

Public Law 101-363
101st Congress

An Act

Aug. 14, 1990

[H.R. 4872]

National
Advisory
Council on the
Public Service
Act of 1990.
5 USC 3301 note.

To establish the National Advisory Council on the Public Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Advisory Council on the Public Service Act of 1990".

5 USC 3301 note. SEC. 2. FINDINGS.

The Congress finds that—

(1) recognition of the services rendered by Federal employees (hereinafter in this Act referred to as "national public service") should be accorded a high and continuing place on the national agenda;

(2) the National Commission on the Public Service, through its good works, has documented the need for greater advocacy on behalf of those performing national public service;

(3) although public service is an honorable profession, members of the public do not always perceive it favorably;

(4) serious obstacles often hinder the Government's efforts to recruit and retain the best and the brightest for national public service;

(5) just as the public has a right to expect Federal employees to adhere to the highest standards of excellence and ethicality, so Federal employees have a right to expect an atmosphere of trust and respect, and a sense of accomplishment from their work; and

(6) an advisory council is needed to provide the President and the Congress with bipartisan, objective assessments of, and recommendations concerning, the Federal workforce.

5 USC 3301 note. SEC. 3. ESTABLISHMENT.

There shall be established a council to be known as the National Advisory Council on the Public Service (hereinafter in this Act referred to as the "Council").

5 USC 3301 note. SEC. 4. FUNCTIONS.

The Council shall—

(1) regularly assess the state of the Federal workforce;

(2) in conjunction with the President, the Congress, and the Judiciary, seek to attract individuals of the highest caliber to careers involving national public service, and encourage them and others of similar distinction who are already part of the Federal workforce to make a continuing commitment to national public service;

(3) promote better public understanding of the role of Federal employees in implementing Government programs and policies,

and otherwise seek to improve the public perception of Federal employees;

(4) encourage efforts to build student interest in performing national public service (whether those efforts are undertaken at the community level, in the classroom, or otherwise); and

(5) develop methods for improving motivation and excellence among Federal employees.

SEC. 5. MEMBERSHIP.

5 USC 3301 note.

(a) **NUMBER AND APPOINTMENT.**—The Council shall be composed of 15 members as follows:

(1) 2 Members of the Senate, 1 of whom shall be appointed by the majority leader of the Senate and the other of whom shall be appointed by the minority leader of the Senate.

(2) 2 Members of the House of Representatives, 1 of whom shall be appointed by the Speaker of the House of Representatives and the other of whom shall be appointed by the minority leader of the House of Representatives.

(3) The Director of the Administrative Office of the United States Courts (or his delegate).

(4) 10 individuals appointed by the President—

President of U.S.

(A) 4 of whom shall be chosen from among officers serving in the executive branch;

(B) 1 of whom shall be chosen from among career employees in the civil service;

(C) 1 of whom shall be a Federal employee who is a member of a labor organization (as defined by section 7103(a)(4) of title 5, United States Code); and

(D) 4 of whom shall be chosen from among members of the public who do not hold any Government office or position.

(b) **CONTINUATION OF MEMBERSHIP.**—If any member of the Council whose appointment is based on that individual's holding a Government office or position leaves such office or position, or if any member of the Council under subsection (a)(4)(D) is appointed or elected to a Government office or position, that individual may continue to serve as such a member for not longer than the 90-day period beginning on the date of leaving that office or position, or entering into that office or position, as the case may be.

(c) **TERMS.**—Members of the Council shall be appointed for the life of the Council.

(d) **VACANCIES.**—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(e) **COMPENSATION.**—(1) Members of the Council shall not be entitled to pay (or, in the case of members holding any Government office or position, pay in addition to any to which they are otherwise entitled for service in such office or position) by virtue of membership on the Council.

(2) While serving away from their homes or regular places of business in the performance of duties for the Council, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(f) **QUORUM.**—Eight members of the Council shall constitute a quorum.

President of U.S. (g) **CHAIRMAN.**—The Chairman of the Council shall be designated by the President from among the members appointed under subsection (a)(4)(D).

(h) **MEETINGS.**—The Council shall meet at the call of the Chairman or a majority of its members, and shall meet on at least a quarterly basis.

5 USC 3301 note. **SEC. 6. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**

(a) **DIRECTOR.**—With the approval of the Council, the Chairman may appoint a Director and fix the pay of such Director at a rate not to exceed the rate for level IV of the Executive Schedule. The Director shall be a person who, by reason of demonstrated ability in the area of management, government, or public administration, is especially well qualified to serve.

(b) **STAFF.**—With the approval of the Chairman, the Director may appoint and fix the pay of such personnel as may be necessary to carry out the functions of the Council. The staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) **EXPERTS AND CONSULTANTS.**—The Council may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate payable under the General Schedule.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Chairman, the head of a Federal agency may detail, on a reimbursable or nonreimbursable basis, any personnel of such agency to the Council to assist the Council in carrying out its functions under this Act.

5 USC 3301 note. **SEC. 7. POWERS.**

(a) **MAILS.**—The Council may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(b) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(c) **OFFICIAL DATA.**—The Council may secure directly from any Federal agency information necessary to carry out its functions under this Act. Each such agency is authorized and directed to furnish, to the extent permitted by law, any information requested by the Council.

(d) **GIFTS.**—The Council—

(1) may accept money and other property donated, bequeathed, or devised to the Council without condition or restriction (other than that it be used to carry out the work of the Council); and

(2) may use, sell, or otherwise dispose of any such property to carry out its functions under this Act, except that, upon the termination of the Council, any such property shall be disposed of in accordance with applicable provisions of law governing the disposal of Federal property.

SEC. 8. REPORTS.

5 USC 3301 note.

The Council shall transmit to the President and each House of the Congress—

(1) within 1 and 2 years, respectively, after the date on which the Council first meets, reports containing its preliminary findings and recommendations; and

(2) within 3 years after the date on which the Council first meets, a final report containing a detailed statement of the findings and conclusions of the Council, together with its recommendations for such legislation or administrative actions as it considers appropriate.

SEC. 9. COMMENCEMENT; TERMINATION.

5 USC 3301 note.

(a) **COMMENCEMENT.**—Appointments under section 5 shall be made, and the Council shall first meet, within 90 days after the date of the enactment of this Act.

(b) **TERMINATION.**—The Council shall cease to exist upon transmitting its final report under section 8(2).

SEC. 10. AUTHORIZATION.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 14, 1990.

LEGISLATIVE HISTORY—H.R. 4872:

HOUSE REPORTS: No. 101-551 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 136 (1990):

June 25, considered and passed House.
July 27, considered and passed Senate.