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OF REINVENTING GOVERNMENT FROM THE
CLINTON ADMINISTRATION TO STATE AND
LOCAL GOVERNMENTS**

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NATIONAL PERFORMANCE REVIEW: THE IMPACT OF REINVENTING GOVERNMENT FROM THE CLINTON ADMINISTRATION TO STATE AND LOCAL GOVERNMENTS

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NATIONAL PERFORMANCE REVIEW: A RENEWED COMMITMENT TO STRENGTHENING THE INTERGOVERNMENTAL PARTNERSHIP

Patricia E. Salkin [FNa]

I. Introduction

ON SEPTEMBER 7, 1993, after six months of study, Vice President Al Gore forwarded to President Bill Clinton the report of the National Performance Review, *From Red Tape to Results: Creating a Government that Works Better & Costs Less*. This study, which began in March of 1993, was different from previous efforts, because the study and recommendations (roughly 400) were completed by government employees, not just by outside consultants. [FN1] The fact that the Vice President was selected to lead the charge, provided immediate attention and enhanced importance to this effort. [FN2] An accompanying report ("accompanying report") specifically addressing intergovernmental service delivery is cited in the main report, but, as of the middle of December 1993, had not yet been released in final form. [FN3]

The President's interest in redesigning government should come as no surprise to those that have watched the governors of our states take hold of the idea in the 1980s. [FN4] Perhaps as a result of the Administration's involvement with the state "reinventing government movement," [FN5] state and local programs implemented as part of this effort were visited during the course of the national study, and state and local leaders were among those consulted. [FN6] Throughout the report are recommendations specific to individual federal agencies, as well as a number of recommendations which generally affect governmental systems. [FN7] Although the bulk of the report and recommendations may seem to focus on the federal government, a significant number of recommendations would reinvent intergovernmental relations. In fact, one columnist wrote, "the report provides state and local governments with their best opportunity in a generation to reform the way Washington handles, mishandles, funds and regulates them." [FN8] This article is limited to discussing those items which impact the state and local agendas.

II. The Intergovernmental Agenda

The National Performance Review (NPR) recognizes that just as the management norm in private industry is no longer top heavy, centralized and hierarchical bureaucracies, the federal government too must change the way it does business to operate more efficiently. [FN9] Further, recognizing that the intergovernmental process has been paralyzed and must be corrected, the NPR has offered the President a series of recommendations relating to improvement of the delivery of grant programs and regulatory relief, elimination of unnecessary paperwork, local control over public housing programs, reduction of unfunded mandates, and strengthening of the intergovernmental partnership. [FN10] In the draft accompanying report, the President has been urged to convene a summit on federalism, "to review, refine, and advance the intergovernmental recommendations of the National Performance Review." [FN11] This is an ambitious agenda, albeit long overdue, and it will require not only aggressive implementation but periodic reassessment to make certain that the reforms initiated are successful in actually addressing the concerns identified.

III. Redesigning a System of Federal Grants

The federal government provides states and localities with roughly \$226 billion, or 16 percent of the funds spent by these governments to carry out the federal domestic agenda. [FN12] With approximately 80,000 governments providing varied services to the citizen taxpayers, the NPR correctly recognizes that for the public to be satisfied, the

intergovernmental framework must be addressed. [\[FN13\]](#) Strict regulations governing the manner in which state and local governments can spend federal funds for myriad programs do not foster a partnership between governments, since all levels are not treated as equal partners in the quest to deliver basic domestic programs. [\[FN14\]](#) In fact, the report admitted that taken together, these programs often work against the purposes for which they were created, since the bureaucracy administering the regulations governing the programs often wind up siphoning money which was intended to benefit those in need. [\[FN15\]](#) The NPR recommends the improvement of grant administration through both "bottom-up" and "top-down" initiatives. [\[FN16\]](#)

The NPR calls for a consolidation of categorical grants into flexible grants, increased flexibility for state and local governments with respect to using the unconsolidated grants, agency authority to waive rules and regulations when they conflict with results, and deregulation of the public housing program. [\[FN17\]](#)

The ability of states and localities to tailor federally funded service programs could greatly enhance the delivery of services while providing maximum use of the available federal dollars. This increased flexibility would further serve as an incentive and challenge to communities by allowing for optimal creativity. Furthermore, by relaxing rigid standards and guidelines which are often, in practice, frustrating and impractical, more people with different skills may be attracted to the public sector workforce.

IV. Strengthening the Partnership

The accompanying report begins with a recognition of the importance of the federal Advisory Commission on Intergovernmental Relations (ACIR), and acknowledges that this agency's loss of clout over recent years has sent a negative signal from Washington to state and local governments. [\[FN18\]](#) The report urges the continued existence of the ACIR, and redefinition of its mission to focus more clearly on performance measurement, [\[FN19\]](#) long-term improvements in intergovernmental grant-making and regulation, [\[FN20\]](#) and assessing intergovernmental fiscal impacts. [\[FN21\]](#) In fact, ACIR staff did work with the NPR, and submitted for the NPR's consideration, recommendations from ACIR reports issued during the past thirty-four years. [\[FN22\]](#)

To accomplish these tasks, the NPR recommends that ACIR be encouraged to establish task forces allowing for enhanced input from representatives at all levels of government. [\[FN23\]](#) The report further recommends the recruitment of a strong ACIR staff who would work closely with the Community Enterprise Board. [\[FN24\]](#) President Clinton has already begun to shape the ACIR to carry out these goals. [\[FN25\]](#)

Although to date, members of the ACIR have not yet formally responded to the recommendations contained in the NPR, [\[FN26\]](#) the ACIR has, in the past, identified most of the intergovernmental issues raised in the NPR report, and therefore it would seem as though the Commission would support the report. There are, however, several instances where recommended actions differ from both organizations, but these differing means are designed to meet the same ends. [\[FN27\]](#)

V. Cutting Through the Red Tape

In an effort to cut through the bureaucratic red tape, the NPR recommends deregulating state and local governments "to empower them to spend more time meeting customer needs--particularly with their 600 federal grant programs--and less time jumping through bureaucratic red tape." [\[FN28\]](#) To this end, the report recommends a shift from holding these programs accountable for process, and instead focusing on the result. [\[FN29\]](#) This performance-based, customer-driven philosophy calls for a cross-agency approach, in that it recognizes that the problems lie not just with one agency, but rather with the system as a whole, and to solve it, all participants must work cooperatively. Furthermore, the NPR recognizes that none of these service delivery goals can be achieved without a new approach to the intergovernmental partnership. [\[FN30\]](#)

A cabinet-level Community Enterprise Board ("Board") was recommended which would be

charged with overseeing new initiatives in community empowerment. [\[FN31\]](#) President Clinton did not pause to study this recommendation, as two days later he issued an Executive Memorandum establishing the Board [\[FN32\]](#) and directing it to "advise and assist ... in coordinating ... the various Federal programs available ... and in developing further policies related to the successful implementation of ... community empowerment efforts." [\[FN33\]](#) The President further directed the Board to, among other things: assist with the implementation of the Administration's empowerment zones legislation, [\[FN34\]](#) to review existing federal programs and recommend ways to make them more effective for distressed communities, identify legislative mandates which may impede the ability of state, local, and tribal governments to deliver programs and make recommendations with respect thereto, and share with other Board members decisions regarding requested exemptions by state and local governments from regulatory mandates. [\[FN35\]](#) The establishment of this Board is good news for state and local governments. It gives heightened attention, visibility, and importance to the fact that things do not work the same in Washington, D.C., as they do in Montana or in New York City. This recognition by the Clinton Administration is the first step toward the promise of positive reform and a strengthening of the intergovernmental partnership. The effectiveness of this approach will need to stand the test of time.

VI. Mandate Relief

In 1993, a number of national municipal associations spearheaded a campaign to reduce the number of unfunded federal mandates on local governments. [\[FN36\]](#) The NPR also calls for a decrease in the number of unfunded mandates. Once again, the President took swift action and one month later issued an executive order directing agencies and departments to reduce the number of unfunded mandates upon state, local and tribal governments; streamline the application process for, and increase the number of waivers from, mandates; and establish regular and meaningful communication between all levels of government with respect to the regulatory environment. [\[FN37\]](#) The executive order is to take effect in January 1994 (ninety days after the date of the order). At the end of September, the President, also through executive order, established a Regulatory Working Group to identify legislative mandates, including unfunded mandates, which may be appropriate for reconsideration by Congress. [\[FN38\]](#)

The President recognized that state and local governments should "have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal government." He prohibited agencies and departments from imposing unnecessary unfunded mandates to the extent feasible and permitted by law, unless the agency forwards a statement to the Office of Management and Budget supporting the need for the mandate, along with a description of prior consultation with representatives of the effected governments and the nature of their concerns. [\[FN39\]](#) Further, the order calls upon each agency to develop a process for meaningful and timely input by state and local representatives into the development of regulatory proposals which contain significant unfunded mandates. [\[FN40\]](#)

Emphasis by the Administration on reducing the number of unfunded mandates on state and local governments would certainly have a positive fiscal impact on these governments. Furthermore, this demonstrated executive leadership may enhance at least one congressional proposal, the Fiscal Accountability and Intergovernmental Reform Act (FAIR Act), which is designed to require both Congress and federal agencies to analyze the costs of proposed legislation and regulations on state and local governments. [\[FN41\]](#) To achieve these goals, the legislative proposal requires reports to accompany legislation which detail the effects of new requirements with respect to the funds necessary at the state and local levels to comply with the mandate, as well as resources needed by private businesses to comply. [\[FN42\]](#) Furthermore, the report must contain an analysis of the effects of the proposal upon economic growth and competitiveness. [\[FN43\]](#) Theoretically, if the federal government gets its act together, and designs an

environment which fosters innovation, an entrepreneurial spirit, and one committed to producing better government for less money, [FN44] then state and local governments stand to gain from a system which has fewer unnecessary mandates for paperwork and other expenditures, federal programs which operate more effectively at the state and local levels, and the availability of additional federal dollars to enhance state and local programs.

VII. Other Recommendations to Strengthen the Partnership

The Report's other recommendations under the heading of strengthening the partnership: simplifying the reimbursement procedures for administrative costs of federal grant disbursement, [FN45] eliminating needless paperwork, [FN46] and modifying the common grant rules on small purchases. [FN47] These can all be achieved through the executive branch and the Office of Management and Budget without congressional action. Although these recommendations have not yet been implemented, it is anticipated that they will be considered in the near future. [FN48]

VIII. Can We Achieve Reform Through the NPR?

The NPR is critical of the design and operation of the federal government. The report points out that "the federal government is filled with good people trapped in bad systems ..." [FN49] and that "the problem is ... red tape and regulation so suffocating that they stifle every ounce of creativity." [FN50] Employees have been forced to "fill out forms that should never have been created, follow rules that should never have been imposed, and prepare reports that serve no useful purpose...." [FN51] Although other attempts have focused on less government, [FN52] the NPR emphasizes making government work better while also making it cost less. This has led one critic to comment that this attempt to reform the government is simply a way to expand the government. [FN53] While critics have been quick to point to shortcomings in the report, [FN54] it has already garnered significant interest in Congress, as evidenced by the foregoing discussion on legislation which has been introduced, and the formation of a bipartisan task force on reinventing government. [FN55] A number of people, however, are quick to point out that change, which amounts to a complete make-over, will not be easy to achieve, and certainly will not happen overnight. [FN56] In fact, even the Vice President has estimated that it could take between eight and ten years to put the reinventing government plan into full swing. [FN57] However, the Vice President emphasized that the efforts of the entire Administration to implement the recommended changes should not be underestimated. [FN58] Upon release of the report, the President pronounced that, "where it says the President should, the President will." [FN59]

IX. Other National Efforts to Reinvent Government

The National Performance Review has not been the only game in town. In July 1993 the National Commission on the State and Local Public Service, known as the Winter Commission, [FN60] issued its first report entitled Hard Truths/Tough Choices: An Agenda for State and Local Reform. Unlike the National Performance Review which was initiated by the Administration, the Winter Commission is a bipartisan group of public officials, academics, and representatives of the nonprofit and private sectors assembled by the Nelson A. Rockefeller Institute of Government upon its own initiative. Although the effort continues to run independent from the government, in June 1993, the Winter Commission presented its report to President Clinton at the White House. [FN61] A guide published by the Brookings Institute in 1993 [FN62] contains a number of recommendations for improving government performance, including the following which impact on intergovernmental relationships: cabinet secretaries should, where consistent with administration and law, grant waivers to all state and local governments to experiment with innovative programs; the director of the ACIR should be appointed by

the President to the Domestic Policy Council; and the appointment of a special commission to prepare a plan for consolidating agency field offices across the country. [\[FN63\]](#)

Finally, the Congressional Joint Committee on the Organization of Congress is expected to release its report and recommendations for congressional reform in the near future.

[\[FN64\]](#) The differences and similarities between the NPR recommendations and those of the Joint Committee will need to be examined to better determine how quickly and effectively some of the intergovernmental reforms will take place. [\[FN65\]](#)

X. Where Do We Go from Here?

The Administration's apparent commitment to redesigning the operation of government could have a significant positive impact on the future of intergovernmental relations. It is still too soon to draw concrete conclusions about the cumulative social impact of all of the report's recommendations on state and local governments. For example, the closure of regional offices and the downsizing of the federal government will raise the unemployment rate in a number of locations.

Even if some of the recommendations which would make it easier for states and localities to do business fail to garner sufficient congressional support for implementation at the federal level, a number of them may serve as catalysts for state and local governments to examine the way in which they do business. Although some recommendations which will positively impact upon intergovernmental affairs have been implemented by executive order, and the clear support for the continuation and enhancement of the ACIR is a strong indicator of importance of and sensitivity to the intergovernmental agenda, to truly succeed, greater support and involvement of the national municipal associations and other groups whose purpose is to promote the state and local government agenda is needed. [\[FN66\]](#)

The fact that the report has spurred a number of congressional initiatives designed to assist state and local governments in a variety of ways, combined with the commitment of the Clinton Administration as demonstrated through executive orders, and cabinet member appearances before Congress to testify on behalf of implementing the NPR's recommendations, also sends a strong signal that reinventing government is one campaign promise the President and those who were elected on the reform platform intend to keep. All in Congress, however, are not so optimistic about the NPR's potential, [\[FN67\]](#) though many are willing to give it a chance. [\[FN68\]](#)

The Clinton Administration's work with the NPR, and the commissions and councils which emerge to implement recommended strategies, has promise for a renewed federal commitment to the intergovernmental partnership beyond lip service. While state and local governments continue to pursue the idea of reinventing their own government, any positive impacts which can trickle down from the federal government would certainly be a welcome assistance and a move in the right direction.

[\[FN9\]](#). Director of the Government Law Center at Albany Law School; J.D., Albany Law School, 1988; B.A., State University of New York at Albany, 1985.

[\[FN1\]](#). National Performance Review, *From Red Tape to Results: Creating a Government that Works Better & Costs Less*, Sept. 7, 1993, Preface [hereinafter Report]. Over the years, a number of commissions were created to examine the operation of government and recommend ways in which things could be done better. Most recently, in 1984 the Grace Commission, appointed by President Reagan, issued a report which contained more than 2,000 recommendations to cut government waste and improve efficiency. Prior presidential commissions/studies included the Johnson Administration's Programming--Planning--and Budgeting Systems, and the Nixon Administration's Management by Objectives, see U.S. NEWS & WORLD REPORT, Sept. 13, 1993, at 40. None of these projects, however, achieved the same attention and action as that of the National Performance Review in only three months time.

[FN2]. Stephen Barr, Gore Report Targets 252,000 Federal Jobs, WASH. POST, Sept. 5, 1993, at 1.

[FN3]. Vice President Al Gore, Strengthening the Partnership In Intergovernmental Service Delivery, National Performance Review, Draft Report, Sept. 1993. [hereinafter Accompanying Report].

[FN4]. DAVID OSBORNE, LABORATORIES OF DEMOCRACY (1988). This book chronicles the efforts of governors in a number of states which redesigned the way certain state programs operated. The forward to the book was written by then Governor Bill Clinton of Arkansas. In their campaign book, PUTTING PEOPLE FIRST: HOW WE CAN ALL CHANGE AMERICA (New York, Times Books, 1992), on page 24, Bill Clinton and Al Gore announced that they intended to "radically change the way government operates--to shift from top-down bureaucracy to entrepreneurial government that empowers citizens and communities to change our country from the bottom up."

[FN5]. DAVID OSBORNE AND TED GAEBLER, REINVENTING GOVERNMENT: HOW THE ENTREPRENEURIAL SPIRIT IS TRANSFORMING THE PUBLIC SECTOR (1992). The title has taken on a life of its own, as governments at all levels are examining options for "reinventing" the way they do business. Texas Comptroller John Sharp, who was responsible for the "Texas Performance Review," and David Osborne served as consultants to the National Performance Review. See Barr, *supra* note 2.

[FN6]. Report, *supra* note 1, at 5. State and local governments have not waited for the Clinton Administration, in fact, the reinventing government movement has been studied and principles have been adopted in numerous jurisdictions. See JOHN SHARP, BREAKING THE MOLD: NEW WAYS TO GOVERN TEXAS (1991); JOHN SHARP, AGAINST THE GRAIN: HIGH-QUALITY LOW-COST GOVERNMENT FOR TEXAS (1993); OHIO OPERATIONS IMPROVEMENT TASK FORCE, OHIO'S BEST BRINGING OUT THE BEST IN OHIO (1991); PATRICIA MCGRAW, IMPLICATIONS OF RESTRUCTURING IN VERMONT STATE GOVERNMENT (1991); and DEGRAW, MEETING THE CHALLENGE FOR CHANGE, REPORT TO THE EXTENDED CABINET (1992).

[FN7]. Report, *supra* note 1, at 134-53, 160-68.

[FN8]. Neal Pierce, Gore Report: A Golden Opportunity For States, Cities, TIMES-PICAYUNE, Sept. 27, 1993, at B5.

[FN9]. Report, *supra* note 1, at 10-11.

[FN10]. Accompanying Report, *supra* note 3, at 2-3.

[FN11]. *Id.* at 31. The report recommends that the summit include representation from the executive and legislative branches of the federal government, chief executives and legislative leaders from state and local governments, and representatives of the private nonprofit sector.

[FN12]. Report, *supra* note 1, at 48.

[FN13]. *Id.*

[FN14]. *Id.* at 19, 50. The report explains that the regulations are the result of Congress, which does not trust the state and local governments to spend the funds in a manner intended by the legislation. Later, however, the report states that, "The rules and regulations behind federal grant programs were designed with the best of intentions--to

ensure that funds flow for the purposes Congress intended." The earlier statement, which explains the reason for Congress' desire to impose a regulatory scheme, does not appear to be truly "well intentioned" but is rather a result of parochial behavior or the belief that the federal government knows best how to direct the provision of services at the local level.

[FN15]. *Id.* at 48.

[FN16]. Accompanying Report, *supra* note 3, at 3.

[FN17]. Report, *supra* note 1, at 50.

[FN18]. Accompanying Report, *supra* note 3, at 1, 29. The report states, "The ACIR's decline is just one reason--albeit a symbolically important one-- why state and local officials view the federal government as unconcerned about the intergovernmental effects of its decisions." The report goes on to explain that ACIR began to lose importance during the Reagan Administration when President Reagan appointed his own intergovernmental advisory group within the Executive Office. This was followed by a reduction of over 50% of the ACIR budget in 1986.

[FN19]. *Id.* at 31. The accompanying report recommends that ACIR and/or the Community Enterprise Board provide leadership in developing a systematic process to define and measure national benchmarks.

[FN20]. *Id.* at 31. The accompanying report states that, "In the next five years, a reinvented ACIR should design broader solutions to the grant consolidation problem...."

[FN21]. *Id.* at 30.

[FN22]. Memorandum from John Kincaid, Executive Director, ACIR to Members of the ACIR, Dec. 1, 1993.

[FN23]. Accompanying Report, *supra* note 3, at 31.

[FN24]. *Id.* at 30.

[FN25]. ACIR Members Appointed, CITY & STATE, Nov. 22, 1993, at 7. A number of changes have occurred and others are about to take place at ACIR. Present ACIR Director John Kincaid has indicated that he plans to step down and return to academia. President Clinton recently appointed former Mississippi Governor William Winter to serve as ACIR chair (the Winter Commission is discussed later in the article). In addition to a series of new state and local appointees, the President appointed Carol Browner, administrator of the EPA; Richard Riley, secretary of the DOE; and Marcia Hale, the White House director of Intergovernmental Affairs, to fill vacancies.

[FN26]. Kincaid, *supra* note 22. The memorandum to members had recently been sent, and prior to this writing, the Commission had not yet met to discuss the report.

[FN27]. *Id.* at Part B, The Relationship of National Performance Review Recommendations to Previous ACIR Recommendations.

[FN28]. Report, *supra* note 1, at 22.

[FN29]. *Id.* at 50.

[FN30]. Accompanying Report, *supra* note 3, at 1.

[FN31]. Report, *supra* note 1, at 50.

[FN32]. Members of the Board include: the Vice President, Chair; the Assistant to the President for Domestic Policy and the Assistant to the President for Economic Policy are Vice-Chairs; the Secretary of the Treasury; the Attorney General; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health and Human Services; the Secretary of Housing and Urban Development; the Secretary of Transportation; the Secretary of Education; the Administrator of the Environmental Protection Agency; the Director of National Drug Control Policy; the Administrator of the Small Business Administration; the Director of the Office of Management and Budget; and the Chair of the Economic Advisors.

[FN33]. The White House, Office of the Press Secretary, Memorandum from William J. Clinton to the Vice President, Sept. 9, 1993 (hereinafter Memorandum).

[FN34]. Empowerment Zones, Enterprise Communities, and Rural Development Investment Areas, The Omnibus Budget Reconciliation Act of 1993, Subchapter C of Title XIII, Pub.Law No. 103-66, 107 Stat. 31 (1993). Specifically, the President called upon members of the Board to make funds available from relevant programs for use in implementing strategic plans of the designated empowerment zones and community enterprises. He also requested that Board members provide recommendations with respect to criteria which can be used for the selection and designation of empowerment zones and enterprise communities.

[FN35]. Memorandum, *supra* note 33.

[FN36]. October 27, 1993 was designated as National Unfunded Mandates Day by a number of organizations including the National Association of Counties and the U.S. Conference of Mayors.

[FN37]. Exec.Order No. 12,875, 58 Fed.Reg. 58,093 (1993).

[FN38]. Exec.Order No. 12,866, 58 Fed.Reg. 51,735 (1993).

[FN39]. *Id.*

[FN40]. *Id.*

[FN41]. H.R. 1295 (introduced by Rep. James Moran (D-Va.) and Rep. William Goodling (R-Pa.)).

[FN42]. *Id.* § 101(a). The legislation, however, exempts proposals which, if enacted, during the first three years would not exceed \$50 million in the aggregate upon state and local governments and the private sector, and which, during the first five years, would not exceed \$100 million.

[FN43]. *Id.*

[FN44]. Report, *supra* note 1, at 14-15. The National Performance Review identifies four key principles for success in reinventing government: (1) cutting red tape; (2) putting customers first; (3) empowering employees to get results; and (4) cutting back to basics: producing better government for less.

[FN45]. Report, *supra* note 1, at 167. The recommendation is to "Modify OMB Circular A-87, Cost Principles for State and Local Governments, to provide a fixed fee-for-service

option in lieu of costly reimbursement procedures covering actual administrative costs of grant disbursement."

[FN46]. Report, *supra* note 1, at 167. The recommendation states: "Simplify OMB's requirements to prepare multiple grant compliance certifications by allowing state and local governments to submit a single certification to a single point contact in the federal government."

[FN47]. Report, *supra* note 1, at 167. The Recommendation reads, "Modify OMB Circular A-102, Grants and Cooperative Agreements to State and Local Governments, to increase the dollar threshold for small purchases by local governments from \$25,000 to \$100,000."

[FN48]. Telephone conversation with John Kaminsky, Staff, National Performance Review (Dec. 9, 1993).

[FN49]. Report, *supra* note 1, at 10.

[FN50]. *Id.*

[FN51]. *Id.*

[FN52]. E.g., The Grace Commission. See David Wessel and Timothy Noah, Gore vs. Grace: Dueling Reinventions Show How Clinton, Reagan Views of Government Differ, *WALL ST.J.*, Sept. 8, 1993, at A14.

[FN53]. Wessel and Noah, *supra* note 52, at 40.

[FN54]. See JOHN DI IULIO, ET AL, *IMPROVING GOVERNMENT PERFORMANCE: AN OWNER'S MANUAL* 6 (1993) (stating that a quick fix would not come, but rather an "incremental, evolutionary, experimental approach" was needed). See H. George Frederickson, Painting Bull's-Eyes Around Bullet Holes, *GOVERNING*, Oct. 1992, at 13 (offering a number of reasons why the approach will not work, including the belief that citizens are not customers, that it is not correct to assume that government employees or the system of government work are the primary problems, and that governments are not markets, and they should not be designed to function as such). See Harold Seidman, Reinventing the Wheel, Not Government, *GOVERNMENT EXECUTIVE*, April 1993, at 32. Seidman is critical of the NPR's reliance on local community experiments, since the federal government does not provide direct services to citizens as do local governments.

[FN55]. The bipartisan task force is made up of members of the 115 person freshman class, many of whom were elected to Congress on the promise of government reform. The Task Force is co-chaired by Rep. Ken Calvert (R-Cal.) and Rep. Jane Garman (D-Cal.). The Task Force was announced through a press release on October 6, 1993 (Rep. Ken Calvert's Office).

[FN56]. Gwen Ifill, Gore's Views on Better Government May Be Easier to Utter Than Deliver, *N.Y.TIMES*, Sept. 5, 1993. Representative John Conoyers, Jr. (D-Mich.), who chairs the House Government Operations Committee, said, "Like a steamship in open water, the Government can't be expected to turn around on a dime."

[FN57]. *Id.*

[FN58]. Barr, *supra* note 2, at 18.

[FN59]. Ronald A. Taylor, Clinton Hails Plan to 'Fix' Bureaucracy, *WASH. TIMES*, Sept. 8,

1993, at A1.

[FN60]. The Commission is chaired by former Mississippi Governor William F. Winter and is popularly referred to as the "Winter Commission."

[FN61]. Reforming Government: The Winter Commission Report, The Value of Blue-Ribbon Advice, GOVERNING, August 1993, at 47.

[FN62]. DiIulio, supra note 54.

[FN63]. Id.

[FN64]. U.S. Library of Congress. The National Performance Review. CRS Report 93-862 GOV, by Harold C. Relyea. Washington, October 1, 1993.

[FN65]. For example, the Administration will need congressional support, or at least interest, in the work of the Regulatory Working Group if they are to achieve results beyond the mere identification of unfunded legislative mandates.

[FN66]. In preparing this article, the author was surprised to discover that none of the national municipal associations had yet taken an official position on the NPR report, and further, that no significant analysis had yet been completed by staff to determine the impacts of the recommendations on their constituents.

[FN67]. Speaking with an air of "doom and gloom," Rep. J.J. Pickle said, "My fear is that after the initial rush of outrage and indignation subsides and the headlines begin to fade ... The many proposals will be sent to a hundred subcommittees ... And, before long, these reforms will be strangled in their infancy by the very same special interests and entrenched bureaucracies that brought us this mess in the first place." See, Hearing to Discuss the Administration's Proposals to Review the Vice President's National Performance Review, Opening Statement (1993) (Hon. J.J. Pickle, Chair, Subcommittee on Oversight, House Committee on Ways and Means).

[FN68]. Ronald A. Taylor, Clinton Hails Plan to 'Fix' Bureaucracy, WASH. TIMES, Sept. 8, 1993, at A1. Senate Minority Leader Robert Dole stated about the report, "We welcome any initiative which will reduce the cost and size of government."