116TH CONGRESS  
1ST SESSION  

H. R.   

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

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on ____________________________

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 Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Restore the Partnership Act”.
SEC. 2. ESTABLISHMENT.

There is established a permanent, bipartisan commission to be known as the “Commission on Intergovernmental Relations of the United States” (in this Act referred to as the “Commission”).

SEC. 3. DECLARATION OF PURPOSE.

In order to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of government and thus better serve the American people in an increasingly complex society, it is essential that a commission be established to give continuing attention to federalism and intergovernmental issues. It is intended that the Commission, in the performance of its duties, will—

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

(2) provide a forum for discussing ways to improve the administration and coordination of Federal grant-in-aid, regulatory, tax, and other programs requiring intergovernmental cooperation, and to give State, Tribal, and local governments more flexibility and discretion in implementing federal policies and programs;

(3) give critical attention to the conditions, controls, and oversight involved in the administration of such Federal programs;
(4) share lessons and best practices with Federal, State, Tribal, and local governments;

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

(6) advise the executive and legislative branches on ways to improve the intergovernmental operations of the White House and federal agencies, including their offices of intergovernmental affairs and use of administrative waivers;

(7) identify the intergovernmental impacts of rulings by the United States Supreme Court on Federal, State, Tribal, and local governments; and

(8) recommend, within the framework of the United States Constitution, the appropriate allocation of governmental functions, responsibilities, revenues, and expenditures among the levels of government.

SEC. 4. MEMBERSHIP.

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

(1) 6 members appointed by the President of the United States, 3 of whom shall be officers of the executive branch of the government, and 3 of whom shall be private citizens, each of whom, respectively,
shall have experience or familiarity with relations be-
tween the levels of government.

(2) 3 members appointed by the Majority Leader
of the Senate, who shall be Members of the Sen-
ate.

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

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

(5) 4 members appointed by the President of
the United States from a panel of at least 8 mem-
ers of State legislative bodies submitted by the Na-
tional Conference of State Legislatures.

(6) 4 members appointed by the President of
the United States from a panel of at least 8 mayors
submitted jointly by the National League of Cities
and the United States Conference of Mayors.

(7) 4 members appointed by the President of
the United States from a panel of at least 8 elected
county officers submitted by the National Associa-
tion of Counties.
(8) 1 members appointed by the President of the United States from a panel of at least 4 town or township elected governing board members submitted by the National Association of Towns and Townships.

(9) 2 members appointed by the President of the United States from a panel of at least 4 Tribal officials submitted by the National Congress of American Indians.

(b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—

The political and geographic composition of the Commission shall be as follows:

(1) The private-citizen members under paragraph (1) of subsection (a) shall be appointed without regard to political affiliation.

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

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

(4) Not more than 1 of the appointees under paragraphs (5), (6), (7), and (9) of subsection (a), respectively, shall be from any 1 State.
(5) At least 1 of the appointees under paragraph (6) of subsection (a) shall be from cities with a population of more than 500,000 and at least 1 of the appointees shall be from cities with a population of less than 50,000.

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

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

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

(e) INITIAL APPOINTMENTS.—Each initial appointment under subsection (a) shall be made not later than 60 days after the date of the enactment of this Act.

(d) TERMS.—

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

(2) TERMINATION OF SERVICE IN OFFICIAL PO-
SITION FROM WHICH ORIGINALLY APPOINTED.—
Where any member ceases to serve in the official po-

tsion from which originally appointed under section
3(a), the place of the member on the Commission
shall be deemed to be vacant.

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

SEC. 5. ORGANIZATION OF COMMISSION.

(a) INITIAL MEETING.—The President shall convene
the Commission not later than 90 days after the date of
enactment of this Act at such time and place as the Presi-
dent may designate.
(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate a Chairman and a Vice Chairman from among the members of the Commission. The Commission may subsequently establish a process for electing a Chairman and Vice Chairman.

c) QUORUM.—17 members of the Commission shall constitute a quorum, but 2 or more members, representing more than 1 of the class of members described in section 4(a), shall constitute a quorum for the purpose of conducting hearings.

SEC. 6. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) engage in such activities and make such studies, investigations, convenings, and communications as are necessary or desirable in the accomplishment of the purposes set forth in section 3;

(2) consider, on its own initiative, mechanisms for fostering better relations and more productive partnerships between and among the levels of government;

(3) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on all levels of government;
(4) recommend, within the framework of the United States Constitution, the appropriate allocation of governmental functions, responsibilities, revenues, and expenditures among the levels of government;

(5) recommend ways to improve the management, performance, and coordination of federal grant-in-aid and regulatory programs on State, Tribal, and local governments, including metrics to inform intergovernmental improvements;

(6) recommend methods of coordinating and simplifying tax laws and administrative policies and practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers; and

(b) REPORTS.—

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

(A) identifies trends in federalism, emerging and persistent issues needing intergovernmental attention, data needs, and areas requir-
ing intergovernmental cooperation and coordination for better outcomes;

(B) summarizes any actions taken in accordance with the recommendations of the Commission contained in any prior report, and the results thereof;

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

(D) provide details on the activities, administration, expenditures, and receipts of the Commission; and

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

(2) ADDITIONAL REPORTS.—The Commission may submit additional reports to the President, to Congress or any committee of Congress, and to any unit of government or organization as the Commission may deem appropriate.

c) HEARINGS.—Congress shall hold hearings on any recommendations of the Commission not later than 90 days after receiving a report described in subsection (b)(1).
SEC. 7. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(b) COOPERATION BY EXECUTIVE AGENCIES.—

(1) REQUEST FOR INFORMATION.—Each department, agency, and instrumentality of the executive branch of the government, including each independent agency, is authorized and directed, consistent with law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(2) RECOMMENDATIONS.—The Commission shall furnish to any department, agency, or instrumentality of the executive branch, including independent agencies, any recommendations directed toward said department, agency, or instrumentality, and said department, agency, or instrumentality shall furnish the Commission within 90 days a writ-
ten response that shall be included in any publication of the Commission’s recommendations.

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

(d) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Executive Director shall have the power to—

(1) appoint, fix the compensation of, and remove such other personnel as he or she deems necessary; and

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

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

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

SEC. 8. APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.

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

(1) striking “and” before “(ii)”; and

(2) striking “Administration” and inserting “Administration, and (iii) the Commission on Intergovernmental Relations of the United States”.

SEC. 9. REIMBURSEMENT.

Members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 11. RECEIPT OF OTHER FUNDS.

The Commission is authorized to receive funds through grants, contracts, and contributions from govern-
mental agencies, foundations, and nonprofit organizations. Such funds may be received and expended by the Commission only for the purposes of carrying out this Act.

SEC. 12. REPEAL OF ADVISORY COMMISSION ON INTERGOVERNMENTAL AFFAIRS.