

A BILL

To improve the results the Executive Branch achieves on behalf of the American people.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “The Government Reorganization and Program Performance Improvement Act of 2005.”

SECTION 2. PURPOSE

The purpose of this Act is to improve the performance of the Executive branch of the Federal government by ascertaining whether programs work or not and addressing deficiencies in existing programs, eliminating duplication of effort, and abolishing agencies and programs that do not work.

SECTION 3. RESULTS COMMISSIONS.

(a) ESTABLISHMENT OF COMMISSIONS. –

(1) **PROPOSAL AND ENACTMENT.** – The President may propose the establishment in the Executive Branch of one or more commissions for the purpose of improving the overall effectiveness, efficiency, or accountability of Executive Branch operations through reorganization. Each such commission shall be known as a Results Commission and shall require an Act of Congress to be established.

(2) **REASONS FOR ESTABLISHING RESULTS COMMISSIONS.** – In each proposal to create a Results Commission, the President shall describe the agencies or programs that the Results Commission would study. In making such proposals, the President shall identify areas where multiple Federal programs have similar, related, or overlapping responsibilities that are under the jurisdiction of multiple Executive Branch agencies and Committees of the Congress, and areas where reorganization may improve the overall effectiveness, efficiency, or accountability of Executive Branch operations.

(b) PROCEDURE FOR MAKING RECOMMENDATIONS FOR IMPROVEMENTS IN EXECUTIVE BRANCH PERFORMANCE. –

(1) The President may, from time to time in his discretion, submit to a Results Commission established under Section 3 one or more specific proposals to improve the performance of the Executive Branch by reorganizing agencies or programs in the areas that a Results Commission has been authorized to study.

(2) After receiving a specific proposal from the President under Subsection (b)(1), aa Results Commission shall evaluate the proposal and shall provide a response to

the President on the proposal, including any changes that the Commission may wish to recommend; provided, however, that the Commission may recommend changes or additions to the proposal only if the Commission believes that such changes are necessary to better accomplish the stated purpose of the President's reorganization proposal.

(3) The Results Commission shall explain and justify any recommended changes or additions made by the Commission to the President's proposal pursuant to Subsection (b)(2).

(4) If the President disapproves the recommendations of the Results Commission, in whole or in part, the President may transmit to the Results Commission the reasons for that disapproval. The Commission shall then transmit to the President a report responding to the President's concerns and any changes in its recommendations.

(5) If the President chooses, the President shall transmit to the Congress a copy of all of the final recommendations of each Results Commission, together with legislation to accomplish those recommendations.

(c) MEMBERSHIP, POWERS, AND OTHER MATTERS. –

(1) IN GENERAL. – Each Results Commission shall be composed of seven members, who shall be appointed within 60 days from the date of enactment of the Act authorizing the Commission.

(2) APPOINTMENTS. – (A) The President shall appoint the seven members, who shall serve at the pleasure of the President, as follows:

- (i) One in consultation with the Majority Leader of the Senate;
- (ii) One in consultation with the Minority Leader of the Senate;
- (iii) One in consultation with the Speaker of the House of Representatives;
- (iv) One in consultation with the Minority Leader of the House of Representatives; and
- (v) Three other members.

(B) Any vacancy on a Commission shall be filled in the manner in which the original appointment was made.

(3) CHAIR AND VICE CHAIR. – The President shall designate one member of each Results Commission to serve as Chair and one member as Vice Chair.

(4) TERMINATION. – Each Results Commission shall cease to exist within nine months from the date it commences operations, unless provided otherwise in law.

(5) DUTIES. – Each Results Commission is authorized to:

(A) evaluate the merits of a specific proposal by the President for governmental reorganization; and

(B) provide views to the President on the proposal, including any changes or additions to the proposal that the Commission may wish to recommend.

(6) POWERS. –

(A) OBTAINING INFORMATION FROM FEDERAL AGENCIES. –

(1) IN GENERAL. – Each Results Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, information, suggestions, estimates, and statistics for the purpose of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or any other member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION. – Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(B) CONTRACTING AUTHORITY. – Each Results Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(7) PUBLIC HEARINGS AND MEETINGS. –

(A) PUBLIC HEARINGS. – Each Results Commission shall hold public hearings and meetings to the extent appropriate. Any such public sessions shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by applicable law.

(B) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT. – The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to any Results Commission.

(8) INTERNAL PROCEDURES. –

(A) PROCEEDINGS. – Each Results Commission shall commence operations within 6 months from the date of enactment of the Act authorizing the

Commission and shall meet periodically at the call of the Chair.

(B) QUORUM. – Four members of the Results Commission shall constitute a quorum but a lesser number may hold hearings.

(9) PERSONNEL MATTERS. –

(A) TRAVEL EXPENSES. – The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) DIRECTOR. – The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate a Director for the Commission. The Director shall be paid at a rate not to exceed the Level II of the Executive Schedule.

(C) STAFF. – The Director may appoint and compensate staff for the Commission in accordance with section 3161 of title 5, United States Code.

(D) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS. – The Director and any staff of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes including, but not limited to chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.– The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for Level II of the Executive Schedule under section 5316 of such title.

(10) OTHER ADMINISTRATIVE MATTERS. –

(A) POSTAL AND PRINTING SERVICES. – Each Results Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(B) ADMINISTRATIVE SUPPORT SERVICES. – Upon the request of each Results Commission, the Administrator of General Services shall provide to the Results Commission, on a reimbursable basis, the administrative support services necessary for the Results Commission to carry out its duties under this Act.

(C) AUTHORIZATION OF APPROPRIATIONS. – Such sums as may be necessary are authorized to be appropriated for the purposes of carrying out the duties of each Commission under this section. Such funds shall remain available until expended.

(d) EXPEDITED CONGRESSIONAL REVIEW PROCEDURES. – In reviewing proposals by the President to authorize a Results Commission and in reviewing proposals by the President to authorize implementation of a reorganization proposal that has been recommended by a Results Commission, the Congress shall follow the expedited review procedures set forth in section 5 of this Act.

SECTION 4. SUNSET COMMISSION TO REVIEW AND MAXIMIZE THE PERFORMANCE OF ALL FEDERAL AGENCIES AND PROGRAMS.

(a) SCHEDULE FOR REVIEW OF AGENCIES AND PROGRAMS. – The President may submit to the Congress for its consideration a proposed schedule for reviewing the performance of, and need for, Executive Branch agencies and programs at least once every 10 years. In reviewing this schedule, the Congress shall follow the expedited review procedures set forth in section 5 of this Act.

(b) ESTABLISHMENT OF COMMISSION. – There is hereby established a commission to be known as the Sunset Commission.

(c) SUNSET OF EXECUTIVE BRANCH AGENCIES AND PROGRAMS -

(1) IN GENERAL- Executive Branch agencies and programs shall--

(A) be reviewed by the Sunset Commission according to the schedule authorized by the Congress pursuant to section 4(a) of this Act; and

(B) be abolished two years after the date that the President submits the recommendations to the Congress on the agency or program, along with the report of the Sunset Commission on the agency or program, unless the agency or program is reauthorized by law after receiving the President's recommendations.

(2) EXTENSION- The deadline for abolishment of an agency or program may be extended for an additional two years after the date described in section 4(c)(1) of this Act if the Congress enacts legislation extending such deadline.

(d) MEMBERSHIP, POWERS, AND OTHER MATTERS. –

(1) MEMBERSHIP. –

(A) IN GENERAL. – The Sunset Commission shall be comprised of seven

members, who shall be appointed within 180 days from the date of enactment of this Act.

(B) APPOINTMENTS. – The President shall appoint the seven members of the Sunset Commission as follows:

- (1) One in consultation with the Majority Leader of the Senate;
- (2) One in consultation with the Minority Leader of the Senate;
- (3) One in consultation with the Speaker of the House of Representatives;
- (4) One in consultation with the Minority Leader of the House of Representatives; and
- (5) Three other members.

(C) CHAIR AND VICE CHAIR. – The President shall designate one member of the Sunset Commission to serve as Chair and one member as Vice Chair.

(D) LENGTH OF SERVICE. – The members of the Sunset Commission shall serve at the pleasure of the President. Each member shall serve for a term not to exceed three years, unless reappointed by the President.

(E) VACANCIES. -- Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(2) POWERS. –

(A) OBTAINING INFORMATION FROM FEDERAL AGENCIES. –

(1) IN GENERAL. – Each Sunset Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, information, suggestions, estimates, and statistics for the purpose of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or any other member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION. – Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(B) CONTRACTING AUTHORITY. – The Sunset Commission may contract with and compensate government and private agencies or persons for services

without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(3) PUBLIC HEARINGS AND MEETINGS. –

(A) PUBLIC HEARINGS. – Each Commission shall hold public hearings and meetings to the extent appropriate. Any such public sessions shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive Order.

(B) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT. – The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to any Commission.

(4) INTERNAL PROCEDURES. –

(A) MEETINGS. – The Sunset Commission shall meet periodically at the call of the Chair. Such meetings may include public hearings and sessions as authorized by paragraph 2(a) of this section of this Act.

(B) QUORUM. – Four members of the Sunset Commission shall constitute a quorum but a lesser number may hold hearings.

(5) PERSONNEL MATTERS. –

(A) TRAVEL EXPENSES. – The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) DIRECTOR. – The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate a Director for the Commission. The Director shall be paid at a rate not to exceed the Level II of the Executive Schedule.

(C) STAFF. – The Director may appoint and fix the compensation of additional personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Director and other personnel may not exceed Level II of the Executive Schedule

(D) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS. – The Director and any staff of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes including, but not limited to chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) DETAIL OF GOVERNMENT EMPLOYEES- Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(F) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for Level II of the Executive Schedule under section 5316 of such title.

(6) OTHER ADMINISTRATIVE MATTERS. –

(A) POSTAL AND PRINTING SERVICES. – The Sunset Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(B) ADMINISTRATIVE SUPPORT SERVICES. – Upon the request of the Sunset Commission, the Administrator of General Services shall provide to the Sunset Commission, on a reimbursable basis, the administrative support services necessary for the Sunset Commission to carry out its duties under this Act.

(C) AUTHORIZATION OF APPROPRIATIONS. – Such sums as may be necessary are authorized to be appropriated for the purposes of carrying out the duties the Commission under this section. Such funds shall remain available until expended.

(6) SUNSET OF COMMISSION. – The Sunset Commission shall terminate on December 31, 2026, unless reauthorized in law by Congress.

(e) REVIEW OF EFFICIENCY AND NEED FOR EXECUTIVE BRANCH AGENCIES AND PROGRAMS. –

(1) IN GENERAL. – The Sunset Commission shall review agencies and programs in accordance with the criteria described in section 4(f) of this Act. The Sunset Commission shall consider recommendations made by the President to the Commission for improving the performance of the agencies or programs being considered.

(2) USE OF EVALUATIONS AND ASSESSMENTS. – In its deliberations, the Sunset Commission may consider any publicly available agency or program evaluations and assessments, including those that the Office of Management and Budget has undertaken in consultation with the affected agencies of the Federal

Government. Such Office of Management and Budget assessments shall evaluate the purpose, design, strategic plan, management, and results of the program, and such other matters as the Director of the Office of Management and Budget considers appropriate, as well as make recommendations to improve the efficiency and effectiveness of the assessed programs.

(3) RECOMMENDATIONS; REPORT TO THE PRESIDENT. – The Sunset Commission shall submit to the President not later than August 1 of each year a report containing –

(A) its assessment of each agency and program reviewed during the preceding 12 months pursuant to the schedule authorized by the Congress under section 4(a) of this Act; and

(B) its recommendations on how to improve the results that each agency and program achieves and whether to abolish any agency or program.

(4) DRAFT LEGISLATION. –

(A) The Sunset Commission shall submit to the President with its report a draft of any proposed legislation needed to carry out its recommendations.

(B) The President may submit to Congress draft legislation needed to accomplish the recommendations of the Sunset Commission with any revisions the President believes are necessary to improve the performance of the assessed agencies or programs.

(5) PROPOSALS TO ABOLISH AGENCIES OR PROGRAMS. – Prior to recommending the abolition of any agency or program, the Sunset Commission should, as it considers appropriate:

(A) conduct public hearings on the merits of retaining the agency or program;

(B) provide an opportunity for public comment on the option of abolishing the agency or program;

(C) offer the affected agency an opportunity to comment and to provide information supporting its views;

(D) review the assessments described in section 4(e)(2) of this Act; and

(E) consult with the Government Accountability Office, the relevant Inspectors General, and the relevant committees of Congress.

(f) CRITERIA FOR REVIEW. – The Sunset Commission shall use the following criteria to evaluate each agency or program:

(1) Whether the agency or program as carried out by the agency is cost-effective and achieves its stated purpose of goals.

(2) The extent to which any trends, developments, or emerging conditions affect the need to change the mission of the agency or program or the way that the mission is being carried out by the agency.

(3) The extent to which the agency or program duplicates or conflicts with other Federal agencies, State and local government, or the private sector.

(4) The extent to which the agency coordinates effectively with State and local governments in performing the functions of the program.

(5) The extent to which changes in the authorizing statutes of the agency or program would improve the performance of the agency or program.

(6) The extent to which changes in the management structure of the agency or program or its placement in the Executive Branch are needed to improve the overall efficiency, effectiveness, or accountability of Executive Branch operations.

(g) AGENCY AND PROGRAM INVENTORY. –

(1) PREPARATION- Within 6 months following the date of enactment of this Act, the Director of the Congressional Research Service, with the assistance of the Comptroller General, shall prepare an inventory of all Executive Branch agencies and programs. Six months prior to the time that the Sunset Commission is scheduled to begin its review of an agency or program, the Director of the Congressional Research Service, with the assistance of the Comptroller General, shall update the section of the inventory pertaining to that agency or program.

(2) PURPOSE. – The purpose of this agency and program inventory is to advise and assist the Sunset Commission, the President, and the Congress in carrying out the requirements of this Act. Such inventory shall not in any way bind the Congress or the President with respect to their responsibilities under this Act.

(3) INVENTORY CONTENT. – The agency and program inventory shall include for each agency and program a list of citations of all authorizing statutes of the agency or program.

(h) EXEMPTION. –

(1) REGULATIONS. – No regulations to protect the environment, health, safety, or civil rights shall sunset under this Act.

(2) ENFORCEMENT. – No program related to enforcing regulations referred to in paragraph (1) shall sunset unless provision is made for the continued enforcement of those regulations.

SECTION 5. EXPEDITED CONGRESSIONAL REVIEW PROCEDURES.

(a) DEFINITIONS. –

(1) **RESOLUTION OF APPROVAL.** – For the purposes of this section, the term `resolution' means only a joint resolution which is introduced within the 10 legislative days beginning on the date on which the President transmits a proposal to the Congress under this Act, and--

(A) which does not have a preamble;

(B) the title of which is as follows: `Joint resolution approving the reorganization proposals of the President under the `The Government Reorganization and Program Performance Improvement Act of 2005.';

(C) the matter after the resolving clause of which is as follows: `That Congress approves the reorganization proposals of the President, as follows, that were transmitted on **XXXX** under the Government Reorganization and Program Performance Improvement Act of 2005:', the blank space being filled in with the appropriate date; and

(D) the remaining text which consists of the complete text of the President's legislative proposals submitted.

(2) **LEGISLATIVE DAY.** – For the purposes of this section, the term 'legislative day' refers to any day on which either House of Congress is in session.

(b) **INTRODUCTION OF RESOLUTION OF APPROVAL.** – In order for the resolution to be considered under the procedures set forth in this section, the resolution must be consistent with this Act and must be introduced no later than 10 legislative days after the President transmits the legislative proposals under this Act.

(c) **REFERRAL OF RESOLUTION OF APPROVAL.** – A resolution of approval for the President's legislative proposals transmitted under this Act shall be referred to the Committee on Homeland Security and Governmental Affairs in the Senate and the Committee on Government Reform in the House of Representatives.

(d) **CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.** –

(1) The Committee on Government Reform shall report the resolution without amendment, and with or without recommendation, not later than the 30th legislative day after the date of its introduction. If the committee fails to report the resolution within that period, it is thereafter in order for a Member to move that the House discharge the committee from further consideration of the resolution. A motion to discharge may be made only by a Member favoring the resolution (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House their intention to do so and the form of the motion). The motion is privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After the approval resolution is reported or the committee has been discharged from further consideration, it shall be in order to consider the resolution in the House. If the resolution is reported and the report has been available for at least one calendar day, all points of order against the resolution and against consideration of the resolution are waived. If the committee has been discharged from further consideration of the resolution, all points of order against the resolution and against consideration of the resolution are waived. The motion is privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the resolution in the House, the first reading of the bill shall be dispensed with. Debate on the resolution shall be confined to the resolution, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the resolution. Amendments to the resolution are not in order. Only one motion to rise shall be in order, except if offered by the manager. The previous question shall be considered as ordered on the resolution without intervening motion. A motion to reconsider the vote on passage of the resolution shall not be in order.

(3) Appeals from decisions of the Chair regarding application of the rules of the House of Representatives to the procedure relating to the approval resolution shall be decided without debate.

(4) CONSIDERATION OF SENATE MESSAGE. – Consideration in the House of all motions or appeals necessary to dispose of a message from the Senate on the resolution shall be limited to not more than one hour. Debate on each motion shall be limited to 20 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the Senate message shall be limited to 10 minutes. Any time

for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(e) Consideration in the Senate. –

(1) The Committee on Homeland Security and Governmental Affairs shall report the resolution not later than the 30th legislative day following the date of introduction of the resolution. If the committee fails to report the resolution within that period, the committee shall be automatically discharged from further consideration of the resolution and the resolution shall be placed on the Calendar.

(2) RESOLUTION OF APPROVAL FROM HOUSE. – When the Senate receives from the House of Representatives the approval resolution, such resolution shall not be referred to committee and shall be placed on the Calendar.

(3) MOTION NONDEBATABLE. – A motion to proceed to consideration of the resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(4) Limit on consideration-

(A) Amendments to the resolution are not in order.

(B) After no more than 10 hours of consideration of the resolution, the Senate shall proceed, without intervening action or debate, to vote on the final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table.

(C) A single motion to extend the time for consideration under subparagraph (B) for no more than an additional five hours is in order prior to the expiration of such time and shall be decided without debate.

(D) The time for debate on the resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(5) NO MOTION TO RECOMMIT. – A motion to recommit the resolution shall not be in order.

(6) CONSIDERATION OF HOUSE MESSAGE. – Consideration in the Senate of all motions or appeals necessary to dispose of a message from the House of Representatives on the resolution shall be limited to not more than four hours. Debate on each motion shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(f) RULES OF THE SENATE AND HOUSE. – This section is enacted by Congress--

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.