

113TH CONGRESS
1ST SESSION

S. 1297

To establish the Government Transformation Commission to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013

Mr. KIRK introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Government Transformation Commission to review and make recommendations regarding cost control in 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.**

4 This Act may be cited as the “Government Trans-
5 formation Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) COMMISSION.—The term “Commission”
9 means the Government Transformation Commission

1 established by section 3 to undertake and assist the
2 President and Congress in the transformation of the
3 Federal Government.

4 (2) DUPLICATIVE PROGRAM.—The term “dupli-
5 cative program” means a program performed by an
6 agency that performs the same function with a dif-
7 ferent management and implementation structure as
8 another program performed by another agency.

9 (3) IMPLEMENTATION BILL.—The term “imple-
10 mentation bill” means only a bill that is introduced
11 as provided under section 8(a), and contains the
12 proposed legislation described in section 4(b)(2)(B),
13 without modification.

14 (4) MEMBER.—The term “member” means a
15 member of the Commission appointed under section
16 5(a)(1).

17 (5) PROGRAM.—The term “program” means—

18 (A) any activity or function of an agency;

19 (B) any activity or function that is imple-
20 mented by 2 or more agencies; and

21 (C) any infrastructure activity or function
22 that supports more than 1 agency.

23 **SEC. 3. ESTABLISHMENT.**

24 There is established an independent commission to be
25 known as the “Government Transformation Commission”.

1 **SEC. 4. DUTIES OF COMMISSION.**

2 (a) IN GENERAL.—The duties of the Commission
3 shall be to—

4 (1) make specific and actionable recommenda-
5 tions to appropriate committees of Congress for spe-
6 cific legislative changes, including—

7 (A) opportunities to increase efficiency and
8 reduce costs in the Federal Government
9 through actions by the executive branch or by
10 Congress;

11 (B) areas where managerial accountability
12 can be enhanced and administrative control can
13 be improved in both the short and long term;

14 (C) specific areas where further study can
15 be justified by potential savings;

16 (D) proposals to reduce governmental ex-
17 penditures and indebtedness and improve per-
18 sonnel management; and

19 (E) proposals to make the Federal Govern-
20 ment more economical, efficient, and effective;

21 (2) make specific and actionable recommenda-
22 tions to the President for—

23 (A) the elimination, consolidation, or im-
24 provement of Federal Government programs if,
25 based on the judgment of the Commission, such

1 actions would enhance the efficiency of the pro-
2 gram; and

3 (B) reinvestment and opportunities for in-
4 novation in Federal agencies;

5 (3) provide advice and recommendations to—

6 (A) Federal agencies to make programs
7 more economical, efficient, and effective, and
8 reassess the effectiveness of any changes made
9 by a Federal agency in response to the advice
10 and recommendations;

11 (B) the Office of Management and Budget
12 to improve and report on Federal Government
13 and agency performance plans, as required
14 under section 1115 of title 31, United States
15 Code; and

16 (C) Congress, the Office of Management
17 and Budget, and Federal agencies regarding,
18 the design and implementation of significant
19 new Federal programs to ensure the efficient,
20 effective, and economical development and exe-
21 cution of the program;

22 (4) provide a mechanism by which Federal Gov-
23 ernment employees, citizens of the United States,
24 and other interested parties can offer ideas and

1 make recommendations for reviewing and improving
2 Federal Government programs;

3 (5) conduct research into best organizational
4 practices and Federal Government reform efforts,
5 and provide a repository for such information that
6 supports Federal agencies in further and continual
7 improvements;

8 (6) develop and maintain a criteria and sched-
9 ule for assessing Federal Government agencies and
10 programs;

11 (7) assess program evaluations performed by
12 Federal agencies or program activities;

13 (8) maintain the privacy and security of any
14 data used by the Commission, as required by law;
15 and

16 (9) support requests for information under sec-
17 tion 552 of title 5, United States Code (commonly
18 known as the Freedom of Information Act) by Fed-
19 eral agencies, including the General Accountability
20 Office and the Congressional Budget Office, and by
21 citizens of the United States.

22 (b) REPORTS.—

23 (1) INTERIM ACTIVITY REPORT.—Not later
24 than 6 months after the date on which all initial
25 members of the Commission are appointed, and

1 every year thereafter, the Commission shall submit
2 to the President and to Congress a report to de-
3 scribe the activities of the Commission.

4 (2) ANNUAL REPORT.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date on which all initial members of
7 the Commission are appointed, and not less fre-
8 quently than each year thereafter, the Commis-
9 sion shall submit a report to the President and
10 to Congress, which shall include—

11 (i) the findings and conclusions of the
12 Commission;

13 (ii) suggestions for implementing the
14 best practices of Federal agencies;

15 (iii) proposals for administrative ac-
16 tion or executive action that include rec-
17 ommendations for—

18 (I) improvement or investment in
19 Federal programs; or

20 (II) elimination, reduction, or
21 consolidation of Federal programs;
22 and

23 (iv) justification for the recommenda-
24 tions described in clause (iii).

25 (B) PROPOSED LEGISLATION.—

1 (i) IN GENERAL.—Not later than 1
2 year after the date on which all initial
3 members of the Commission are appointed,
4 and annually thereafter, the Commission
5 shall, using any report submitted to Con-
6 gress under subparagraph (A), submit to
7 Congress proposed legislation to carry out
8 recommendations developed under sub-
9 section (a)(1).

10 (ii) LIMITATION.—Proposed legisla-
11 tion submitted under this subparagraph
12 shall be agreed to by not less than 5 mem-
13 bers of the Commission.

14 (3) REPORT ON HISTORICAL DATA.—Not later
15 than 4 years after the date on which all initial mem-
16 bers of the Commission are appointed, and every 2
17 years thereafter, the Commission shall submit a re-
18 port to the President and to Congress on historical
19 data and trends relevant to the information studied
20 by the Commission, including any available data on
21 reducing costs in the Federal Government.

22 **SEC. 5. MEMBERSHIP.**

23 (a) NUMBER AND APPOINTMENT.—

24 (1) IN GENERAL.—The Commission shall be
25 composed of 7 members, of whom—

1 (A) 1 shall be appointed by the majority
2 leader of the Senate;

3 (B) 1 shall be appointed by the minority
4 leader of the Senate;

5 (C) 1 shall be appointed by the Speaker of
6 the House of Representatives;

7 (D) 1 shall be appointed by the minority
8 leader of the House of Representatives; and

9 (E) 3 shall be appointed by the President,
10 of whom—

11 (i) not less than 1 member shall be
12 from each of the 2 major political parties;
13 and

14 (ii) 1 member shall not be from either
15 of the 2 major political parties.

16 (2) QUALIFICATIONS.—The members of the
17 Commission appointed under paragraph (1) shall—

18 (A) include individuals from various pro-
19 fessions who are recognized for their expertise
20 in agencies, government efficiency, waste reduc-
21 tion, finance and economics, or actuarial
22 sciences; and

23 (B) reflect a broad geographic representa-
24 tion.

25 (3) PROHIBITED APPOINTMENTS.—

1 (A) GOVERNMENT EMPLOYEES.—A mem-
2 ber of the Commission appointed under para-
3 graph (1) may not be an officer or employee of
4 the Federal Government or any State or local
5 government.

6 (B) POLITICAL PARTY.—Not more than 3
7 members of the Commission may be members
8 of the same political party.

9 (4) COMPLETION OF APPOINTMENTS.—Not
10 later than 180 days after the date of enactment of
11 this Act, the appointing authorities under paragraph
12 (1) shall each make their respective appointments.

13 (5) TERMS.—Each member of the Commission
14 shall be appointed for a term of 3 years, and may
15 be reappointed for 1 additional term.

16 (6) VACANCIES.—A vacancy in the Commission
17 shall be filled in the manner in which the original
18 appointment was made.

19 (b) CO-CHAIRMEN.—The President shall designate 2
20 Co-Chairmen of the Commission, who may not be mem-
21 bers of the same political party, at the time of nomination
22 of members of the Commission.

23 (c) RATES OF PAY.—

24 (1) IN GENERAL.—Each member, other than
25 the Co-Chairmen, shall be paid at a rate equal to the

1 daily equivalent of the minimum annual rate of basic
2 pay for level V of the Executive Schedule under sec-
3 tion 5316 of title 5, United States Code, for each
4 day (including travel time) during which the member
5 is engaged in the actual performance of duties vest-
6 ed in the Commission.

7 (2) CHAIRMAN.—The Co-Chairmen shall be
8 paid for each day referred to in paragraph (1) at a
9 rate equal to the daily equivalent of the minimum
10 annual rate of basic pay payable for level IV of the
11 Executive Schedule under section 5315 of title 5,
12 United States Code.

13 (3) TRAVEL EXPENSES.—Each member shall
14 receive travel expenses, including per diem in lieu of
15 subsistence, in accordance with applicable provisions
16 under subchapter I of chapter 57 of title 5, United
17 States Code.

18 (d) QUORUM.—5 members of the Commission shall
19 constitute a quorum, but a lesser number of members may
20 hold hearings.

21 (e) MEETINGS.—The Commission shall meet at the
22 call of the Co-Chairmen.

23 **SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.**

24 (a) DIRECTOR.—The Commission shall have a Direc-
25 tor who shall be appointed by the Co-Chairmen. The Di-

1 rector shall be paid at the rate of basic pay for level IV
2 of the Executive Schedule under section 5315 of title 5,
3 United States Code.

4 (b) STAFF.—

5 (1) IN GENERAL.—With the approval of the
6 Commission, the Director may appoint and fix the
7 pay of personnel as the Director considers appro-
8 priate.

9 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
10 LAWS.—The Director may appoint the personnel of
11 the Commission without regard to the provisions of
12 title 5, United States Code, governing appointments
13 in the competitive service, and any personnel so ap-
14 pointed may be paid without regard to the provisions
15 of chapter 51 and subchapter III of chapter 53 of
16 that title relating to classification and General
17 Schedule pay rates, except that an individual so ap-
18 pointed may not receive pay in excess of the annual
19 rate of basic pay for level V of the Executive Sched-
20 ule under section 5316 of such title.

21 (3) STAFF OF FEDERAL AGENCIES.—Upon re-
22 quest of the Director, the head of any Federal de-
23 partment or agency may detail, on a reimbursable
24 basis, any of the personnel of that department or

1 agency to the Commission to assist it in carrying out
2 its duties under this Act.

3 (c) EXPERTS AND CONSULTANTS.—The Commission
4 may procure by contract temporary and intermittent serv-
5 ices under section 3109(b) of title 5, United States Code.

6 (d) CONFLICTS OF INTEREST.—A member of the
7 Commission, the Director, or any other employee of the
8 Commission may not, indirectly or directly, participate in
9 any action that would be a conflict of interest with any
10 action of the Commission.

11 **SEC. 7. POWERS OF COMMISSION.**

12 (a) HEARINGS AND SESSIONS.—The Commission
13 may, for the purpose of carrying out this Act, hold hear-
14 ings, sit and act at times and places, take testimony, and
15 receive evidence as the Commission considers appropriate.
16 The Commission may administer oaths or affirmations to
17 witnesses appearing before it.

18 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
19 ber or agent of the Commission may, if authorized by the
20 Commission, take any action which the Commission is au-
21 thorized to take by this section.

22 (c) OBTAINING OFFICIAL DATA.—The Commission
23 may secure directly from any department or agency of the
24 United States information necessary to enable it to carry
25 out this Act. Upon request of the Chairman, the head of

1 that department or agency shall furnish that information
2 to the Commission.

3 (d) **MAILS.**—The Commission may use the United
4 States mails in the same manner and under the same con-
5 ditions as other departments and agencies of the United
6 States.

7 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
8 the request of the Commission, the Administrator of the
9 General Services Administration shall provide to the Com-
10 mission, on a reimbursable basis, the administrative sup-
11 port services necessary for the Commission to carry out
12 its responsibilities under this Act.

13 (f) **CONTRACT AUTHORITY.**—The Commission may
14 contract with and compensate Government and private
15 agencies or persons for products and services necessary
16 for the Commission to carry out its responsibilities under
17 this Act.

18 **SEC. 8. EXPEDITED CONGRESSIONAL CONSIDERATION OF**

19 **PROPOSED LEGISLATION.**

20 (a) **INTRODUCTION.**—Proposed legislation submitted
21 under section 4(b)(2)(B) shall be introduced in the Senate
22 (by request) on the next day on which the Senate is in
23 session after the date on which the proposed legislation
24 is submitted by the majority leader of the Senate or by
25 a Member of the Senate designated by the majority leader

1 of the Senate and shall be introduced in the House of Rep-
2 resentatives (by request) on the next legislative day by the
3 majority leader of the House or by a Member of the House
4 designated by the majority leader of the House.

5 (b) CONSIDERATION IN THE HOUSE OF REPRESENT-
6 ATIVES.—

7 (1) REFERRAL AND REPORTING.—Any com-
8 mittee of the House of Representatives to which an
9 implementation bill is referred shall report it to the
10 House without amendment not later than 15 days
11 after the date on which the bill is referred to the
12 committee. If a committee fails to report the imple-
13 mentation bill within that period, it shall be in order
14 to move that the House discharge the committee
15 from further consideration of the bill. Such a motion
16 shall not be in order after the last committee author-
17 ized to consider the bill reports it to the House or
18 after the House has disposed of a motion to dis-
19 charge the bill. The previous question shall be con-
20 sidered as ordered on the motion to its adoption
21 without intervening motion except 20 minutes of de-
22 bate equally divided and controlled by the proponent
23 and an opponent. If such a motion is adopted, the
24 House shall proceed immediately to consider the im-
25 plementation bill in accordance with paragraphs (2)

1 and (3). A motion to reconsider the vote by which
2 the motion is disposed of shall not be in order.

3 (2) PROCEEDING TO CONSIDERATION.—After
4 the last committee authorized to consider an imple-
5 mentation bill reports it to the House or has been
6 discharged (other than by motion) from its consider-
7 ation, it shall be in order to move to proceed to con-
8 sider the implementation bill in the House. Such a
9 motion shall not be in order after the House has dis-
10 posed of a motion to proceed with respect to the im-
11 plementation bill. The previous question shall be
12 considered as ordered on the motion to its adoption
13 without intervening motion. A motion to reconsider
14 the vote by which the motion is disposed of shall not
15 be in order.

16 (3) CONSIDERATION.—An implementation bill
17 shall be considered as read. All points of order
18 against the implementation bill and against its con-
19 sideration are waived. The previous question shall be
20 considered as ordered on an implementation bill to
21 its passage without intervening motion except 2
22 hours of debate equally divided and controlled by the
23 proponent and an opponent and one motion to limit
24 debate on the implementation bill. A motion to re-

1 consider the vote on passage of an implementation
2 bill shall not be in order.

3 (4) VOTE ON PASSAGE.—The vote on passage
4 of an implementation bill shall occur not later than
5 90 days after the date on which the implementation
6 bill is submitted to Congress.

7 (c) EXPEDITED PROCEDURE IN THE SENATE.—

8 (1) COMMITTEE CONSIDERATION.—An imple-
9 mentation bill introduced in the Senate under sub-
10 section (a) shall be jointly referred to the committee
11 or committees of jurisdiction, which committees shall
12 report the bill without any revision and with a favor-
13 able recommendation, an unfavorable recommenda-
14 tion, or without recommendation, not later than 15
15 days after the date on which the implementation bill
16 is referred to the committee. If any committee fails
17 to report the bill within that period, that committee
18 shall be automatically discharged from consideration
19 of the bill, and the bill shall be placed on the appro-
20 priate calendar.

21 (2) MOTION TO PROCEED.—Notwithstanding
22 Rule XXII of the Standing Rules of the Senate, it
23 is in order, not later than 2 days of session after the
24 date on which an implementation bill is reported or
25 discharged from all committees to which it was re-

1 ferred, for the majority leader of the Senate or the
2 majority leader's designee to move to proceed to the
3 consideration of the implementation bill. It shall also
4 be in order for any Member of the Senate to move
5 to proceed to the consideration of the implementa-
6 tion bill at any time after the conclusion of such 2-
7 day period. A motion to proceed is in order even
8 though a previous motion to the same effect has
9 been disagreed to. All points of order against the
10 motion to proceed to the implementation bill are
11 waived. The motion to proceed is not debatable. The
12 motion is not subject to a motion to postpone. A mo-
13 tion to reconsider the vote by which the motion is
14 agreed to or disagreed to shall not be in order. If
15 a motion to proceed to the consideration of the im-
16 plementation bill is agreed to, the implementation
17 bill shall remain the unfinished business until dis-
18 posed of.

19 (3) CONSIDERATION.—All points of order
20 against an implementation bill and against consider-
21 ation of an implementation bill are waived. Consider-
22 ation of an implementation bill and of all debatable
23 motions and appeals in connection therewith shall
24 not exceed a total of 30 hours which shall be divided
25 equally between the majority and minority leaders or

1 their designees. A motion further to limit debate on
2 an implementation bill is in order, shall require an
3 affirmative vote of three-fifths of the Members duly
4 chosen and sworn, and is not debatable. Any debat-
5 able motion or appeal is debatable for not to exceed
6 1 hour, to be divided equally between those favoring
7 and those opposing the motion or appeal. All time
8 used for consideration of an implementation bill, in-
9 cluding time used for quorum calls and voting, shall
10 be counted against the total 30 hours of consider-
11 ation.

12 (4) NO AMENDMENTS.—An amendment to an
13 implementation bill, or a motion to postpone, or a
14 motion to proceed to the consideration of other busi-
15 ness, or a motion to recommit an implementation
16 bill, is not in order.

17 (5) VOTE ON PASSAGE.—If the Senate has
18 voted to proceed to an implementation bill, the vote
19 on passage of an implementation bill shall occur im-
20 mediately following the conclusion of the debate on
21 an implementation bill, and a single quorum call at
22 the conclusion of the debate if requested. The vote
23 on passage of an implementation bill shall occur not
24 later than 90 days after the date on which the im-
25 plementation bill is submitted to Congress.

1 (6) RULINGS OF THE CHAIR ON PROCEDURE.—

2 Appeals from the decisions of the Chair relating to
3 the application of the rules of the Senate, as the
4 case may be, to the procedure relating to an imple-
5 mentation bill shall be decided without debate.

6 (d) AMENDMENT.—An implementation bill shall not
7 be subject to amendment in either the House of Rep-
8 resentatives or the Senate.

9 (e) CONSIDERATION BY THE OTHER HOUSE.—

10 (1) IN GENERAL.—If, before passing an imple-
11 mentation bill, one House receives from the other an
12 implementation bill—

13 (A) the implementation bill of the other
14 House shall not be referred to a committee; and

15 (B) the procedure in the receiving House
16 shall be the same as if no implementation bill
17 had been received from the other House until
18 the vote on passage, when the implementation
19 bill received from the other House shall sup-
20 plant the implementation bill of the receiving
21 House.

22 (2) REVENUE MEASURE.—This subsection shall
23 not apply to the House of Representatives if the im-
24 plementation bill received from the Senate is a rev-
25 enue measure.

1 (f) RULES TO COORDINATE ACTION WITH OTHER
2 HOUSE.—

3 (1) TREATMENT OF IMPLEMENTATION BILL OF
4 OTHER HOUSE.—If the Senate fails to introduce or
5 consider an implementation bill under this section,
6 the implementation bill of the House shall be enti-
7 tled to expedited floor procedures under this section.

8 (2) TREATMENT OF COMPANION MEASURES IN
9 THE SENATE.—If following passage of an implemen-
10 tation bill in the Senate, the Senate then receives
11 the implementation bill from the House of Rep-
12 resentatives, the House-passed implementation bill
13 shall not be debatable. The vote on passage of the
14 implementation bill in the Senate shall be considered
15 to be the vote on passage of the implementation bill
16 received from the House of Representatives.

17 (3) VETOES.—If the President vetoes an imple-
18 mentation bill, debate on a veto message in the Sen-
19 ate under this section shall be 1 hour equally divided
20 between the majority and minority leaders or their
21 designees.

22 (g) LOSS OF PRIVILEGE.—The provisions of this sec-
23 tion shall cease to apply to an implementation bill if the
24 implementation bill does not pass both Houses not later

1 than 180 days after the implementation bill is submitted
2 to Congress.

3 **SEC. 9. TERMINATION.**

4 The Commission shall terminate on the date that is
5 7 years after the date of enactment of this Act.

6 **SEC. 10. FUNDING.**

7 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated for each of the fiscal
9 years 2014 through 2019 such sums as may be necessary
10 to carry out this Act.

11 (b) **OFFSET BY SAVINGS REALIZED THROUGH COM-**
12 **MISSION.**—For each fiscal year after 2014, and to the ex-
13 tent possible, the costs of carrying out the provisions of
14 this Act shall be offset by the reductions in appropriated
15 amounts carried out as a result of recommendations pro-
16 posed by the Commission.

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