

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3883  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Restore the Partner-  
3 ship Act”.

**4 SEC. 2. ESTABLISHMENT.**

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

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

10       To facilitate the fullest cooperation, coordination, and  
11 mutual accountability among all levels of government and  
12 thus better serve the American people in an increasingly  
13 complex society, it is essential that a commission be estab-  
14 lished to give continuing attention to federalism and inter-  
15 governmental issues. It is intended that the Commission,  
16 in the performance of its duties, will—

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

4           (2) provide a forum for discussing ways to im-  
5           prove the administration and coordination of Federal  
6           grant-in-aid, regulatory, tax, and other programs re-  
7           quiring intergovernmental cooperation, and to give  
8           State, Tribal, and local governments more flexibility  
9           and discretion in implementing Federal policies and  
10          programs;

11          (3) give critical attention to the conditions, con-  
12          trols, and oversight involved in the administration of  
13          such Federal programs;

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

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

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

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

4           (8) recommend, within the framework of the  
5           United States Constitution, the appropriate alloca-  
6           tion of governmental functions, responsibilities, reve-  
7           nues, and expenditures among the levels of govern-  
8           ment.

9   **SEC. 4. MEMBERSHIP.**

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

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

18               (2) Three members appointed by the majority  
19               leader of the Senate, who shall be Members of the  
20               Senate.

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

24               (4) Four members appointed by the President  
25               of the United States from a panel of at least 8 Gov-

1 errors submitted by the National Governors Associa-  
2 tion.

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

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

11 (7) Four members appointed by the President  
12 of the United States from a panel of at least 8 elect-  
13 ed county officers submitted by the National Asso-  
14 ciation of Counties.

15 (8) One member appointed by the President of  
16 the United States from a panel of at least 4 town  
17 or township elected governing board members sub-  
18 mitted by the National Association of Towns and  
19 Townships.

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

1 (b) POLITICAL AND GEOGRAPHICAL COMPOSITION.—

2 The political and geographic composition of the Commis-  
3 sion shall be as follows:

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

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

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

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

16 (5) At least 1 of the appointees under para-  
17 graph (6) of subsection (a) shall be from cities with  
18 a population of more than 500,000 and at least 1  
19 of the appointees shall be from cities with a popu-  
20 lation of less than 50,000.

21 (6) At least 1 of the appointees under para-  
22 graph (7) of subsection (a) shall be from counties  
23 with a population of more than 500,000 and at least  
24 1 of the appointees shall be from counties with a  
25 population of less than 50,000.

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

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

10          (c) INITIAL APPOINTMENTS.—Each initial appoint-  
11          ment under subsection (a) shall be made not later than  
12          60 days after the date of the enactment of this Act.

13          (d) TERMS.—

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

19                (2) TERMINATION OF SERVICE IN OFFICIAL PO-  
20                SITION FROM WHICH ORIGINALLY APPOINTED.—  
21                Where any member ceases to serve in the official po-  
22                sition from which originally appointed under section  
23                3(a), the place of the member on the Commission  
24                shall be deemed to be vacant.

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

11 **SEC. 5. ORGANIZATION OF COMMISSION.**

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

16          (b) CHAIRMAN AND VICE CHAIRMAN.—The President  
17          shall designate a Chairman and a Vice Chairman from  
18          among the members of the Commission. The Commission  
19          may subsequently establish a process for electing a Chair-  
20          man and Vice Chairman.

21          (c) QUORUM.—Seventeen members of the Commis-  
22          sion shall constitute a quorum, but 2 or more members,  
23          representing more than 1 of the class of members de-  
24          scribed in section 4(a), shall constitute a quorum for the  
25          purpose of conducting hearings.

1 **SEC. 6. DUTIES OF COMMISSION.**

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

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

7 (2) consider, on its own initiative, mechanisms  
8 for fostering better relations and more productive  
9 partnerships between and among the levels of gov-  
10 ernment;

11 (3) make available technical assistance to the  
12 executive and legislative branches of the Federal  
13 Government in the review of proposed legislation to  
14 determine its overall effect on all levels of govern-  
15 ment;

16 (4) recommend, within the framework of the  
17 United States Constitution, the appropriate alloca-  
18 tion of governmental functions, responsibilities, reve-  
19 nues, and expenditures among the levels of govern-  
20 ment;

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



1           (6) recommend methods of coordinating and  
2           simplifying tax laws and administrative policies and  
3           practices to achieve a more orderly and less competi-  
4           tive fiscal relationship between the levels of govern-  
5           ment and to reduce the burden of compliance for  
6           taxpayers.

7           (b) REPORTS.—

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

13                (A) identifies trends in federalism, emerg-  
14                ing and persistent issues needing intergovern-  
15                mental attention, data needs, and areas requir-  
16                ing intergovernmental cooperation and coordi-  
17                nation for better outcomes;

18                (B) summarizes any actions taken in ac-  
19                cordance with the recommendations of the Com-  
20                mission contained in any prior report, and the  
21                results thereof;

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

1 (D) provide details on the activities, ad-  
2 ministration, expenditures, and receipts of the  
3 Commission; and

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

6 (2) **ADDITIONAL REPORTS.**—The Commission  
7 may submit additional reports to the President, to  
8 Congress or any committee of Congress, and to any  
9 unit of government or organization as the Commis-  
10 sion may deem appropriate.

11 (c) **HEARINGS.**—Congress shall hold hearings on any  
12 recommendations of the Commission not later than 90  
13 days after receiving a report described in subsection  
14 (b)(1).

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

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

25 (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 government, including each inde-  
4           pendent agency, is authorized and directed, con-  
5           sistent with law, to furnish to the Commission, upon  
6           request made by the Chairman or Vice Chairman,  
7           such information as the Commission deems nec-  
8           essary to carry out its functions under this Act.

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

17          (3) RECOMMENDATIONS.—The Commission  
18          shall furnish to any department, agency, or instru-  
19          mentality of the executive branch, including any  
20          independent agency, any recommendations directed  
21          toward said department, agency, or instrumentality,  
22          and said department, agency, or instrumentality  
23          shall furnish the Commission within 90 days a writ-  
24          ten response that shall be included in any publica-  
25          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 the Executive Director  
13                 deems necessary; 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 14 of the Federal Advisory Committee Act  
6 (5 U.S.C. App.) shall not apply to the Commission.

7 **SEC. 9. REIMBURSEMENT.**

8 Members of the Commission shall be entitled to reim-  
9 bursement for travel, subsistence, and other necessary ex-  
10 penses incurred by them in the performance of their duties  
11 as members of the Commission.

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated \$2,250,000  
14 for each fiscal year to carry out this Act.

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

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

21 **SEC. 12. REPEAL OF ADVISORY COMMISSION ON INTER-**  
22 **GOVERNMENTAL RELATIONS.**

23 “An Act to establish an Advisory Commission on  
24 Intergovernmental Relations”, approved September 24,

1 1959 (Public Law 86–380; 42 U.S.C. 4271 et seq.), is  
2 repealed.

