

115TH CONGRESS
2D SESSION

S. 3137

To provide for reforming agencies of the Federal Government to improve efficiency and effectiveness.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Mr. JOHNSON (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for reforming agencies of the Federal Government to improve efficiency and effectiveness.

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 “Reforming Government
5 Act of 2018”.

6 **SEC. 2. PROVIDING CONSOLIDATION AUTHORITY.**

7 (a) DEFINITIONS.—Section 902 of title 5, United
8 States Code, is amended—

1 (1) by redesignating paragraph (2) as para-
 2 graph (4) and moving that paragraph to appear
 3 after paragraph (3);

4 (2) by inserting after paragraph (1) the fol-
 5 lowing:

6 “(2) ‘efficiency-enhancing plan’ means a reorga-
 7 nization plan that the Director of the Office of Man-
 8 agement and Budget determines will result in, or is
 9 likely to result in—

10 “(A) a decrease in the number of agencies;

11 or

12 “(B) cost savings in performing the func-
 13 tions that are the subject of that plan;”;

14 (3) in paragraph (3), by striking the period and
 15 inserting “; and”; and

16 (4) in paragraph (4), as so redesignated—

17 (A) by striking “or abolition” and insert-
 18 ing “abolition, or creation”; and

19 (B) by striking “; and” and inserting a pe-
 20 riod.

21 (b) MODERNIZING REORGANIZATION AUTHORITY.—

22 (1) LIMITATION ON POWERS.—Section 905(a)
 23 of title 5, United States Code, is amended—

24 (A) by amending paragraph (1) to read as
 25 follows:

1 “(1) abolishing or transferring an independent
 2 regulatory agency, or all the functions thereof, or
 3 consolidating 2 or more independent regulatory
 4 agencies, or all the functions thereof;”;

5 (B) by striking paragraph (5); and

6 (C) by redesignating paragraphs (6) and
 7 (7) as paragraphs (5) and (6), respectively.

8 (2) REORGANIZATION PLANS.—Section 903(a)
 9 of title 5, United States Code, is amended—

10 (A) in paragraph (5), by striking “or”;

11 (B) in paragraph (6), by striking the pe-
 12 riod and inserting “; or”; and

13 (C) by inserting after paragraph (6) the
 14 following:

15 “(7) the creation of a new agency that is not
 16 a component or part of an existing executive depart-
 17 ment or independent agency.”.

18 **SEC. 3. DURATION AND SCOPE OF AUTHORITY.**

19 (a) IN GENERAL.—Section 905(b) of title 5, United
 20 States Code, is amended by striking “if the plan” and all
 21 that follows and inserting the following: “if the plan is—

22 “(1) transmitted to Congress (in accordance
 23 with section 903(b)) on or before the date that is 2
 24 years after the date of enactment of the Reforming
 25 Government Act of 2018; and

1 “(2) an efficiency-enhancing plan.”.

2 (b) EXERCISE OF RULEMAKING POWER.—Section
3 908(1) of title 5, United States Code, is amended by strik-
4 ing “chapter) on or before December 31, 1984” and in-
5 serting “title) on or before the date that is 2 years after
6 the date of enactment of the Reforming Government Act
7 of 2018”.

8 (c) TERMS OF RESOLUTION.—Section 909 of title 5,
9 United States Code, is amended—

10 (1) by striking “the matter after the resolving
11 clause” and all that follows through “such modifica-
12 tions” and inserting “the matter after the resolving
13 clause of which is as follows: ‘That Congress ap-
14 proves the reorganization plan numbered
15 _____ transmitted to Congress by the Presi-
16 dent on _____.’, and includes
17 such modifications”; and

18 (2) by striking “chapter” and inserting “title”.

19 **SEC. 4. SEVERABILITY.**

20 If any provision of this Act, an amendment made by
21 this Act, or the application of such provision or amend-
22 ment to any person or circumstance is held to be unconsti-
23 tutional, the remainder of this Act, the amendments made
24 by this Act, and the application of the provisions of such

1 to any person or circumstance shall not be affected there-
2 by.

