

Section-by-Section

Section 1. Short title

The Act may be cited as the ‘Government Reorganization and Program Performance Improvement Act of 2005.’

Section 2. Purpose

The purpose of the 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

Paragraph (a)(1) gives the President the authority to propose legislation to Congress to create Results Commissions that would evaluate proposals to improve the overall effectiveness, efficiency, or accountability of Executive Branch operations through reorganization.

Paragraph (a)(2) requires the President to include in each proposal for a Results Commission the reasons for creating it, including the specific programs the Results Commission would study, which must have similar, related, or overlapping responsibilities under the jurisdiction of multiple Executive Branch agencies and Committees of the Congress and where reorganization may improve their overall effectiveness, efficiency, or accountability.

Subsection (b) of section 3 provides that for each Results Commission:

(1) The President may submit to each Results Commission one or more proposals to improve Executive Branch performance by reorganizing the agencies or programs a Results Commission has been authorized to study.

(2) A Results Commission shall evaluate the President’s proposal; provide the President a response with recommended changes or additions to the proposal as long as such recommendations are necessary to better accomplish the stated purpose of the proposal.

(3) The Results Commission is to explain and justify any recommended changes or additions that differ from the President’s proposal.

(4) The President may transmit to the Results Commission the President’s justification for disapproving any of the Results Commission’s recommendations. The Commission shall then transmit to the President a report responding to his concerns and any changes in its recommendations made to respond to the President’s concerns with the Results Commission’s original recommendations.

(5) If the President chooses, the President may transmit to Congress the Results Commission's final recommendations and legislation to accomplish them.

Subsection (c) of section 3 provides that:

(1) Seven members are to be appointed by the President within 60 days of enactment of the Act authorizing the Commission.

(2) With respect to the appointment of four of Commission members, the President shall consult with the Majority Leader of the Senate regarding one member, the Minority Leader of the Senate regarding one member, the Speaker of the House of Representatives regarding one member, and the Minority Leader of the House of Representatives regarding one member.

(3) The President shall designate a commission chair and vice-chair from among the commission members.

(4) Each Results Commission is to terminate within nine months from the date it commences operations unless provided otherwise in law.

(5) Each Results Commission shall evaluate the merits of proposals presented the President to reorganize programs in the government and provide the President with its views and any recommended changes to the proposal.

(6) Each Results Commission may 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 necessary to perform its function. 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. 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.

(7) Each Results Commission may hold hearings, take testimony and receive evidence. Each Results Commission may administer oaths to witnesses appearing before it. Each Results Commission will hold public hearings. The Federal Advisory Committee Act will not apply to any Results Commission.

(8) The Commission commences operations within 6 months of enactment of legislation authorizing the commission and meets at the call of the chair. Four Commission members constitute a quorum, but a lesser number may hold hearings.

(9) Each Results Commission member is to receive travel expenses and per diem. The Chair of the Results Commission may appoint and terminate a Director for the commission who shall be paid at a rate not to exceed level II of the Executive Schedule. The Director may appoint and compensate staff in accordance with section 3161 of title 5, United States Code. The Chair

of the Commission may procure temporary and intermittent services of experts and consultants under section 3109 of title 5, United States Code.

(10) Each Results Commission may use the US mails and obtain printing and binding as other Federal agencies do and utilize GSA's administrative support on a reimbursable basis. The appropriations of such funds as are necessary to carry out the duties of each commission is authorized.

Subsection (d) provides that Congress, when considering legislative proposals produced consistent with this section, shall follow the expedited procedures set forth in section 5 of the Act.

Section 4. Sunset Commission to review and maximize the performance of all federal agencies and programs.

Subsection (a) authorizes the President to propose the enactment in law of a ten year schedule by which the Sunset Commission will review the performance of, and need for, Executive Branch agencies and programs. Congress shall, when considering the schedule, follow the expedited procedures set in sections 5 of this Act.

Subsection (b) establishes a Sunset Commission.

Subsection (c) provides:

(1) Agencies and programs shall be reviewed by the Sunset Commission according to the schedule enacted pursuant to subsection 4(a) of this Act. An agency would be abolished two years after the date the President submits recommendations along with the report of the Sunset Commission on the agency or program to Congress unless the agency or program is subsequently reauthorized by law.

(2) The deadline for abolishment of an agency or program may be extended in law for up to two years.

Subsection (d) provides:

(1) Seven members are to be appointed by the President within 180 days of enactment of the Act authorizing the Commission. With respect to the appointment of 4 of the Commission members, the President shall consult with the Majority Leader of the Senate regarding one member, the Minority Leader of the Senate regarding one member, the Speaker of the House of Representatives regarding one member, and the Minority Leader of the House of Representatives regarding one member. The President shall designate a commission chair and vice-chair from among the commission members. Sunset Commission members serve at the pleasure of the President and shall serve for a term not to exceed three years, unless reappointed by the President.

(2) The 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 needed to perform its function. 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 a request made by the chairman or any other member designated by a majority of the Commission. 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.

(3) The Sunset Commission may hold hearings, take testimony and receive evidence. The Sunset Commission may administer oaths to witnesses appearing before it. The Federal Advisory Committee Act shall not apply to the Sunset Commission.

(4) The Commission meets at the call of the chair. Four Commission members constitute a quorum.

(5) Sunset Commission members shall receive travel expenses and per diem. The Chair of the Commission may, without regard to the civil service laws and regulations appoint and terminate a Director for the Sunset Commission. The Director shall be paid at a rate not to exceed the rate for level II of the Executive Schedule. The Director may appoint and set the pay for additional personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Any Federal employee may be detailed to the Commission without reimbursement. The Commission may procure the services of experts and consultants as authorized by 3109(b) of title 5, U.S. Code.

(6) The Sunset Commission may use the US mails and obtain printing and binding as other Federal agencies do and utilize GSA's administrative support on a reimbursable basis. The appropriation of such funds as are necessary to carry out the duties of the commission is authorized.

(7) The Sunset Commission terminates on December 31, 2026.

Subsection (e) provides:

(1) The Sunset Commission shall review agencies and programs in accordance with criteria established in Section 4(f) of this Act and, when doing so, shall consider the President's recommendations for improving the performance of programs and agencies being considered.

(2) The Sunset Commission may consider any publicly available assessments of agencies and programs, including those performed by the Office of Management and Budget (OMB) in consultation with affected agencies. OMB's assessments shall evaluate the purpose, design, strategic planning, management, and results of each program or agency, as well as other factors, and make recommendations to improve each program's or agency's efficiency and effectiveness.

(3) Not later than August 1 of each year, the Sunset Commission shall submit to the President its assessment of each agency and program reviewed during the preceding year and recommendations on how to improve the results of that agency and whether to abolish any agency or program.

(4) The Sunset Commission shall submit to the President, with the report referenced in Section 4, paragraph (e)(3), draft legislation needed to carry out its recommendations. The President may submit the draft legislation to Congress with any revisions the President believes are necessary to improve the performance of the affected agencies and programs.

(5) Prior to recommending the abolishment of an agency or program, the Sunset Commission shall conduct public hearings, provide opportunity for public comment, provide the affected agency an opportunity to comment and provide information supporting its views and review the assessment described in Section 4, paragraph (e)(2) and may consult with the Government Accountability Office, with agency Inspectors General and the relevant committees of Congress.

Subsection (f) requires the Sunset Commission to evaluate each agency or program according to the following criteria:

- (1) Whether the program as carried out by the agency is cost-effective and achieves its 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 the agencies or programs of other Federal agencies, State and local governments, or the private sector.
- (4) The extent to which the agency or program 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 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.

Subsection (g) requires the Congressional Research Service, with the assistance of the Comptroller General, to prepare an inventory of Executive Branch agencies and programs, including authorizing statute citations, and to update the inventory six weeks prior to the Sunset Commission's review of an agency and programs. The inventory does not bind the Congress or President with respect to their responsibilities under this Act.

Subsection (h) ensures that no regulations that are designed to protect the environment, health, safety or civil rights shall sunset under this Act and that no programs with the responsibility for enforcing such regulations be abolished unless provision is made for continued enforcement of those regulations.

Section 5. Expedited Congressional Review Procedures

Subsection (a) defines:

(1) a resolution of approval as a joint resolution introduced within 10 legislative days beginning on the date on which the President transmits a proposal to Congress under this Act, and, which does not have a preamble; 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.`; 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 the remaining text which consists of the complete text of the President's legislative proposals submitted.

(2) a legislative day as any day on which either House of Congress is in session.

Subsection (b) provides that 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 his legislative proposals under this Act.

Subsection (c) provides that resolutions of approval for the President's legislative proposals transmitted under this Act 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.

Subsection (d) provides that:

(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.

Subsection (e) provides that:

(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) Amendments to the resolution are not in order; 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; 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; and the time for debate on the resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(5) A motion to recommit the resolution shall not be in order.

(6) 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.

Subsection (f) provides that 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.