

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 2967

To establish the Commission on Intergovernmental Relations of the United States to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of government, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. SINEMA

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restore the Partner-
5 ship Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established in the executive branch perma-
8 nent, bipartisan commission to be known as the “Commis-
9 sion on Intergovernmental Relations of the United States”
10 (in this Act referred to as the “Commission”).

1 **SEC. 3. DECLARATION OF PURPOSE.**

2 (a) IN GENERAL.—In order to facilitate the fullest
3 cooperation, coordination, and mutual accountability
4 among all levels of government and thus better serve the
5 people of the United States in an increasingly complex so-
6 ciety, it is essential that a commission be established to
7 give continuing attention to federalism and intergovern-
8 mental issues.

9 (b) ACTIVITIES.—It is intended that the Commission,
10 in the performance of the duties of the Commission, will—

11 (1) convene representatives of Federal, State,
12 Tribal, and local governments for the consideration
13 of common problems;

14 (2) provide a forum for discussing ways to im-
15 prove the administration and coordination of Federal
16 grant-in-aid, regulatory, tax, and other programs re-
17 quiring intergovernmental cooperation, and to give
18 State, Tribal, and local governments more flexibility
19 and discretion in implementing Federal policies and
20 programs;

21 (3) give critical attention to the conditions, con-
22 trols, and oversight involved in the administration of
23 such Federal programs;

24 (4) share lessons and best practices with Fed-
25 eral, State, Tribal, and local governments;

1 (5) encourage discussion and study during the
2 early stages of emerging public challenges that are
3 likely to require intergovernmental cooperation;

4 (6) advise the executive and legislative branches
5 of the Federal Government on ways to improve the
6 intergovernmental operations of the White House
7 and Federal agencies, including their offices of inter-
8 governmental affairs and use of administrative waiv-
9 ers;

10 (7) identify the intergovernmental impacts of
11 rulings by the United States Supreme Court on Fed-
12 eral, State, Tribal, and local governments; and

13 (8) recommend, within the framework of the
14 United States Constitution, the appropriate alloca-
15 tion of governmental functions, responsibilities, reve-
16 nues, and expenditures among the levels of govern-
17 ment.

18 **SEC. 4. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission
20 shall be composed of 31 members, of whom—

21 (1) 6 members shall be appointed by the Presi-
22 dent, of whom—

23 (A) 3 shall be officers of the executive
24 branch of the Federal Government; and

1 (B) 3 shall be private citizens, each of
2 whom, respectively, shall have experience or fa-
3 miliarity with relations between the levels of
4 government;

5 (2) 3 members shall be appointed by the major-
6 ity leader of the Senate, who shall be Members of
7 the Senate;

8 (3) 3 members shall be appointed by the Speak-
9 er of the House of Representatives, who shall be
10 Members of the House of Representatives;

11 (4) 4 members shall be appointed by the Presi-
12 dent from a panel of not less than 8 Governors sub-
13 mitted by the National Governors Association;

14 (5) 4 members shall be appointed by the Presi-
15 dent from a panel of not less than 8 members of
16 State legislative bodies submitted by the National
17 Conference of State Legislatures;

18 (6) 4 members shall be appointed by the Presi-
19 dent from a panel of not less than 8 mayors sub-
20 mitted jointly by the National League of Cities and
21 the United States Conference of Mayors;

22 (7) 4 members shall be appointed by the Presi-
23 dent from a panel of not less than 8 elected county
24 officers submitted by the National Association of
25 Counties;

1 (8) 1 member shall be appointed by the Presi-
2 dent from a panel of not less than 4 town or town-
3 ship elected governing board members submitted by
4 the National Association of Towns and Townships;
5 and

6 (9) 2 members shall be appointed by the Presi-
7 dent from a panel of not less than 4 Tribal officials
8 submitted by the National Congress of American In-
9 dians.

10 (b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—

11 The political and geographic composition of the Commis-
12 sion shall be as follows:

13 (1) The private citizen members under sub-
14 section (a)(1) shall be appointed without regard to
15 political affiliation.

16 (2) Two of the appointees under paragraphs (2)
17 and (3) of subsection (a), respectively, shall be from
18 the majority party of the applicable House of Con-
19 gress.

20 (3) Not more than 2 of the appointees under
21 paragraphs (4), (5), (6), and (7) of subsection (a),
22 respectively, shall be from any 1 political party.

23 (4) Not more than 1 of the appointees under
24 paragraphs (5), (6), (7), and (9) of subsection (a),
25 respectively, shall be from any 1 State.

1 (5) Not less than 1 of the appointees under
2 subsection (a)(6) shall be from cities with a popu-
3 lation of more than 500,000, and not less than 1 of
4 the appointees under subsection (a)(6) shall be from
5 cities with a population of less than 50,000.

6 (6) Not less than 1 of the appointees under
7 subsection (a)(7) shall be from counties with a popu-
8 lation of more than 500,000, and not less than 1 of
9 the appointees under subsection (a)(7) shall be from
10 counties with a population of less than 50,000.

11 (7) The appointee under subsection (a)(8) shall
12 not be a member of the party of the President.

13 (8) One of the appointees under subsection
14 (a)(9) shall be an official of an Indian Tribe engaged
15 in class II gaming or class III gaming, as such
16 terms are defined in section 4 of the Indian Gaming
17 Regulatory Act (25 U.S.C. 2703), respectively, and
18 the other appointee under subsection (a)(9) shall be
19 an official of an Indian Tribe that is not engaged in
20 such gaming.

21 (c) INITIAL APPOINTMENTS.—Each initial appoint-
22 ment under subsection (a) shall be made not later than
23 60 days after the date of enactment of this Act.

24 (d) TERMS.—

1 (1) IN GENERAL.—Each member of the Com-
2 mission shall—

3 (A) serve a term of 2 years;

4 (B) be eligible for reappointment; and

5 (C) except as provided in paragraph (2),
6 continue to serve until a successor is appointed.

7 (2) TERMINATION OF SERVICE IN OFFICIAL PO-
8 SITION FROM WHICH ORIGINALLY APPOINTED.—If
9 any member of the Commission ceases to serve in
10 the official position to which the member was ap-
11 pointed under subsection (a), the place of the mem-
12 ber on the Commission shall be deemed to be vacant.

13 (3) VACANCIES IN MEMBERSHIP.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), any vacancy in the member-
16 ship of the Commission shall be filled for the
17 remainder of the vacant term in the same man-
18 ner in which the original appointment was
19 made.

20 (B) EXCEPTION.—If the number of vacan-
21 cies in the membership of the Commission is
22 fewer than the number of members specified in
23 paragraphs (4), (5), (6), (7), and (8) of sub-
24 section (a), each panel of names submitted in

1 accordance with the those paragraphs shall con-
2 tain not less than 2 names for each vacancy.

3 **SEC. 5. ORGANIZATION OF COMMISSION.**

4 (a) INITIAL MEETING.—The President shall convene
5 the Commission not later than 90 days after the date of
6 enactment of this Act at such time and place as the Presi-
7 dent may designate.

8 (b) CHAIR AND VICE CHAIR.—

9 (1) IN GENERAL.—The President shall des-
10 ignate a Chair and a Vice Chair of the Commission
11 from among the members of the Commission.

12 (2) PROCESS FOR ELECTION.—After the Presi-
13 dent designates a Chair and Vice Chair under para-
14 graph (1), the Commission may subsequently estab-
15 lish a process for electing a Chair and Vice Chair.

16 (c) QUORUM.—Seventeen members of the Commis-
17 sion shall constitute a quorum, but 2 or more members,
18 representing more than 1 of the class of members de-
19 scribed in section 4(a), shall constitute a quorum for the
20 purpose of conducting hearings.

21 **SEC. 6. DUTIES OF COMMISSION.**

22 (a) IN GENERAL.—The Commission shall—

23 (1) engage in such activities and make such
24 studies, investigations, convenings, and communica-

1 tions as are necessary or desirable in the accomplish-
2 ment of the purposes set forth in section 3;

3 (2) consider, on its own initiative, mechanisms
4 for fostering better relations and more productive
5 partnerships between and among the levels of gov-
6 ernment;

7 (3) make available technical assistance to the
8 executive and legislative branches of the Federal
9 Government in the review of proposed legislation to
10 determine the overall effect of the proposed legisla-
11 tion on all levels of government;

12 (4) recommend, within the framework of the
13 United States Constitution, the appropriate alloca-
14 tion of governmental functions, responsibilities, reve-
15 nues, and expenditures among the levels of govern-
16 ment;

17 (5) recommend ways to improve the manage-
18 ment, performance, and coordination of Federal
19 grant-in-aid and regulatory programs on State, Trib-
20 al, and local governments, including metrics to in-
21 form intergovernmental improvements; and

22 (6) recommend methods of coordinating and
23 simplifying tax laws and administrative policies and
24 practices to achieve a more orderly and less competi-
25 tive fiscal relationship between the levels of govern-

1 ment and to reduce the burden of compliance for
2 taxpayers.

3 (b) REPORTS.—

4 (1) ANNUAL REPORT.—Not later than 1 year
5 after the date of enactment of this Act, and on or
6 before January 31 of each year thereafter, the Com-
7 mission shall submit to the President and Congress
8 a report that—

9 (A) identifies trends in federalism, emerg-
10 ing and persistent issues needing intergovern-
11 mental attention, data needs, and areas requir-
12 ing intergovernmental cooperation and coordi-
13 nation for better outcomes;

14 (B) summarizes any actions taken in ac-
15 cordance with the recommendations of the Com-
16 mission contained in any prior report, and the
17 results thereof;

18 (C) contains the recommendations de-
19 scribed in subsection (a) made in the year pre-
20 ceding the submission of the report;

21 (D) provide details on the activities, ad-
22 ministration, expenditures, and receipts of the
23 Commission; and

24 (E) communicate any other matters as the
25 Commission may determine important.

1 (2) **ADDITIONAL REPORTS.**—The Commission
2 may submit additional reports to the President, to
3 Congress or any committee of Congress, and to any
4 unit of government or organization as the Commis-
5 sion may determine appropriate.

6 (c) **HEARINGS.**—Not later than 90 days after the
7 date on which Congress receives a report described in sub-
8 section (b)(1), Congress shall hold hearings on the rec-
9 ommendations of the Commission.

10 **SEC. 7. POWERS AND ADMINISTRATIVE PROVISIONS.**

11 (a) **HEARINGS AND SESSIONS.**—

12 (1) **IN GENERAL.**—The Commission or, on the
13 authorization of the Commission, any subcommittee
14 or members thereof, may, for the purpose of car-
15 rying out the provisions of this Act, hold such hear-
16 ings, take such testimony, and sit and act at such
17 times and places as the Commission determines to
18 be advisable.

19 (2) **OATHS AND AFFIRMATIONS.**—Any member
20 authorized by the Commission may administer oaths
21 or affirmations to witnesses appearing before the
22 Commission or any subcommittee or members there-
23 of.

24 (b) **COOPERATION BY EXECUTIVE AGENCIES.**—

1 (1) REQUEST FOR INFORMATION.—Each de-
2 partment, agency, and instrumentality of the execu-
3 tive branch of the Federal Government, including
4 each independent agency, is authorized and directed,
5 consistent with law, to furnish to the Commission,
6 upon request made by the Chair or Vice Chair, such
7 information as the Commission determines to be
8 necessary to carry out the functions of the Commis-
9 sion under this Act.

10 (2) DETAIL OF AGENCY PERSONNEL.—Upon re-
11 quest of the Executive Director of the Commission,
12 the head of any department, agency, and instrumen-
13 tality of the executive branch of the Federal Govern-
14 ment, including any independent agency, may detail
15 on a reimbursable basis any of the personnel of that
16 department, agency, and instrumentality to the
17 Commission to assist in carrying out this Act.

18 (3) RECOMMENDATIONS.—The Commission
19 shall furnish to any department, agency, or instru-
20 mentality of the executive branch of the Federal
21 Government, including independent agencies, any
22 recommendations directed toward the department,
23 agency, or instrumentality, and the department,
24 agency, or instrumentality shall furnish the Commis-
25 sion within 90 days a written response that shall be

1 included in any publication of the recommendations
2 of the Commission.

3 (c) EXECUTIVE DIRECTOR.—The Commission shall
4 have power to appoint and remove an Executive Direc-
5 tor—

6 (1) who shall be paid at the rate of basic pay
7 for level III of the Executive Schedule under section
8 5314 of title 5, United States Code; and

9 (2) the appointment of whom shall be made
10 solely on the basis of fitness to perform the duties
11 of the position and without regard to political affili-
12 ation.

13 (d) STAFF.—Subject to such rules and regulations as
14 may be adopted by the Commission, the Executive Direc-
15 tor shall have the power to—

16 (1) appoint, fix the compensation of, and re-
17 move such other personnel as the Executive Director
18 determines to be necessary; and

19 (2) procure temporary and intermittent services
20 to the same extent as is authorized by section 3109
21 of title 5, United States Code.

22 (e) APPLICABILITY OF OTHER LAWS TO EMPLOY-
23 EES.—Except as otherwise provided in this Act, persons
24 in the employ of the Commission under subsections (c)

1 and (d)(1) shall be considered Federal employees for all
2 purposes.

3 (f) **MAXIMUM COMPENSATION OF EMPLOYEES.**—Any
4 individual in the employ of the Commission under sub-
5 section (d)(1) may not be paid at a rate of pay greater
6 than the highest rate of basic pay provided under the Gen-
7 eral Schedule under section 5332 of title 5, United States
8 Code.

9 **SEC. 8. APPLICATION OF THE FEDERAL ADVISORY COM-**
10 **MITTEE ACT.**

11 Section 14 of the Federal Advisory Committee Act
12 (5 U.S.C. App.) shall not apply to the Commission.

13 **SEC. 9. REIMBURSEMENT.**

14 Members of the Commission shall be entitled to reim-
15 bursement for travel, subsistence, and other necessary ex-
16 penses incurred by them in the performance of their duties
17 as members of the Commission.

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated \$2,250,000
20 for each fiscal year to carry out the provisions of this Act.

21 **SEC. 11. RECEIPT OF OTHER FUNDS.**

22 The Commission is authorized to receive funds
23 through grants, contracts, and contributions from govern-
24 mental agencies, foundations, and nonprofit organizations.

1 Such funds may be received and expended by the Commis-
2 sion only for the purposes of carrying out this Act.

3 **SEC. 12. REPEAL OF ADVISORY COMMISSION ON INTER-**
4 **GOVERNMENTAL RELATIONS.**

5 “An Act to establish an Advisory Commission on
6 Intergovernmental Relations”, approved September 24,
7 1959 (Public Law 86–380; 42 U.S.C. 4271 et seq.), is
8 repealed.