

111TH CONGRESS
2^D SESSION

H. R. 4625

To establish a commission to conduct a study and make recommendations concerning ways to improve the civil service and organization of the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2010

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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 commission to conduct a study and make recommendations concerning ways to improve the civil service and organization of the Federal Government.

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 “Civil Service Reform
5 and Government Reorganization Commission Act of
6 2009”.

1 **SEC. 2. COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the “Civil Service Reform and
4 Government Reorganization Commission” (in this Act re-
5 ferred to as the “Commission”).

6 (b) DUTIES OF COMMISSION.—

7 (1) STUDY.—The Commission shall study the
8 following aspects of the civil service system and the
9 organization of the Government:

10 (A) The Federal compensation system, in-
11 cluding pay and benefit structures, with an em-
12 phasis on performance-based pay and benefits.

13 (B) Recruiting individuals for the Federal
14 workforce, with an emphasis on identifying and
15 filling critical skill gaps in the Federal work-
16 force, including experience in scientific fields,
17 engineering, foreign language fluency, cultural
18 understanding, and information technology.

19 (C) Expediting and improving hiring proc-
20 esses.

21 (D) Retaining a high-quality Federal work-
22 force and providing continuing professional edu-
23 cation to maintain the quality of such workforce
24 and to ensure the efficient conduct of the Gov-
25 ernment.

1 (E) Policies and barriers related to the ter-
2 mination of under-performing workers.

3 (F) The role and oversight of Federal con-
4 tractors and issues related to contractor as-
5 sumption of Federal duties to ensure delinea-
6 tion between functions that are inherently Gov-
7 ernmental functions and those that are not.

8 (G) The extent to which greater effi-
9 ciencies can be achieved by the process of attri-
10 tion.

11 (2) REPORT AND PROPOSED LEGISLATION.—
12 Not later than 2 years after the initial meeting of
13 the Commission under subsection (c)(8)(A), the
14 Commission shall submit to the President and each
15 House of Congress (on the same day and while each
16 House is in session)—

17 (A) a report containing a detailed state-
18 ment of the findings and conclusion of the
19 Commission with respect to the civil service sys-
20 tem and the organization of the Government,
21 together with the recommendations of the Com-
22 mission for improvements based on such find-
23 ings; and

1 (B) proposed legislative language to carry
2 out the recommendations described in subpara-
3 graph (A).

4 (3) LIMITATION.—In no event may the Com-
5 mission’s recommendations include any provisions
6 which would have the effect of creating any new tax
7 or providing for any increase in a rate of tax.

8 (c) MEMBERSHIP.—

9 (1) NUMBER; APPOINTMENT.—The Commission
10 shall be composed of 11 members who shall be ap-
11 pointed by the President by and with the advice and
12 consent of the Senate.

13 (2) ELIGIBILITY.—

14 (A) NO SERVING MEMBERS OF CONGRESS
15 OR FEDERAL EMPLOYEES.—A member ap-
16 pointed under paragraph (1) may not be an of-
17 ficer or employee of the Federal Government or
18 a Member of Congress serving at the time of
19 such appointment.

20 (B) BACKGROUND OF MEMBERS.—

21 (i) FORMER FEDERAL EMPLOYEES.—
22 Four members appointed under paragraph
23 (1) shall be former officers or employees of
24 the Federal Government under the Federal
25 civil service system. Any former officer or

1 employee appointed as a member under
2 this clause may not be appointed as a
3 member under clause (ii).

4 (ii) PRIVATE SECTOR EXPERTS.—
5 Seven members appointed under paragraph
6 (1) shall be individuals in the private sec-
7 tor who are recognized experts in matters
8 relating to personnel management or Gov-
9 ernment organization. Any individual ap-
10 pointed as a member under this clause
11 may not be appointed as a member under
12 clause (i).

13 (3) POLITICAL AFFILIATION.—Not more than 6
14 members appointed under paragraph (1) may be of
15 the same political party.

16 (4) VACANCIES.—Any member appointed to fill
17 a vacancy occurring before the expiration of the
18 term for which the predecessor of such member was
19 appointed shall be appointed only for the remainder
20 of such term. Any appointment to fill a vacancy
21 shall be subject to the requirements of paragraphs
22 (1) through (3).

23 (5) BASIC PAY.—

24 (A) RATES OF PAY.—To the extent or in
25 the amounts provided in advance in appropria-

1 tion Acts, each member shall be paid at a rate
2 equal to level I of the Executive Schedule under
3 section 5312 of title 5, United States Code.

4 (B) TRAVEL EXPENSES.—Each member
5 shall receive travel expenses, including per diem
6 in lieu of subsistence, in accordance with appli-
7 cable provisions of subchapter I of chapter 57
8 of title 5, United States Code.

9 (6) CHAIRPERSON.—Not later than 30 days
10 after all members have been appointed under para-
11 graph (1), the President shall designate a Chair-
12 person of the Commission.

13 (7) QUORUM.—Six members of the Commission
14 shall constitute a quorum but a lesser number may
15 hold hearings.

16 (8) MEETINGS.—

17 (A) INITIAL MEETING.—Not later than 30
18 days after all members have been appointed
19 under paragraph (1), the Commission shall hold
20 its initial meeting.

21 (B) FREQUENCY OF MEETINGS.—The
22 Commission shall meet at least monthly at the
23 call of the Chairperson.

24 (d) STAFF OF COMMISSION; EXPERTS AND CONSULT-
25 ANTS.—

1 (1) DIRECTOR.—The Commission shall appoint
2 a Director. To the extent or in the amounts provided
3 in advance in appropriation Acts, the Director shall
4 be paid at a rate not to exceed the minimum rate
5 of basic pay for GS–15 of the General Schedule.

6 (2) STAFF.—Subject to rules prescribed by the
7 Commission, the Director may appoint and fix the
8 pay of staff members as the Director determines ap-
9 propriate, except that not more than 14 staff mem-
10 bers may be appointed under this paragraph.

11 (3) EXPERTS AND CONSULTANTS.—Subject to
12 the approval of the Commission, the Director may
13 procure temporary and intermittent services under
14 section 3109(b) of title 5, United States Code.

15 (e) POWERS OF COMMISSION.—

16 (1) HEARINGS AND SESSIONS.—The Commis-
17 sion may hold hearings, sit and act at times and
18 places, take testimony, and receive evidence as the
19 Commission determines appropriate.

20 (2) POWERS OF MEMBERS AND AGENTS.—Any
21 member or agent of the Commission may, if author-
22 ized by the Commission, take any action which the
23 Commission is authorized to take by this subsection.

24 (3) OBTAINING OFFICIAL DATA.—The Commis-
25 sion may obtain, from any department or agency of

1 the United States, information necessary to enable it
2 to carry out its duties. At the request of the Chair-
3 person, the head of such department or agency shall
4 furnish such information to the Commission.

5 (4) VISITS.—The Commission may visit the fa-
6 cilities and installations of any department or agency
7 of the United States.

8 (5) MAILS.—The Commission may use the
9 United States mails in the same manner and under
10 the same conditions as any department or agency of
11 the United States.

12 (6) SUBPOENA POWER.—

13 (A) ISSUANCE.—The Commission may
14 issue subpoenas requiring the attendance and
15 testimony of witnesses, the production of any
16 evidence, or both, relating to any matter which
17 the Commission is directed to study under sub-
18 section (b). The attendance of witnesses, pro-
19 duction of evidence, or both, may be required
20 from any place in the United States at any des-
21 ignated place of hearing in the United States.

22 (B) FAILURE TO OBEY.—If a person fails
23 to obey a subpoena issued under subparagraph
24 (A), the Commission may apply to a United
25 States district court for an order requiring that

1 person to appear before the Commission to give
2 testimony, produce evidence, or both, relating to
3 the matter under examination. The application
4 may be made in the judicial district where the
5 hearing is conducted or where that person is
6 found, resides, or transacts business. Any fail-
7 ure to obey the order of the court may be pun-
8 ished by the court as civil contempt.

9 (C) SERVICE OF SUBPOENAS.—A subpoena
10 of the Commission shall be served in the man-
11 ner provided for subpoenas issued by a United
12 States district court under the Federal Rules of
13 Civil Procedure for United States district
14 courts.

15 (D) SERVICE OF PROCESS.—All process of
16 any court to which application is made under
17 subparagraph (B) may be served in the judicial
18 district in which the person required to be
19 served resides or may be found.

20 (7) IMMUNITY.—The Commission is an agency
21 of the United States for the purpose of part V of
22 title 18, United States Code (relating to immunity
23 of witnesses).

24 (8) CONTRACT AUTHORITY.—To the extent or
25 in the amounts provided in advance in appropriation

1 Acts, the Commission may contract with and com-
2 pensate private agencies or persons for services.

3 (f) TERMINATION.—The Commission shall terminate
4 10 days after submitting the report and proposed legisla-
5 tion required by subsection (b)(2).

6 **SEC. 3. LEGISLATION TO IMPLEMENT RECOMMENDATIONS**
7 **OF THE COMMISSION.**

8 (a) DEFINITION.—For purposes of this section, the
9 term “implementing bill” means a bill the text of which
10 consists of the legislative language submitted by the Com-
11 mission to Congress in accordance with section 2(b)(2)
12 and the title of which is “A bill to implement the rec-
13 ommendations of the Civil Service Reform and Govern-
14 ment Reorganization Commission.”.

15 (b) INTRODUCTION.—Not later than 60 days after
16 the date on which the Commission submits its report and
17 proposed legislation to Congress in accordance with sec-
18 tion 2(b)(2), an implementing bill—

19 (1) shall be introduced (by request) in the
20 House of Representatives by the majority leader of
21 the House of Representatives, for himself or herself
22 and the minority leader of the House of Representa-
23 tives, or by Members of the House of Representa-
24 tives designated by the majority leader and minority
25 leader of the House; and

1 (2) shall be introduced (by request) in the Sen-
2 ate by the majority leader of the Senate, for himself
3 or herself and the minority leader of the Senate, or
4 by Members of the Senate designated by the major-
5 ity leader and minority leader of the Senate.

6 If an implementing bill is not introduced in accordance
7 with the preceding sentence in either House of Congress,
8 any Member of that House may introduce an imple-
9 menting bill on any day thereafter.

10 (c) REFERRAL.—An implementing bill shall be re-
11 ferred to the committees of the House of Representatives
12 and of the Senate with jurisdiction. Each committee shall
13 make its recommendations to the House of Representa-
14 tives or the Senate, as the case may be, within 10 calendar
15 days after the date of introduction in that House. If a
16 committee to which an implementing bill has been referred
17 has not reported by the close of the 10th calendar day
18 after its introduction, such committee shall be automati-
19 cally discharged from further consideration of the bill, and
20 the bill shall be placed on the appropriate calendar.

21 (d) EXPEDITED PROCEDURES.—

22 (1) IN THE HOUSE OF REPRESENTATIVES.—

23 (A) IN GENERAL.—Not later than 5 days
24 of session after the date on which an imple-
25 menting bill is reported or discharged from all

1 committees to which it was referred, the major-
2 ity leader of the House of Representatives or
3 the majority leader's designee shall move to
4 proceed to the consideration of the imple-
5 menting bill. It shall also be in order for any
6 Member of the House of Representatives to
7 move to proceed to the consideration of the im-
8 plementing bill at any time after the conclusion
9 of such 5-day period.

10 (B) MOTION TO PROCEED.—A motion to
11 proceed to the consideration of the imple-
12 menting bill is highly privileged in the House of
13 Representatives and is not debatable. The mo-
14 tion is not subject to amendment or to a motion
15 to postpone consideration of the implementing
16 bill. A motion to proceed to the consideration of
17 other business shall not be in order. A motion
18 to reconsider the vote by which the motion to
19 proceed is agreed to or not agreed to shall not
20 be in order. If the motion to proceed is agreed
21 to, the House of Representatives shall imme-
22 diately proceed to consideration of the imple-
23 menting bill without intervening motion, order,
24 or other business, and the implementing bill

1 shall remain the unfinished business of the
2 House of Representatives until disposed of.

3 (C) LIMITS ON DEBATE.—Debate in the
4 House of Representatives on an implementing
5 bill under this paragraph shall not exceed a
6 total of 100 hours, which shall be divided equal-
7 ly between those favoring and those opposing
8 the bill. A motion further to limit debate is in
9 order and shall not be debatable. It shall not be
10 in order to move to recommit an implementing
11 bill under this paragraph or to move to recon-
12 sider the vote by which the bill is agreed to or
13 disagreed to.

14 (D) APPEALS.—Appeals from decisions of
15 the chair relating to the application of the
16 Rules of the House of Representatives to the
17 procedures relating to an implementing bill
18 shall be decided without debate.

19 (E) APPLICATION OF HOUSE RULES.—Ex-
20 cept to the extent specifically provided in this
21 paragraph, consideration of an implementing
22 bill shall be governed by the Rules of the House
23 of Representatives. It shall not be in order in
24 the House of Representatives to consider any
25 implementing bill introduced pursuant to the

1 provisions of this section under a suspension of
2 the rules or under a special rule.

3 (F) NO AMENDMENTS.—No amendment to
4 the implementing bill shall be in order in the
5 House of Representatives.

6 (G) VOTE ON FINAL PASSAGE.—In the
7 House of Representatives, immediately fol-
8 lowing the conclusion of consideration of the
9 implementing bill, the vote on final passage of
10 the implementing bill shall occur without any
11 intervening action or motion, requiring an af-
12 firmative vote of $\frac{3}{5}$ of the Members, duly cho-
13 sen and sworn. If the implementing bill is
14 passed, the Clerk of the House of Representa-
15 tives shall cause the bill to be transmitted to
16 the Senate before the close of the next day of
17 session of the House.

18 (2) IN THE SENATE.—

19 (A) IN GENERAL.—Not later than 5 days
20 of session after the date on which an imple-
21 menting bill is reported or discharged from all
22 committees to which it was referred, the major-
23 ity leader of the Senate or the majority leader's
24 designee shall move to proceed to the consider-
25 ation of the implementing bill. It shall also be

1 in order for any Member of the Senate to move
2 to proceed to the consideration of the imple-
3 menting bill at any time after the conclusion of
4 such 5-day period.

5 (B) MOTION TO PROCEED.—A motion to
6 proceed to the consideration of the imple-
7 menting bill is privileged in the Senate and is
8 not debatable. The motion is not subject to
9 amendment or to a motion to postpone consid-
10 eration of the implementing bill. A motion to
11 proceed to consideration of the implementing
12 bill may be made even though a previous mo-
13 tion to the same effect has been disagreed to.
14 A motion to proceed to the consideration of
15 other business shall not be in order. A motion
16 to reconsider the vote by which the motion to
17 proceed is agreed to or not agreed to shall not
18 be in order. If the motion to proceed is agreed
19 to, the Senate shall immediately proceed to con-
20 sideration of the implementing bill without in-
21 tervening motion, order, or other business, and
22 the implementing bill shall remain the unfin-
23 ished business of the Senate until disposed of.

24 (C) LIMITS ON DEBATE.—In the Senate,
25 consideration of the implementing bill and on

1 all debatable motions and appeals in connection
2 therewith shall not exceed a total of 100 hours,
3 which shall be divided equally between those fa-
4 voring and those opposing the implementing
5 bill. A motion further to limit debate on the im-
6 plementing bill is in order and is not debatable.
7 Any debatable motion or appeal is debatable for
8 not to exceed 1 hour, to be divided equally be-
9 tween those favoring and those opposing the
10 motion or appeal. All time used for consider-
11 ation of the implementing bill, including time
12 used for quorum calls and voting, shall be
13 counted against the total 100 hours of consider-
14 ation.

15 (D) NO AMENDMENTS.—No amendment to
16 the implementing bill shall be in order in the
17 Senate.

18 (E) MOTION TO RECOMMIT.—A motion to
19 recommit an implementing bill shall not be in
20 order under this paragraph.

21 (F) VOTE ON FINAL PASSAGE.—In the
22 Senate, immediately following the conclusion of
23 consideration of the implementing bill and a re-
24 quest to establish the presence of a quorum, the
25 vote on final passage of the implementing bill

1 shall occur and shall require an affirmative vote
2 of $\frac{3}{5}$ of the Members, duly chosen and sworn.

3 (G) OTHER MOTIONS NOT IN ORDER.—A
4 motion to postpone or a motion to proceed to
5 the consideration of other business is not in
6 order in the Senate. A motion to reconsider the
7 vote by which the implementing bill is agreed to
8 or not agreed to is not in order in the Senate.

9 (H) CONSIDERATION OF THE HOUSE
10 BILL.—

11 (i) IN GENERAL.—If the Senate has
12 received the House companion bill to the
13 implementing bill introduced in the Senate
14 prior to the vote required under subpara-
15 graph (F) and the House companion bill is
16 identical to the implementing bill intro-
17 duced in the Senate, then the Senate shall
18 consider, and the vote under subparagraph
19 (F) shall occur on, the House companion
20 bill.

21 (ii) PROCEDURE AFTER VOTE ON SEN-
22 ATE BILL.—If the Senate votes, pursuant
23 to subparagraph (F), on the bill introduced
24 in the Senate, the Senate bill shall be held
25 pending receipt of the House message on

1 the bill. Upon receipt of the House com-
2 panion bill, if the House bill is identical to
3 the Senate bill, the House bill shall be
4 deemed to be considered, read for the third
5 time, and the vote on passage of the Sen-
6 ate bill shall be considered to be the vote
7 on the bill received from the House.

8 (3) NO SUSPENSION.—No motion to suspend
9 the application of this subsection shall be in order
10 in the Senate or in the House of Representatives.

11 (e) RULES OF HOUSE OF REPRESENTATIVES AND
12 SENATE.—This section is enacted by the Congress—

13 (1) as an exercise of the rulemaking power of
14 the House of Representatives and the Senate, re-
15 spectively, and as such is deemed a part of the rules
16 of each House, respectively, but applicable only with
17 respect to the procedures to be followed in that
18 House in the case of an implementing bill; and it su-
19 persedes other rules only to the extent that it is in-
20 consistent with such other rules; and

21 (2) with the full recognition of the constitu-
22 tional right of either House to change the rules (so
23 far as relating to the procedures of that House) at

- 1 any time, in the same manner, and to the same ex-
- 2 tent as any other rule of that House.

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