMENTS.**—The members shall also satisfy the following additional requirements:

(1) Each member shall be a United States citizen and shall reside in the United States.

(2) Not more than four members shall be from the same political party, excluding those members appointed following consultation required under subsection (b).

(3) A member may not currently hold or have held within the preceding five years any paid position with any local or State government or executive agency.
(4) A member may not be a party to an ongoing and continuing contract with any local or State government or executive agency, or be an employee of an entity that is a party to such a contract.

(5) A member may not be a lobbyist, as defined by either State or Federal law at the time of the appointment of the member.

(d) OPERATION.—

(1) APPOINTMENT.—Members shall be appointed not later than 30 days from the date of enactment of this Act.

(2) CHAIRPERSON.—The President shall designate one member to serve as chairperson of the Commission.

(3) TERMS.—Each member shall be appointed for a term of two years and may be reappointed for a second term of two years. No member shall serve more than four years on the Commission.

(4) QUORUM.—Six members shall constitute a quorum for the purpose of conducting a session of the Commission, but a lesser number may conduct hearings.

(5) COMPENSATION.—Members shall serve without pay, but members shall receive travel expenses, including per diem in lieu of subsistence, in
accordance with applicable provisions under sub-
chapter I of chapter 57 of title 5, United States
Code.

(6) PROFESSIONAL STAFF.—The Commission
may employ, pursuant to laws and regulations gov-
erning the civil service, an executive secretary and
any clerical, professional, and technical assistants as
may be necessary.

(7) MANDATORY RESIGNATION.—In the event
that a member accepts a position as an officer or
employee of any local or State government or execu-
tive agency, the member shall resign from the Com-
mission within 30 days from the date the member
accepts such position.

(8) VACANCIES.—A vacancy in the Commission
shall be filled in the manner in which the original
appointment was made. The appointment of the re-
placement member shall be made not later than 30
days after the date on which the vacancy occurs.

SEC. 5. DUTIES, RESPONSIBILITIES, AND POWERS.

(a) REVIEW OF EXECUTIVE AGENCIES.—

(1) IN GENERAL.—The Commission shall—

(A) examine the current configuration of
executive agencies and investigate their duties
and responsibilities; and
(B) review the operational jurisdictions of executive agencies to determine whether areas of overlap exist and whether the mission of any agency has become obsolete.

(2) PROCESS.—As part of the review under paragraph (1), the Commission shall identify and address—

(A) opportunities for increasing efficiency and reducing costs in executive agencies as a result of executive action or legislation;

(B) areas within executive agencies where managerial accountability can be enhanced and administrative control can be improved;

(C) any Federal programs that have accomplished their original objectives and should be terminated;

(D) any Federal services that could be provided at lower cost by the private sector;

(E) budget process reforms that could yield savings, increase accountability and efficiency, and enhance public confidence in the budget process; and

(F) areas for further study based on likelihood for potential savings.

(b) REVIEW OF PRIOR REFORM EFFORTS.—
(1) IN GENERAL.—The Commission shall review existing Government Accounting Office, Congressional Budget Office, and Inspector General reports, together with any other existing governmental and nongovernmental recommendations, including recommendations offered by the President’s Private Sector Survey on Cost Control, for reducing waste in executive agencies.

(2) REPORTS.—Based on the review under paragraph (1), the Commission shall periodically submit to the President and Congress reports which shall include the following:

(A) A list of such recommendations to reduce waste in executive agencies that the Commission determines are most significant.

(B) The estimated cost savings of the recommendations.

(C) A determination of whether the recommendations can be implemented by executive order or whether they instead require legislative action.

c) PROPOSED REORGANIZATION PLAN.—

(1) IN GENERAL.—Upon completion of the reviews required under subsections (a) and (b), but not later than July 15, 2004, the Commission shall
submit to the President and Congress a proposed re-
organization plan for executive agencies. The pro-
posed reorganization plan shall provide for the re-
alignment or closure of executive agencies to reduce
duplication of services and increase productivity.

(2) VISITATION.—The Commission may not
recommend an executive agency for realignment or
closure unless at least one member has visited the
executive agency prior to January 1, 2004, as part
of the review conducted under subsection (a).

(3) TRANSMITTAL.—The Commission shall
transmit a copy of the proposed reorganization plan
to the Director of the Office of Management and
Budget, who shall prepare and issue a public report
that details the predicted savings in Federal expend-
itures that would result from implementing the reor-
ganization plan.

(d) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—The Commission shall meet
in session at least once per month at the call of the
chairperson. Additionally, as part of its review proc-
ess, the Commission shall conduct three public hear-
ings across the United States. The final hearing
shall be held in Washington, D.C., not later than
March 1, 2004.
(2) ADDITIONAL POWERS.—The Commission may—

(A) meet at additional times and places that it may consider appropriate;

(B) issue subpoenas to compel the attendance of witnesses and the production of documents;

(C) administer oaths; and

(D) contract, as it considers appropriate, for the provision of services, facilities, studies, and reports that will assist the Commission in carrying out its duties, responsibilities, and powers.

SEC. 6. PRESIDENTIAL ACTION ON REORGANIZATION PLAN.

(a) PRESIDENTIAL CONSIDERATION.—No later than August 1, 2004, the President shall act on the proposed reorganization plan submitted by the Commission, either by approving the plan without alteration or amendment, or by returning the plan to the Commission for review.

If the President returns the plan to the Commission, the President shall include such proposed revisions to the plan as the President considers appropriate.

(b) REVIEW AND REVISION.—If the proposed reorganization plan is returned to the Commission for revision, the Commission shall have 30 days in which to review the
Presidential recommendations submitted under subsection (a) and to revise the plan. The Commission may, at its discretion, incorporate any recommendations proposed by the President to the plan.

(c) Resubmission.—At the conclusion of the 30-day period, the Commission shall resubmit the reorganization plan to the President and Congress and retransmit a copy of such plan to the Director of the Office of Management and Budget. The Director shall prepare and issue a revised public report that details the predicted savings in federal expenditures that would result from implementing the revised reorganization.

(d) Effect of rejection.—If the President rejects the resubmitted reorganization plan, such rejection shall conclude the reorganization process for the year under this Act. The Commission may, following reconsideration and at least one public hearing, resubmit a revised reorganization plan in the following year.

SEC. 7. CONGRESSIONAL ACTION ON REORGANIZATION PLAN.

(a) Submission to Congress.—If the President approves the proposed reorganization plan submitted by the Commission, the President shall submit the reorganization plan, free of alterations or amendments, to Congress.

(b) Effective Date.—
(1) Congressional consideration.—The reorganization plan submitted under subsection (a) shall be deemed to be a reorganization plan submitted under chapter 9 of title 5, United States Code, except that the reorganization plan shall take effect on the first day following 60 calendar days of continuous session of Congress, beginning on the date on which the plan is submitted, or a later date as may be provided by the plan, unless Congress enacts a joint resolution rejecting the reorganization plan.

(2) Suspension of section.—This Act shall be valid for all intents and purposes notwithstanding section 905(b) of title 5, United States Code.

(c) Reorganization.—Unless the reorganization plan is rejected as provided in subsection (b), those executive agencies recommended for realignment or closure in the reorganization plan shall be realigned or closed beginning as soon as practicable after the effective date of the reorganization plan, and completed within three years after the effective date.

SEC. 8. TERMINATION.

The Commission shall terminate at the end of the 30-day period beginning on the effective date of the reorga-
nization plan or the date a joint resolution rejecting the
reorganization plan is enacted.

SEC. 9. FUNDING AND SUPPORT.

The Commission shall be funded, staffed, and
equipped without cost to the Federal Government. To ac-
complish this objective, the Secretary of Commerce shall
engage in a joint project with a nonprofit organization in
accordance with the first section of Public Law 91–412