

103^D CONGRESS
2^D SESSION

H. R. 4433

To establish a commission to make recommendations for the disposal of Federal Government property, the closure and consolidation of offices of Federal agencies, the procurement of Federal agency functions, the repeal of provisions of Federal statutes, and the termination of Federal regulations, and to provide a procedure for the expedited implementation of these recommendations.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1994

Mr. SMITH of Texas (for himself, Mr. BARRETT of Wisconsin, Mr. BUNNING, Mr. CANADY, Mr. COLLINS of Georgia, Mr. COX, Mr. DOOLITTLE, Mr. DORNAN, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GORDON, Mr. HANCOCK, Mr. KASICH, Mr. KINGSTON, Mr. LEVY, Mr. MACHTLEY, Mr. MEEHAN, Mrs. MEYERS of Kansas, Mr. OXLEY, Mr. PORTMAN, Mr. SHAYS, Mr. STEARNS, and Mr. TORKILDSEN) introduced the following bill; which was referred jointly to the Committees on Government Operations, Rules, Merchant Marine and Fisheries, and Energy and Commerce

A BILL

To establish a commission to make recommendations for the disposal of Federal Government property, the closure and consolidation of offices of Federal agencies, the procurement of Federal agency functions, the repeal of provisions of Federal statutes, and the termination of Federal regulations, and to provide a procedure for the expedited implementation of these recommendations.

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 “Reinventing Govern-
5 ment Act of 1994”.

6 **SEC. 2. REINVENTING GOVERNMENT COMMISSION.**

7 (a) ESTABLISHMENT.—There is established an inde-
8 pendent commission to be known as the “Reinventing Gov-
9 ernment Commission”.

10 (b) DUTIES.—The Commission shall carry out the
11 duties specified for it in this Act.

12 (c) APPOINTMENT.—(1) The Commission shall be
13 composed of eight members appointed by the President,
14 by and with the advise and consent of the Senate. The
15 President shall transmit to the Senate the nominations for
16 appointment to the Commission not later than 15 days
17 after the date of enactment of this Act.

18 (2) In selecting individuals for nominations for ap-
19 pointments to the Commission, the President shall consult
20 with—

21 (A) the Speaker of the House of Representa-
22 tives concerning the appointment of two members;

23 (B) the majority leader of the Senate concern-
24 ing the appointment of 2 members;

1 (C) the minority leader of the House of Rep-
2 resentatives concerning the appointment of one
3 member; and

4 (D) the minority leader of the Senate concern-
5 ing the appointment of one member.

6 (3) At the time the President nominates individuals
7 for appointment to the Commission, the President shall
8 designate one such individual who shall serve as Chairman
9 of the Commission.

10 (d) TERMS.—(1) Each member of the Commission
11 shall serve until the termination of the Commission under
12 subsection (l).

13 (2) The Chairman of the Commission shall serve until
14 the confirmation of a successor.

15 (e) MEETINGS.—(1) The Commission shall meet at
16 the call of the Chairman or a majority of its members.

17 (2) Each meeting of the Commission, other than
18 meetings in which classified information is to be discussed,
19 shall be open to the public.

20 (3) All proceedings, information, and deliberations of
21 the Commission shall be open, upon request, to the Chair-
22 man and the ranking minority party member of each con-
23 gressional budget committee.

1 (f) VACANCIES.—A vacancy in the Commission shall
2 be filled in the same manner as the original appointment
3 was made.

4 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
5 member, other than the Chairman, shall be paid at a rate
6 equal to the daily equivalent of the minimum annual rate
7 of basic pay payable for level IV of the Executive Schedule
8 under section 5315 of title 5, United States Code, for each
9 day (including travel time) during which the member is
10 engaged in the actual performance of duties vested in the
11 Commission.

12 (B) The Chairman shall be paid for each day referred
13 to in subparagraph (A) at a rate equal to the daily equiva-
14 lent of the minimum annual rate of basic pay payable for
15 level III of the Executive Schedule under section 5314 of
16 title 5, United States Code.

17 (2) Members shall receive travel expenses, including
18 per diem in lieu of subsistence, in accordance with sections
19 5702 and 5703 of title 5, United States Code.

20 (h) DIRECTOR OF STAFF.—(1) The Commission
21 shall, without regard to section 5311(b) of title 5, United
22 States Code, appoint a Director of staff for the Commis-
23 sion.

24 (2) The Director of staff for the Commission shall
25 be paid at the rate of basic pay payable for level IV of

1 the Executive Schedule under section 5315 of title 5, Unit-
2 ed States Code.

3 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
4 the Director, with the approval of the Commission, may
5 appoint and fix the pay of additional personnel.

6 (2) The Director may make such appointments with-
7 out regard to the provisions of title 5, United States Code,
8 governing appointments in the competitive service, and
9 any personnel so appointed may be paid without regard
10 to the provisions of chapter 51 and subchapter III of chap-
11 ter 53 of that title relating to classification and General
12 Schedule pay rates, except that an individual so appointed
13 may not receive pay in excess of the annual rate of basic
14 pay payable for level IV of the Executive Schedule under
15 section 5315 of title 5, United States Code.

16 (3) Not more than one-half of the professional ana-
17 lysts employed by or detailed to the Commission may be
18 on detail from Federal agencies.

19 (4) Upon request of the Director, the head of any
20 Federal department or agency may detail any of the per-
21 sonnel of that department or agency to the Commission
22 to assist the Commission in carrying out its duties under
23 this Act.

24 (5) The Comptroller General of the United States
25 shall provide assistance, including the detailing of employ-

ees, to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available. To the extent practicable, the Commission shall use suitable real property available under the most recent inventory of real property assets published by the Resolution Trust Corporation under section 21A(b)(11)(F) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)).

(k) FUNDING.—There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this Act. Such funds shall remain available until expended.

(l) TERMINATION.—The Commission shall terminate September 30, 1999.

SEC. 3. PROCEDURE FOR MAKING RECOMMENDATIONS.

(a) SELECTION CRITERIA.—(1) Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall publish in the Federal Register and transmit to the congressional

1 budget committees the criteria proposed to be used by the
2 Director in making recommendations under this Act. The
3 Director shall provide an opportunity for public comment
4 on the proposed criteria for a period of at least 30 days
5 and shall include notice of that opportunity in the publica-
6 tion required under this paragraph.

7 (2)(A) Not later than 120 days after the date of en-
8 actment of this Act, the Director shall publish in the Fed-
9 eral Register and transmit to the congressional budget
10 committees the final criteria to be used in making rec-
11 ommendations under this Act. Except as provided in sub-
12 paragraph (B), such criteria shall be the final criteria to
13 be used in making such recommendations, unless dis-
14 approved by a joint resolution of the Congress enacted be-
15 fore the date that is 150 days after the date of enactment
16 of this Act.

17 (B) The Director may amend such criteria, but such
18 amendments may not become effective unless they have
19 been published in the Federal Register, opened to public
20 comment for at least 150 days, and then transmitted to
21 the congressional budget committees in final form by no
22 later than 180 days after the date of enactment of this
23 Act. Such amended criteria shall be the final criteria to
24 be used in making recommendations unless disapproved
25 by a joint resolution of the Congress enacted on or before

1 the date that is 200 days after the date of enactment of
2 this Act.

3 (b) DIRECTOR'S RECOMMENDATIONS.—(1) Not later
4 than March 15, 1995, 1997, and 1999, the Director shall
5 publish in the Federal Register and transmit to the con-
6 gressional budget committees and to the Commission a list
7 of recommendations based on the final criteria referred to
8 in subsection (a), for—

9 (A) the disposal of Federal Government prop-
10 erty;

11 (B) the closure and consolidation of offices of
12 Federal agencies;

13 (C) the procurement of functions currently per-
14 formed by Federal agencies from the private sector
15 and State and local governments;

16 (D) the repeal of provisions of Federal statutes;
17 and

18 (E) the termination of effectiveness of Federal
19 regulations.

20 (2) The Director shall include, with the list of rec-
21 ommendations published and transmitted pursuant to
22 paragraph (1), a summary of the selection process that
23 resulted in each recommendation, including a justification
24 for each recommendation.

1 (3) In considering property for disposal, offices for
2 closure or consolidation, functions for procurement from
3 the private sector, statutes for repeal, and regulations for
4 termination, the Director shall consider all such disposals,
5 all such offices, all such statutes, and all such regulations,
6 respectively, equally without regard to whether the dis-
7 posal, closure, consolidation, procurement, repeal, or ter-
8 mination has been previously considered or proposed for
9 by the Director.

10 (4) The Director shall make all information used by
11 the Director in preparing recommendations under this
12 subsection available to the Congress (including any com-
13 mittee or Member of the Congress), the Commission, and
14 the Comptroller General of the United States.

15 (5)(A) Each person referred to in subparagraph (B),
16 when submitting information to the Director or the Com-
17 mission for use under this Act, shall certify that such in-
18 formation is accurate and complete to the best of that per-
19 son's knowledge and belief.

20 (B) Subparagraph (A) applies to the following per-
21 sons:

22 (i) The head of an executive department.

23 (ii) Each person who is in a position the duties
24 of which include personal and substantial involve-
25 ment in the preparation and submission of informa-

1 tion and recommendations for purposes of this Act,
2 as specified in regulations.

3 (6) In the case of any information provided to the
4 Commission by a person described in paragraph (5)(B),
5 the Commission shall submit that information to the Sen-
6 ate and the House of Representatives to be made available
7 to the Members of the House concerned in accordance
8 with the rules of that House. The information shall be
9 submitted to the Senate and the House of Representatives
10 within 24 hours after the submission of the information
11 to the Commission. The Director shall prescribe regula-
12 tions to ensure the compliance of the Commission with this
13 paragraph.

14 (c) REVIEW AND RECOMMENDATIONS BY THE COM-
15 MISSION.—(1) After receiving the recommendations from
16 the Director pursuant to subsection (b), the Commission
17 shall conduct public hearings on the recommendations.

18 (2) The Commission shall, by not later than June 1
19 of 1995, 1997, and 1999, transmit to the President and
20 the congressional budget committees a report contain-
21 ing—

22 (A) the Commission's findings and conclusions
23 based on a review and analysis of the recommenda-
24 tions made by the Director; and

25 (B) the Commission's recommendations for—

1 (i) the disposal of Federal Government
2 property;

3 (ii) the closure and consolidation of offices
4 of Federal agencies;

5 (iii) the procurement from the private sec-
6 tor of functions currently performed by Federal
7 agencies;

8 (iv) the repeal of provisions of Federal
9 statutes; and

10 (v) the termination of effectiveness of Fed-
11 eral regulations.

12 (3)(A) Subject to subparagraph (B), in making its
13 recommendations, the Commission may make changes in
14 any of the recommendations made by the Director if—

15 (i) the Commission determines that the Direc-
16 tor deviated substantially from the final criteria re-
17 ferred to in subsection (a) in making recommenda-
18 tions;

19 (ii) the change is consistent with the final cri-
20 teria referred to in subsection (a);

21 (iii) the Commission publishes a notice of the
22 proposed change in the Federal Register not less
23 than 30 days before transmitting its recommenda-
24 tions to the Director pursuant to subparagraph (A);
25 and

1 (iv) the Commission conducts public hearings
2 on the proposed change.

3 (B) Subparagraph (A) shall apply to a change by the
4 Commission in the Director's recommendations that
5 would—

6 (i) add an office to the offices of Federal agen-
7 cies recommended by the Director for closure or con-
8 solidation;

9 (ii) increase the extent of the consolidation of
10 offices of a Federal agency recommended by the Di-
11 rector;

12 (iii) increase the scope of Federal Government
13 property disposals recommended by the Director;

14 (iv) increase the scope of procurement of func-
15 tions currently performed by Federal agencies rec-
16 ommended by the Director;

17 (v) add a provision of Federal statute to the
18 provisions of Federal statutes recommended by the
19 Director for repeal; or

20 (vi) add a Federal regulation to the Federal
21 regulations recommended by the Director for termi-
22 nation.

23 (4) The Commission shall explain and justify in the
24 report under paragraph (2) any recommendation made by

1 the Commission that is different from the recommenda-
2 tions made by the Director.

3 (5) After transmitting the report, the Commission
4 shall promptly provide, upon request, to any Member of
5 Congress information used by the Commission in making
6 its recommendations.

7 (d) ASSISTANCE FROM COMPTROLLER GENERAL.—
8 The Comptroller General of the United States shall—

9 (1) assist the Commission, to the extent re-
10 quested, in the Commission's review and analysis of
11 the recommendations made by the Director pursuant
12 to subsection (b); and

13 (2) not later than 30 days after the date the
14 Commission transmits its report under subsection
15 (c), transmit to the congressional budget committees
16 and to the Commission a report containing a de-
17 tailed analysis of the Director's recommendations
18 and selection process.

19 (e) REVIEW BY THE PRESIDENT.—(1) Not later than
20 30 days after receiving the report of the Commission
21 under subsection (c), the President shall transmit to the
22 Commission and to the congressional budget committees
23 a report containing the President's approval or dis-
24 approval of the Commission's recommendations.

1 (2) If the President approves all of the recommenda-
2 tions of the Commission, the President shall transmit a
3 copy of such recommendations to the congressional budget
4 committees together with a certification of such approval.

5 (3) If the President disapproves the recommendations
6 of the Commission, in whole or in part, the President shall
7 transmit to the Commission and the congressional budget
8 committees notice of and the reasons for that disapproval.
9 The Commission shall then transmit to the President, not
10 later than 30 days after receiving the notice of dis-
11 approval, a revised list of recommendations.

12 (4) If the President approves all of the revised rec-
13 ommendations of the Commission transmitted to the
14 President under paragraph (3), the President shall trans-
15 mit a copy of such revised recommendations to the con-
16 gressional budget committees, together with a certification
17 of such approval.

18 (5) If the President does not transmit to the congres-
19 sional budget committees an approval and certification de-
20 scribed in paragraph (2) or (4) within 30 days after receiv-
21 ing the report of the Commission under subsection (c),
22 the process by which Federal Government property may
23 be disposed of, offices of Federal agencies may be closed
24 or consolidated, functions may be procured from the pri-
25 vate sector, provisions of Federal statutes may be re-

1 pealed, and effectiveness of Federal regulations may be
2 terminated under this Act shall be terminated.

3 (f) MINIMUM BUDGETARY SAVINGS.—In preparing
4 their recommendations under this section, the Director
5 and the Commission shall seek to make recommendations
6 that, if fully implemented, would achieve at least—

7 (1) \$50,000,000,000 in increased receipts; and

8 (2) \$25,000,000,000 in reduced outlays.

9 **SEC. 4. DISPOSAL OF PROPERTY, CLOSURE AND CONSOLI-**
10 **DATION OF OFFICES, PROCUREMENT OF**
11 **FUNCTIONS, REPEAL OF STATUTES, AND TER-**
12 **MINATION OF REGULATIONS.**

13 (a) DISPOSALS OF PROPERTY.—Subject to sub-
14 section (f)—

15 (1) Federal Government property that is rec-
16 ommended for disposal in the report transmitted to
17 the congressional budget committees by the Presi-
18 dent pursuant to section 3(e) is deemed to be sur-
19 plus property for purposes of the Federal Property
20 and Administrative Services Act of 1949; and

21 (2) the Administrator of General Services shall
22 dispose of all such property in accordance with that
23 Act by not later than 1 year after the end of the pe-
24 riod described in subsection (f)(1)(A).

1 (b) CLOSURES AND CONSOLIDATIONS.—Subject to
2 subsection (f), the Director shall—

3 (1) close all offices of Federal agencies rec-
4 ommended for closure in the report transmitted to
5 the congressional budget committees by the Presi-
6 dent pursuant to section 3(e);

7 (2) consolidate all such offices recommended for
8 consolidation in that report;

9 (3) initiate all such closures and consolidations
10 no later than 1 year after the date on which the
11 President transmits a report pursuant to section
12 3(e) containing the recommendations for such clo-
13 sures or consolidations; and

14 (4) complete the closures and consolidations not
15 later than the end of the 6-year period beginning on
16 the date on which the President transmits that re-
17 port.

18 (c) PROCUREMENT OF FUNCTIONS.—Subject to sub-
19 section (f), the head of a Federal agency that performs
20 a function that, in the report transmitted to the congres-
21 sional budget committees by the President pursuant to
22 section 3(e), is recommended for procurement from the
23 private sector shall award a contract for that procurement
24 by not later than 1 year after the date on which the Presi-

1 dent transmits a report pursuant to section 3(e) contain-
2 ing the recommendation.

3 (d) REPEAL OF STATUTES.—Subject to subsection
4 (f), a provision of Federal statute that is recommended
5 be repealed in the report transmitted to the congressional
6 budget committees by the President pursuant to section
7 3(e) is deemed to be repealed on the day after the last
8 date on which a joint resolution disapproving the rec-
9 ommendation may be enacted in accordance with sub-
10 section (f).

11 (e) TERMINATION OF REGULATIONS.—Subject to
12 subsection (f), a Federal regulation the effectiveness of
13 which is recommended be terminated in the report trans-
14 mitted to the congressional budget committees by the
15 President pursuant to section 3(e) shall not be effective
16 after the last date on which a joint resolution disapproving
17 the recommendation may be enacted in accordance with
18 subsection (f).

19 (f) CONGRESSIONAL DISAPPROVAL.—(1) The Admin-
20 istrator of General Services may not carry out any dis-
21 posal of Federal Government property recommended in
22 the report transmitted by the President pursuant to sec-
23 tion 3(e), the Director may not carry out any closure or
24 consolidation of an office recommended in that report, the
25 head of a Federal agency may not award a contract for

1 a procurement recommended in that report, a provision
2 of Federal statute shall not be repealed under subsection
3 (d), and the effectiveness of a Federal regulation shall not
4 be terminated under subsection (e), if a joint resolution
5 is enacted, in accordance with the provisions of section 9,
6 disapproving the recommendation before the earlier of—

7 (A) the end of the 30-day period beginning on
8 the date on which the President transmits the re-
9 port; or

10 (B) an adjournment of Congress sine die for
11 the session in which the report is transmitted.

12 (2) For purposes of paragraph (1) of this subsection
13 and subsections (a) and (c) of section 9, the days on which
14 either House of Congress is not in session because of an
15 adjournment of more than three days to a day certain
16 shall be excluded in the computation of a period.

17 (g) PRIORITY FOR CLOSING OFFICES IN FOREIGN
18 COUNTRIES.—In closing offices of Federal agencies under
19 this section, the Director shall to the extent possible give
20 priority to closing offices located in foreign countries.

21 **SEC. 5. IMPLEMENTATION.**

22 (a) IN GENERAL.—In closing or consolidating any of-
23 fice of a Federal agency under this Act, the Director
24 may—

1 (1) take such actions as may be necessary to
2 close or consolidate the office, including the acquisi-
3 tion of such land, the construction of such replace-
4 ment facilities, the performance of such activities,
5 and the conduct of such advance planning and de-
6 sign as may be required to transfer functions from
7 an office being closed or consolidated to another of-
8 fice, and may use for such purpose funds in the Ac-
9 count or funds appropriated to that Federal agency
10 for use in planning and design, minor construction,
11 or operation and maintenance; and

12 (2) reimburse other Federal agencies for ac-
13 tions performed at the request of the Director with
14 respect to any such closure or consolidation, and
15 may use for such purpose funds in the Account or
16 funds appropriated to the Federal agency in which
17 the closed or consolidated office is located and avail-
18 able for such purpose.

19 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20 (1) The Director, with respect to excess and surplus real
21 property and facilities located at an office closed or con-
22 solidated under this Act, may exercise—

23 (A) the authority of the Administrator of Gen-
24 eral Services to utilize excess property under section

1 202 of the Federal Property and Administrative
2 Services Act of 1949 (40 U.S.C. 483);

3 (B) the authority of the Administrator of Gen-
4 eral Services to dispose of surplus property under
5 section 203 of that Act (40 U.S.C. 484);

6 (C) the authority of the Administrator of Gen-
7 eral Services to grant approvals and make deter-
8 minations under section 13(g) of the Surplus Prop-
9 erty Act of 1944 (50 U.S.C. App. 1622(g)); and

10 (D) the authority of the Administrator of Gen-
11 eral Services to determine the availability of excess
12 or surplus real property for wildlife conservation
13 purposes in accordance with the Act of May 19,
14 1948 (16 U.S.C. 667b).

15 (2)(A) Subject to subparagraph (C) and paragraphs
16 (3), (4), (5), and (6), the Director shall exercise the au-
17 thority of the Director under paragraph (1) in accordance
18 with—

19 (i) all regulations in effect on the date of the
20 enactment of this Act (other than regulations the ef-
21 fectiveness of which is terminated under this Act)
22 governing the utilization of excess property and the
23 disposal of surplus property under the Federal Prop-
24 erty and Administrative Services Act of 1949; and

1 (ii) all regulations in effect on the date of the
2 enactment of this Act (other than regulations the ef-
3 fectiveness of which is terminated under this Act)
4 governing the conveyance and disposal of property
5 under section 13(g) of the Surplus Property Act of
6 1944 (50 U.S.C. App. 1622(g)).

7 (B) The Director, after consulting with the Adminis-
8 trator of General Services, may issue regulations that are
9 necessary to carry out the delegation of authority required
10 by paragraph (1).

11 (C) The authority of the Director under paragraph
12 (1) shall not include the authority to prescribe general
13 policies and methods for utilizing excess property and dis-
14 posing of surplus property.

15 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
16 POLICY ACT OF 1969.—(1) The provisions of the National
17 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
18 seq.) shall not apply to the actions of the President, the
19 Commission, and, except as provided in paragraph (2),
20 any Federal official in carrying out this Act.

21 (2)(A) The provisions of the National Environmental
22 Policy Act of 1969 shall apply to actions of a Federal offi-
23 cial under this Act (i) during the process of property dis-
24 posal, and (ii) during the process of relocating functions
25 from an office being closed or consolidated to another of-

1 fice after the receiving office has been selected but before
2 the functions are relocated.

3 (B) In applying the provisions of the National Envi-
4 ronmental Policy Act of 1969 to the processes referred
5 to in subparagraph (A), a Federal official shall not have
6 to consider—

7 (i) the need for closing or consolidating the of-
8 fice which has been recommended for closure or con-
9 solidation by the Commission;

10 (ii) the need for transferring functions to any
11 office which has been selected as the receiving office;
12 or

13 (iii) offices alternative to those recommended or
14 selected.

15 (3) A civil action for judicial review, with respect to
16 any requirement of the National Environmental Policy Act
17 of 1969 to the extent such Act is applicable under para-
18 graph (2), of any act or failure to act by a Federal official
19 during the closing, consolidating, or relocating of functions
20 referred to in clauses (i) and (ii) of paragraph (2)(A), may
21 not be brought more than 60 days after the date of such
22 act or failure to act.

23 (d) WAIVERS.—The Director may close or consolidate
24 offices under this Act without regard to—

1 (1) any provision of law restricting the use of
2 funds for closing or consolidating offices included in
3 any appropriations or authorization Act; and

4 (2) sections 2662 and 2687 of title 10, United
5 States Code.

6 (e) APPLICABILITY OF CERCLA.—Section 120 of
7 the Comprehensive Environmental Response, Compensa-
8 tion, and Liability Act of 1980 (42 U.S.C. 9620) shall
9 not apply with respect to any surplus property that is dis-
10 posed of pursuant to a closure or consolidation of an office
11 under this Act by conveyance to a person that is not a
12 Federal department, agency, or instrumentality, if—

13 (1) the transfer of property is contingent on
14 cleanup;

15 (2) there is a contractual commitment by the
16 purchaser to do the cleanup;

17 (3) the cleanup is in conformance with the na-
18 tional contingency plan; and

19 (4) the cleanup substantially meets the stand-
20 ards of section 121 of the Comprehensive Environ-
21 mental Response, Compensation, and Liability Act
22 of 1980 (42 U.S.C. 9621) to the satisfaction of the
23 Environmental Protection Agency if the property is
24 part of a parcel listed on the national priorities list,
25 and of the State.

1 **SEC. 6. ACCOUNT.**

2 (a) IN GENERAL.—(1) There is hereby established on
3 the books of the Treasury an account to be known as the
4 “Reinventing Government Account 1994” which shall be
5 administered by the Director as a single account.

6 (2) There shall be deposited into the Account—

7 (A) funds authorized for and appropriated to
8 the Account;

9 (B) any funds that the Director may, subject to
10 approval in an appropriation Act, transfer to the Ac-
11 count from funds appropriated for any purpose, ex-
12 cept that such funds may be transferred only after
13 the date on which the Director transmits written no-
14 tice of, and justification for, such transfer to the
15 congressional budget committees; and

16 (C) except as provided in subsection (d), pro-
17 ceeds received from the transfer or disposal of any
18 property at an office closed or consolidated under
19 this Act.

20 (b) USE OF FUNDS.—The Director may use the
21 funds in the Account only for the purposes described in
22 section 5.

23 (c) REPORTS.—(1)(A) No later than 60 days after
24 the end of each fiscal year in which the Director carries
25 out activities under this Act, the Director shall transmit
26 a report to the congressional budget committees of the

1 amount and nature of the deposits into, and the expendi-
2 tures from, the Account during such fiscal year and of
3 the amount and nature of other expenditures made pursu-
4 ant to section 2905(a) during such fiscal year.

5 (B) The report for a fiscal year shall include the fol-
6 lowing:

7 (i) The obligations and expenditures from the
8 Account during the fiscal year, identified by sub-
9 account, for each executive department.

10 (ii) The fiscal year in which appropriations for
11 such expenditures were made and the fiscal year in
12 which funds were obligated for such expenditures.

13 (2) Unobligated funds which remain in the Account
14 after the termination of the authority of the Director to
15 carry out a closure or consolidation under this Act shall
16 be held in the Account until transferred by law after the
17 congressional budget committees receive the report trans-
18 mitted under paragraph (3).

19 (3) No later than 60 days after the termination of
20 the authority of the Director to carry out a closure or con-
21 solidation under this Act, the Director shall transmit to
22 the congressional budget committees a report containing
23 an accounting of—

1 (A) all the funds deposited into and expended
2 from the Account or otherwise expended under this
3 Act; and

4 (B) any amount remaining in the Account.

5 **SEC. 7. REPORTS.**

6 As part of the budget request for fiscal year 1995
7 and for each fiscal year thereafter, the Director shall
8 transmit to the congressional budget committees of Con-
9 gress—

10 (1) a schedule of the closure and consolidation
11 actions to be carried out under this Act in the fiscal
12 year for which the request is made and an estimate
13 of the total expenditures required and cost savings
14 to be achieved by each such closure and consolida-
15 tion and of the time period in which these savings
16 are to be achieved in each case; and

17 (2) a description of the offices, including those
18 under construction and those planned for construc-
19 tion, to which functions are to be transferred as a
20 result of such closures and consolidation.

21 **SEC. 8. BUDGETARY TREATMENT.**

22 (a) DIRECT SPENDING.—None of the changes in di-
23 rect spending (if any) resulting from this Act shall be re-
24 flected in estimates under section 252(d) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985.

1 (b) DISCRETIONARY SPENDING.—Upon the enact-
2 ment of reductions in discretionary spending pursuant to
3 the Act, the Director of the Office of Management and
4 Budget shall make downward adjustments in the discre-
5 tionary spending limits (new budget authority and out-
6 lays), as adjusted, set forth in 601(a)(2) of the Congres-
7 sional Budget Act of 1974 for each applicable fiscal year
8 through 1998 by the aggregate amount of such reductions
9 in discretionary spending for that fiscal year.

10 (c) SECTION 601.—Section 601(a)(2) of the Congres-
11 sional Budget Act of 1974 is amended by inserting “or
12 as adjusted pursuant to section 7(b) of the Reinventing
13 Government Act of 1994” before the period at the end.

14 (d) RECEIPTS.—All receipts resulting from this Act
15 shall be used solely to reduce the public debt.

16 **SEC. 9. CONGRESSIONAL CONSIDERATION OF COMMISSION**
17 **REPORT.**

18 (a) TERMS OF THE RESOLUTION.—For purposes of
19 section 4(f), the term “joint resolution” means only a joint
20 resolution which is introduced within the 10-day period
21 beginning on the date on which the President transmits
22 the report to the Congress under section 3(e), and—

23 (1) which does not have a preamble;

24 (2) the matter after the resolving clause of
25 which is as follows: “That Congress disapproves the

1 recommendations of the Reinventing Government
2 Commission as submitted by the President on
3 _____”, the blank space being filled in
4 with the appropriate date; and

5 (3) the title of which is as follows: “Joint reso-
6 lution disapproving the recommendations of the Fed-
7 eral Privatization Commission.”.

8 (b) REFERRAL.—A resolution described in subsection
9 (a) that is introduced in the House of Representatives
10 shall be referred to the Committee on the Budget of the
11 House of Representatives. A resolution described in sub-
12 section (a) introduced in the Senate shall be referred to
13 the Committee on the Budget of the Senate.

14 (c) DISCHARGE.—If the committee to which a resolu-
15 tion described in subsection (a) is referred has not re-
16 ported such resolution (or an identical resolution) by the
17 end of the 20-day period beginning on the date on which
18 the President transmits the report to the Congress under
19 section 3(e), such committee shall be, at the end of such
20 period, discharged from further consideration of such reso-
21 lution, and such resolution shall be placed on the appro-
22 priate calendar of the House involved.

23 (d) CONSIDERATION.—(1) On or after the third day
24 after the date on which the committee to which such a
25 resolution is referred has reported, or has been discharged

1 (under subsection (c)) from further consideration of, such
2 a resolution, it is in order (even though a previous motion
3 to the same effect has been disagreed to) for any Member
4 of the respective House to move to proceed to the consider-
5 ation of the resolution. A Member may make the motion
6 only on the day after the calendar day on which the Mem-
7 ber announces to the House concerned the Member's in-
8 tention to make the motion, except that, in the case of
9 the House of Representatives, the motion may be made
10 without such prior announcement if the motion is made
11 by direction of the committee to which the resolution was
12 referred. All points of order against the resolution (and
13 against consideration of the resolution) are waived. The
14 motion is highly privileged in the House of Representatives
15 and is privileged in the Senate and is not debatable. The
16 motion is not subject to amendment, or to a motion to
17 postpone, or to a motion to proceed to the consideration
18 of other business. A motion to reconsider the vote by
19 which the motion is agreed to or disagreed to shall not
20 be in order. If a motion to proceed to the consideration
21 of the resolution is agreed to, the respective House shall
22 immediately proceed to consideration of the joint resolu-
23 tion without intervening motion, order, or other business,
24 and the resolution shall remain the unfinished business of
25 the respective House until disposed of.

1 (2) Debate on the resolution, and on all debatable
2 motions and appeals in connection therewith, shall be lim-
3 ited to not more than 2 hours, which shall be divided
4 equally between those favoring and those opposing the res-
5 olution. An amendment to the resolution is not in order.
6 A motion further to limit debate is in order and not debat-
7 able. A motion to postpone, or a motion to proceed to the
8 consideration of other business, or a motion to recommit
9 the resolution is not in order. A motion to reconsider the
10 vote by which the resolution is agreed to or disagreed to
11 is not in order.

12 (3) Immediately following the conclusion of the de-
13 bate on a resolution described in subsection (a) and a sin-
14 gle quorum call at the conclusion of the debate if re-
15 quested in accordance with the rules of the appropriate
16 House, the vote on final passage of the resolution shall
17 occur.

18 (4) Appeals from the decisions of the Chair relating
19 to the application of the rules of the Senate or the House
20 of Representatives, as the case may be, to the procedure
21 relating to a resolution described in subsection (a) shall
22 be decided without debate.

23 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
24 fore the passage by one House of a resolution of that
25 House described in subsection (a), that House receives

1 from the other House a resolution described in subsection
2 (a), then the following procedures shall apply:

3 (A) The resolution of the other House shall not
4 be referred to a committee and may not be consid-
5 ered in the House receiving it except in the case of
6 final passage as provided in subparagraph (B)(ii).

7 (B) With respect to a resolution described in
8 subsection (a) of the House receiving the resolu-
9 tion—

10 (i) the procedure in that House shall be
11 the same as if no resolution had been received
12 from the other House; but

13 (ii) the vote on final passage shall be on
14 the resolution of the other House.

15 (2) Upon disposition of the resolution received from
16 the other House, it shall no longer be in order to consider
17 the resolution that originated in the receiving House.

18 (f) RULES OF THE SENATE AND HOUSE.—This sec-
19 tion is enacted by Congress—

20 (1) as an exercise of the rulemaking power of
21 the Senate and House of Representatives, respec-
22 tively, and as such it is deemed a part of the rules
23 of each House, respectively, but applicable only with
24 respect to the procedure to be followed in that
25 House in the case of a resolution described in sub-

1 section (a), and it supersedes other rules only to the
2 extent that it is inconsistent with such rules; and

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

8 **SEC. 10. DEFINITIONS.**

9 For purposes of this Act:

10 (1) The term “Account” means the Reinventing
11 Government Account of 1994 established by section
12 6(a)(1).

13 (2) The term “Commission” means the
14 Reinventing Government Commission established by
15 section 2(a).

16 (3) The term “congressional budget commit-
17 tees” means the Committee on the Budget of each
18 of the House of Representatives and the Senate.

19 (4) The term “consolidation” includes any ac-
20 tion which both reduces and relocates functions and
21 personnel positions.

22 (5) The term “Director” means the Director of
23 the Office of Management and Budget.

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