

116TH CONGRESS
1ST SESSION

H. R. 3883

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. CONNOLLY (for himself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

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.

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 “Restore the Partner-
5 ship Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a permanent, bipartisan commis-
8 sion to be known as the “Commission on Intergovern-

1 mental Relations of the United States” (in this Act re-
2 ferred to as the “Commission”).

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

4 In order to facilitate the fullest cooperation, coordina-
5 tion, and mutual accountability among all levels of govern-
6 ment and thus better serve the American people in an in-
7 creasingly complex society, it is essential that a commis-
8 sion be established to give continuing attention to fed-
9 eralism and intergovernmental issues. It is intended that
10 the Commission, in the performance of its duties, 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 on ways to improve the intergovernmental operations
6 of the White House and Federal agencies, including
7 their offices of intergovernmental affairs and use of
8 administrative waivers;

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

12 (8) 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 **SEC. 4. MEMBERSHIP.**

18 (a) NUMBER AND APPOINTMENT.—The Commission
19 shall be composed of 31 members, as follows:

20 (1) Six members appointed by the President of
21 the United States, 3 of whom shall be officers of the
22 executive branch of the government, and 3 of whom
23 shall be private citizens, each of whom, respectively,
24 shall have experience or familiarity with relations be-
25 tween the levels of government.

1 (2) Three members appointed by the majority
2 leader of the Senate, who shall be Members of the
3 Senate.

4 (3) Three members appointed by the Speaker of
5 the House of Representatives, who shall be Members
6 of the House.

7 (4) Four members appointed by the President
8 of the United States from a panel of at least 8 Gov-
9 ernors submitted by the National Governors Associa-
10 tion.

11 (5) Four members appointed by the President
12 of the United States from a panel of at least 8 mem-
13 bers of State legislative bodies submitted by the Na-
14 tional Conference of State Legislatures.

15 (6) Four members appointed by the President
16 of the United States from a panel of at least 8 may-
17 ors submitted jointly by the National League of Cit-
18 ies and the United States Conference of Mayors.

19 (7) Four members appointed by the President
20 of the United States from a panel of at least 8 elect-
21 ed county officers submitted by the National Asso-
22 ciation of Counties.

23 (8) One member appointed by the President of
24 the United States from a panel of at least 4 town
25 or township elected governing board members sub-

1 mitted by the National Association of Towns and
2 Townships.

3 (9) Two members appointed by the President of
4 the United States from a panel of at least 4 Tribal
5 officials submitted by the National Congress of
6 American Indians.

7 (b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—
8 The political and geographic composition of the Commis-
9 sion shall be as follows:

10 (1) The private-citizen members under para-
11 graph (1) of subsection (a) shall be appointed with-
12 out regard to political affiliation.

13 (2) Two of the appointees under paragraphs (2)
14 and (3) of subsection (a), respectively, shall be from
15 the majority party of the applicable house.

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

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

22 (5) At least 1 of the appointees under para-
23 graph (6) of subsection (a) shall be from cities with
24 a population of more than 500,000 and at least 1

1 of the appointees shall be from cities with a popu-
2 lation of less than 50,000.

3 (6) At least 1 of the appointees under para-
4 graph (7) of subsection (a) shall be from counties
5 with a population of more than 500,000 and at least
6 1 of the appointees shall be from counties with a
7 population of less than 50,000.

8 (7) The appointee under paragraph (8) of sub-
9 section (a) shall not be a member of the party of the
10 President.

11 (8) One of the appointees under paragraph (9)
12 of subsection (a) shall be a tribe engaged in class II
13 gaming or class III gaming, as such terms are de-
14 fined by section 4 of the Indian Gaming Regulatory
15 Act (25 U.S.C. 2703), respectively, and 1 shall be
16 a tribe that is not engaged in such gaming.

17 (c) INITIAL APPOINTMENTS.—Each initial appoint-
18 ment under subsection (a) shall be made not later than
19 60 days after the date of the enactment of this Act.

20 (d) TERMS.—

21 (1) IN GENERAL.—The term of office of each
22 member of the Commission shall be two years; mem-
23 bers shall be eligible for reappointment; and, except
24 as provided under paragraph (2), members shall
25 serve until their successors are appointed.

1 (2) TERMINATION OF SERVICE IN OFFICIAL PO-
2 SITION FROM WHICH ORIGINALLY APPOINTED.—
3 Where any member ceases to serve in the official po-
4 sition from which originally appointed under section
5 3(a), the place of the member on the Commission
6 shall be deemed to be vacant.

7 (3) VACANCIES IN MEMBERSHIP.—Any vacancy
8 in the membership of the Commission shall be filled
9 for the remainder of the vacant term in the same
10 manner in which the original appointment was
11 made; except that where the number of vacancies is
12 fewer than the number of members specified in
13 paragraphs (4), (5), (6), (7), and (8) of section 3(a),
14 each panel of names submitted in accordance with
15 the aforementioned paragraphs shall contain at least
16 2 names for each vacancy.

17 **SEC. 5. ORGANIZATION OF COMMISSION.**

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

22 (b) CHAIRMAN AND VICE CHAIRMAN.—The President
23 shall designate a Chairman and a Vice Chairman from
24 among the members of the Commission. The Commission

1 may subsequently establish a process for electing a Chair-
2 man and Vice Chairman.

3 (c) QUORUM.—Seventeen members of the Commis-
4 sion shall constitute a quorum, but 2 or more members,
5 representing more than 1 of the class of members de-
6 scribed in section 4(a), shall constitute a quorum for the
7 purpose of conducting hearings.

8 **SEC. 6. DUTIES OF COMMISSION.**

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

10 (1) engage in such activities and make such
11 studies, investigations, convenings, and communica-
12 tions as are necessary or desirable in the accomplish-
13 ment of the purposes set forth in section 3;

14 (2) consider, on its own initiative, mechanisms
15 for fostering better relations and more productive
16 partnerships between and among the levels of gov-
17 ernment;

18 (3) make available technical assistance to the
19 executive and legislative branches of the Federal
20 Government in the review of proposed legislation to
21 determine its overall effect on all levels of govern-
22 ment;

23 (4) recommend, within the framework of the
24 United States Constitution, the appropriate alloca-
25 tion of governmental functions, responsibilities, reve-

1 nues, and expenditures among the levels of govern-
2 ment;

3 (5) recommend ways to improve the manage-
4 ment, performance, and coordination of Federal
5 grant-in-aid and regulatory programs on State, Trib-
6 al, and local governments, including metrics to in-
7 form intergovernmental improvements; and

8 (6) recommend methods of coordinating and
9 simplifying tax laws and administrative policies and
10 practices to achieve a more orderly and less competi-
11 tive fiscal relationship between the levels of govern-
12 ment and to reduce the burden of compliance for
13 taxpayers.

14 (b) REPORTS.—

15 (1) ANNUAL REPORT.—Not later than 1 year
16 after the date of the enactment of this Act, and on
17 or before January 31 of each year thereafter, the
18 Commission shall submit a report to the President
19 and Congress that—

20 (A) identifies trends in federalism, emerg-
21 ing and persistent issues needing intergovern-
22 mental attention, data needs, and areas requir-
23 ing intergovernmental cooperation and coordi-
24 nation for better outcomes;

1 (B) summarizes any actions taken in ac-
2 cordance with the recommendations of the Com-
3 mission contained in any prior report, and the
4 results thereof;

5 (C) contains recommendations described in
6 subsection (a) made in the year preceding the
7 submission of the report;

8 (D) provide details on the activities, ad-
9 ministration, expenditures, and receipts of the
10 Commission; and

11 (E) communicate any other matters the
12 Commission deems important.

13 (2) ADDITIONAL REPORTS.—The Commission
14 may submit additional reports to the President, to
15 Congress or any committee of Congress, and to any
16 unit of government or organization as the Commis-
17 sion may deem appropriate.

18 (c) HEARINGS.—Congress shall hold hearings on any
19 recommendations of the Commission not later than 90
20 days after receiving a report described in subsection
21 (b)(1).

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

23 (a) HEARINGS AND SESSIONS.—The Commission or,
24 on the authorization of the Commission, any subcommittee
25 or members thereof, may, for the purpose of carrying out

1 the provisions of this Act, hold such hearings, take such
2 testimony, and sit and act at such times and places as
3 the Commission deems advisable. Any member authorized
4 by the Commission may administer oaths or affirmations
5 to witnesses appearing before the Commission or any sub-
6 committee or members thereof.

7 (b) COOPERATION BY EXECUTIVE AGENCIES.—

8 (1) REQUEST FOR INFORMATION.—Each de-
9 partment, agency, and instrumentality of the execu-
10 tive branch of the government, including each inde-
11 pendent agency, is authorized and directed, con-
12 sistent with law, to furnish to the Commission, upon
13 request made by the Chairman or Vice Chairman,
14 such information as the Commission deems nec-
15 essary to carry out its functions under this Act.

16 (2) RECOMMENDATIONS.—The Commission
17 shall furnish to any department, agency, or instru-
18 mentality of the executive branch, including inde-
19 pendent agencies, any recommendations directed to-
20 ward said department, agency, or instrumentality,
21 and said department, agency, or instrumentality
22 shall furnish the Commission within 90 days a writ-
23 ten response that shall be included in any publica-
24 tion of the Commission's recommendations.

1 (c) EXECUTIVE DIRECTOR.—The Commission shall
2 have power to appoint and remove an Executive Director.
3 The Executive Director shall be paid at the rate of basic
4 pay for level III of the Executive Schedule (section 5314
5 of title 5, United States Code). Such appointment shall
6 be made solely on the basis of fitness to perform the duties
7 of the position and without regard to political affiliation.

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

11 (1) appoint, fix the compensation of, and re-
12 move such other personnel as he or she deems nec-
13 essary; and

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

17 (e) APPLICABILITY OF OTHER LAWS TO EMPLOY-
18 EES.—Except as otherwise provided in this Act, persons
19 in the employ of the Commission under subsections (c)
20 and (d)(1) shall be considered Federal employees for all
21 purposes.

22 (f) MAXIMUM COMPENSATION OF EMPLOYEES.—Any
23 individual in the employ of the Commission under sub-
24 section (d)(1) may not be paid at a rate of pay greater
25 than the highest rate of basic pay provided under the Gen-

1 eral Schedule (section 5332 of title 5, United States
2 Code).

3 **SEC. 8. APPLICATION OF THE FEDERAL ADVISORY COM-**
4 **MITTEE ACT.**

5 Section 3(2) of the Federal Advisory Committee Act
6 (5 U.S.C. App) is amended in the matter following sub-
7 paragraph (C) by—

8 (1) striking “and” before “(ii)”; and

9 (2) striking “Administration” and inserting
10 “Administration, and (iii) the Commission on Inter-
11 governmental Relations of the United States”.

12 **SEC. 9. REIMBURSEMENT.**

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

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as may be necessary to carry out the provisions of this
20 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 AFFAIRS.**

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

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