

114TH CONGRESS  
1ST SESSION

# S. 2269

To establish the Government Transformation Board to make certain recommendations to improve the economy of the United States and the efficiency and effectiveness of Federal programs.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2015

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

---

## A BILL

To establish the Government Transformation Board to make certain recommendations to improve the economy of the United States and the efficiency and effectiveness of Federal programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Government Trans-  
5 formation Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1           (1) the term “Board” means the Government  
2 Transformation Board established under section 3 to  
3 assist the President and Congress in transforming  
4 the Federal Government;

5           (2) the term “duplicative program” means a  
6 program performed by a Federal agency that per-  
7 forms essentially the same or a very similar function  
8 as a program performed by a different Federal agen-  
9 cy with a different management and implementation  
10 structure;

11           (3) the term “Federal agency” has the meaning  
12 given the term “Executive agency” in section 105 of  
13 title 5, United States Code;

14           (4) the term “Federal program” means any  
15 function, project, or activity of a Federal agency  
16 that is—

17                   (A) an organized set of activities;

18                   (B) directed towards a common purpose or  
19 goal; and

20                   (C) undertaken or proposed to be under-  
21 taken in order to carry out the responsibilities  
22 of the Federal agency;

23           (5) the term “implementation bill” means a bill  
24 that—

25                   (A) is introduced under section 8(a); and

1 (B) contains the proposed legislative text  
 2 described in section 4(b)(2)(B)(i)(I)(aa), with-  
 3 out modification; and

4 (6) the term “member” means a member of the  
 5 Board appointed under section 5(a).

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a Board to be known as the  
 8 “Government Transformation Board”.

9 **SEC. 4. DUTIES OF THE BOARD.**

10 (a) IN GENERAL.—The Board shall—

11 (1) develop and maintain approved criteria for  
 12 the selection, prioritization, and scheduling of pro-  
 13 gram reviews required under paragraphs (2), (3),  
 14 and (4);

15 (2) review programs of governmental and non-  
 16 governmental entities and conduct original research  
 17 on the organizational practices, operations, and re-  
 18 form efforts of Federal agencies to—

19 (A) determine whether the practices, oper-  
 20 ations, and efforts are—

21 (i) useful;

22 (ii) duplicative;

23 (iii) efficient;

24 (iv) effective; and

25 (v) economical; and

1 (B) make the recommendations required  
2 under paragraphs (2) and (4) of subsection (b);

3 (3) analyze organizational practices and man-  
4 agement challenges of Federal agencies and make  
5 recommendations as described in paragraphs (2) and  
6 (4) of subsection (b);

7 (4) identify—

8 (A) best practices of Federal agencies; and

9 (B) opportunities for Federal agencies to  
10 share—

11 (i) methods;

12 (ii) tools;

13 (iii) systems; and

14 (iv) technologies;

15 (5) coordinate input from appropriate Federal  
16 agencies and provide opportunities for the Board to  
17 accept ideas on improving Government performance  
18 from—

19 (A) Federal employees;

20 (B) citizens of the United States; and

21 (C) other interested parties;

22 (6) upon request, provide information on activi-  
23 ties of the Board to—

24 (A) the Government Accountability Office;

25 (B) the Congressional Budget Office;

1 (C) the Office of Management and Budget;

2 (D) other Federal agencies;

3 (E) the Office of the Inspector General of  
4 each Federal agency;

5 (F) the Committee on Homeland Security  
6 and Governmental Affairs of the Senate; and

7 (G) the Committee on Oversight and Gov-  
8 ernment Reform of the House of Representa-  
9 tives;

10 (7) conduct post-transformation follow-up re-  
11 views and report on the gains in efficiency and effec-  
12 tiveness;

13 (8) serve as a repository for best practices and  
14 successful processes, systems, and technologies to  
15 support Federal agencies in efforts to improve effi-  
16 ciency and effectiveness;

17 (9) in order to build a culture of efficiency and  
18 effectiveness across the Government, provide train-  
19 ing and education to Federal employees who are on  
20 detail to the Board about—

21 (A) program improvement;

22 (B) Government transformation;

23 (C) efficiency; and

24 (D) effectiveness;

1           (10) review program assessments performed by  
2 Federal agencies; and

3           (11) maintain the privacy and security of data  
4 as required by law.

5 (b) REPORTS AND RECOMMENDATIONS.—

6           (1) SEMIANNUAL ACTIVITY REPORTS.—Not  
7 later than 6 months after the date on which all  
8 members of the Board have been appointed and  
9 every 6 months thereafter, the Board shall submit to  
10 the President and Congress an activity report that  
11 describes the activities of the Board and that shall  
12 include—

13                   (A) the overall findings and conclusions of  
14 the Board;

15                   (B) suggestions for implementing the best  
16 practices of Federal agencies identified under  
17 subsection (a)(4) in other Federal agencies;

18                   (C) a summary of proposals made in the  
19 preceding 12-month period for legislation, ad-  
20 ministrative action, or executive action that in-  
21 clude recommendations for improvement or in-  
22 vestment in Federal programs, or elimination,  
23 reduction, or consolidation of Federal programs;  
24 and

1 (D) other outcomes of the activities of the  
2 Board, including—

3 (i) training;

4 (ii) Government transformation re-  
5 sults; and

6 (iii) best practice and lessons learned  
7 sharing.

8 (2) RECOMMENDATIONS FOR IMPROVEMENTS.—

9 (A) IN GENERAL.—The Board shall submit  
10 to the President and Congress, as soon as prac-  
11 ticable after the completion of an assessment of  
12 a Federal program, specific recommendations  
13 for the improvement of the effectiveness, effi-  
14 ciency, and economy of the Federal program.

15 (B) RECOMMENDATIONS.—The rec-  
16 ommendations described in subparagraph (A)—

17 (i) shall include—

18 (I) where appropriate, pro-  
19 posed—

20 (aa) legislative text;

21 (bb) administrative action;

22 (cc) further investment; or

23 (dd) executive action;

24 (II) recommendations for the—

1 (aa) improvement of or in-  
2 vestment in Federal programs; or

3 (bb) elimination, reduction,  
4 or consolidation of Federal pro-  
5 grams; and

6 (ii) may include recommendations  
7 about areas for which—

8 (I) managerial accountability can  
9 be enhanced; and

10 (II) administrative controls can  
11 be improved.

12 (3) REPORTS ON HISTORICAL DATA.—Not later  
13 than 4 years after the date on which all members of  
14 the Board have been appointed, and every 2 years  
15 thereafter, the Board shall submit to the President  
16 and Congress a report on historical data and trends  
17 in the information studied by the Board, including  
18 any available evidence of cost savings.

19 (4) REPORTS MADE PUBLIC.—Each report sub-  
20 mitted under this subsection shall be made available  
21 to the public not later than 90 days after the date  
22 on which the report is submitted, including all—

23 (A) findings;

24 (B) recommendations;

25 (C) justifications; and



1 (D) results of Federal program trans-  
2 formation efforts.

3 (c) OPPORTUNITY FOR FEDERAL EMPLOYEES.—Any  
4 reduction in force resulting from the implementation of  
5 Government transformation recommendations of the  
6 Board shall be governed by chapter 35 of title 5, United  
7 States Code.

8 **SEC. 5. MEMBERSHIP.**

9 (a) NUMBER AND APPOINTMENT.—The Board shall  
10 be composed of 7 members to be appointed as follows:

11 (1) The majority leader of the Senate shall ap-  
12 point 1 member.

13 (2) The minority leader of the Senate shall ap-  
14 point 1 member.

15 (3) The Speaker of the House of Representa-  
16 tives shall appoint 1 member.

17 (4) The minority leader of the House of Rep-  
18 resentatives shall appoint 1 member.

19 (5) The President shall appoint 3 members.

20 (b) RESTRICTION ON GOVERNMENT EMPLOYEES.—  
21 No individual may serve as a member of the Board while  
22 employed as an officer or employee of the Federal Govern-  
23 ment or any State or local government.

24 (c) MEMBERSHIP CRITERIA.—The members of the  
25 Board shall include individuals—

1 (1) recognized as having expertise in—

2 (A) accountability;

3 (B) efficiency;

4 (C) waste reduction;

5 (D) finance and economics; or

6 (E) actuarial sciences; and

7 (2) who represent different professional back-  
8 grounds.

9 (d) POLITICAL AFFILIATION.—Not more than 3 of  
10 the 7 members shall be registered as members of the same  
11 political party.

12 (e) DEADLINE TO APPOINT MEMBERS.—All mem-  
13 bers of the Board shall be appointed not later than 90  
14 days after the date of enactment of this Act.

15 (f) TERMS.—

16 (1) IN GENERAL.—Each member shall be ap-  
17 pointed for a term of 3 years.

18 (2) REAPPOINTMENT.—Each member may be  
19 reappointed for 1 additional term of 3 years.

20 (3) VACANCIES.—A vacancy on the Board shall  
21 be filled in the manner in which the original appoint-  
22 ment was made not later than 90 days after the date  
23 on which the member leaves the Board.

24 (g) CO-CHAIRS.—

1           (1) SELECTION.—Of the members appointed by  
2           the President under subsection (a)(5), 2 members  
3           shall serve as co-Chairpersons of the Board.

4           (2) POLITICAL AFFILIATION OF CO-CHAIR-  
5           PERSONS.—The co-Chairpersons of the Board may  
6           not be members of the same political party.

7           (h) TRAVEL EXPENSES.—While away from their  
8           homes or regular places of business in the performance  
9           of services for the Board, members shall receive travel ex-  
10          penses, including per diem in lieu of subsistence, in ac-  
11          cordance with applicable provisions under subchapter I of  
12          chapter 57 of title 5, United States Code.

13          (i) QUORUM.—Four members shall constitute a  
14          quorum but a lesser number may hold hearings.

15          (j) MEETINGS.—The Board shall meet at the call of  
16          the co-Chairpersons or a majority of the members. Mem-  
17          bers may attend meetings via teleconference.

18          (k) TERMINATION.—The Board shall terminate on  
19          September 30 of the sixth fiscal year beginning after the  
20          date of enactment of this Act.

21       **SEC. 6. PERSONNEL MATTERS OF THE BOARD.**

22          (a) EXECUTIVE DIRECTOR AND STAFF.—

23               (1) IN GENERAL.—The co-Chairpersons, in con-  
24               sultation with the President and Congress, shall ap-  
25               point and may terminate an Executive Director. The

1 Executive Director shall be paid at a rate equal to  
2 the daily equivalent of the annual rate of basic pay  
3 for level V of the Executive Schedule under section  
4 5316 of title 5, United States Code.

5 (2) STAFF.—The Executive Director, with the  
6 approval of a majority of the members of the Board,  
7 may appoint, set the pay of, and terminate addi-  
8 tional personnel.

9 (b) APPLICATION OF CERTAIN CIVIL SERVICE  
10 LAWS.—The Executive Director and staff of the Board  
11 may be appointed without regard to the provisions of title  
12 5, United States Code, governing appointments in the  
13 competitive service.

14 (c) CONFLICTS OF INTEREST.—A member or em-  
15 ployee of the Board may not have a conflict of interest  
16 that is relevant to any activity of the Board.

17 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
18 of the co-Chairpersons, the head of any Federal depart-  
19 ment or agency may detail, on a reimbursable basis, any  
20 of the personnel of the Federal department or agency to  
21 the Board to assist the Board in carrying out the duties  
22 of the Board under this Act.

23 (e) EXPERTS AND CONSULTANTS.—With the agree-  
24 ment of the co-Chairpersons, the Board may procure tem-  
25 porary and intermittent services under section 3109(b) of

1 title 5, United States Code, at a rate to be determined  
2 by the co-Chairs.

3 (f) CONTRACTING AUTHORITY.—The Board may con-  
4 tract with and compensate Federal agencies or private  
5 persons for products or services that are necessary for the  
6 Board to carry out the responsibilities of the Board under  
7 this Act.

8 **SEC. 7. POWERS OF THE BOARD.**

9 (a) HEARINGS AND SESSIONS.—The Board may, for  
10 the purpose of carrying out this Act and as the Board  
11 considers appropriate—

12 (1) hold hearings;

13 (2) sit and act at certain times and places;

14 (3) take testimony;

15 (4) receive evidence; and

16 (5) administer oaths or affirmations to wit-  
17 nesses appearing before the Board.

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

22 (c) OBTAINING OFFICIAL DATA.—The Board may se-  
23 cure directly from any department or agency information  
24 necessary to enable it to carry out this section. Upon re-  
25 quest of the co-Chairpersons, the head of the department

1 or agency shall furnish that information to the Board on  
2 an agreed upon schedule.

3 (d) **POSTAL SERVICES.**—The Board may use the  
4 United States mails in the same manner and under the  
5 same conditions as other Federal agencies.

6 **SEC. 8. EXPEDITED CONSIDERATION OF PROPOSALS BY**  
7 **CONGRESS.**

8 (a) **INTRODUCTION.**—Legislation submitted by the  
9 Board based on the proposed legislative text described in  
10 section 4(b)(2)(B)(i)(I)(aa) shall—

11 (1) be introduced in the Senate (by request) on  
12 the next day on which the Senate is in session after  
13 the date on which the proposed legislation is sub-  
14 mitted by the majority leader of the Senate or by a  
15 Member of the Senate designated by the majority  
16 leader of the Senate; and

17 (2) shall be introduced in the House of Rep-  
18 resentatives (by request) on the next legislative day  
19 after the date on which the proposed legislation is  
20 submitted by the majority leader of the House of  
21 Representatives or by a Member of the House of  
22 Representatives designated by the majority leader of  
23 the House of Representatives.

24 (b) **CONSIDERATION IN THE HOUSE OF REPRESENT-**  
25 **ATIVES.**—

1           (1) REFERRAL AND REPORTING.—Any com-  
2           mittee of the House of Representatives to which an  
3           implementation bill is referred shall report it to the  
4           House of Representatives without amendment not  
5           later than 15 legislative days after the date on which  
6           the implementation bill is referred to the committee.  
7           If a committee fails to report the implementation bill  
8           within that period, it shall be in order to move that  
9           the House of Representatives discharge the com-  
10          mittee from further consideration of the implementa-  
11          tion bill. Such a motion shall not be in order after  
12          the last committee authorized to consider the imple-  
13          mentation bill reports it to the House of Representa-  
14          tives or after the House of Representatives has dis-  
15          posed of a motion to discharge the implementation  
16          bill. The previous question shall be considered as or-  
17          dered on the motion to its adoption without inter-  
18          vening motion except 20 minutes of debate equally  
19          divided and controlled by the proponent and an op-  
20          ponent. If such a motion is adopted, the House of  
21          Representatives shall proceed immediately to con-  
22          sider the implementation bill in accordance with  
23          paragraphs (2) and (3). A motion to reconsider the  
24          vote by which the motion is disposed of shall not be  
25          in order.

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

15           (3) CONSIDERATION.—An implementation bill  
16 shall be considered as read. All points of order  
17 against the implementation bill and against its con-  
18 sideration are waived. The previous question shall be  
19 considered as ordered on an implementation bill to  
20 its passage without intervening motion except 2  
21 hours of debate equally divided and controlled by the  
22 proponent and an opponent and one motion to limit  
23 debate on the implementation bill. A motion to re-  
24 consider the vote on passage of an implementation  
25 bill shall not be in order.



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

5           (c) EXPEDITED PROCEDURE IN THE SENATE.—

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

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

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

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

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

11 (4) LIMITS.—During consideration of an imple-  
12 mentation bill, a motion to postpone, a motion to  
13 proceed to the consideration of other business, or a  
14 motion to recommit an implementation bill is not in  
15 order.

16 (5) VOTE ON PASSAGE.—If the Senate has pro-  
17 ceeded to an implementation bill, the vote on pas-  
18 sage of an implementation bill shall occur imme-  
19 diately following the conclusion of the consideration  
20 of the implementation bill, and a single quorum call  
21 at the conclusion of the debate if requested. The  
22 vote on passage of an implementation bill shall occur  
23 not later than 90 days after the date on which the  
24 implementation bill is submitted to Congress.

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

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

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

9 (e) CONSIDERATION BY THE OTHER HOUSE.—

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

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

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

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

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

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

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

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

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

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

3 (h) RULEMAKING.—This section is enacted by Con-  
4 gress—

5 (1) as an exercise of the rulemaking power of  
6 the Senate and House of Representatives, respec-  
7 tively, and as such it is deemed a part of the rules  
8 of each House, respectively, but applicable only with  
9 respect to the procedure to be followed in that  
10 House in the case of an implementation bill, and it  
11 supersedes other rules only to the extent that it is  
12 inconsistent with such rules; and

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

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-  
20 priated to the Board for fiscal years 2016 through 2021  
21 such sums as may be necessary to carry out this Act.

22 (b) OFFSET.—For each fiscal year following fiscal  
23 year 2016, the cost of carrying out this Act shall be offset,  
24 to the maximum extent practicable, by the reductions in

- 1 sums appropriated because of recommendations proposed
- 2 by the Board.

○