

110TH CONGRESS
1ST SESSION

H. R. 2416

To establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2007

Mr. TIAHRT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of Florida, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. HAYES, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. FORBES, Mr. PENCE, Mrs. SCHMIDT, Mr. MANZULLO, and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on the
3 Accountability and Review of Federal Agencies Act”.

4 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

5 (a) **ESTABLISHMENT.**—There is established the Com-
6 mission on the Accountability and Review of Federal
7 Agencies (hereafter in this Act referred to as the “Com-
8 mission”).

9 (b) **MEMBERSHIP.**—

10 (1) **NUMBER AND APPOINTMENT.**—

11 (A) **IN GENERAL.**—The Commission shall
12 be composed of 7 members appointed by the
13 President as follows:

14 (i) One in consultation with the
15 Speaker of the House of Representatives.

16 (ii) One in consultation with the mi-
17 nority leader of the House of Representa-
18 tives.

19 (iii) One in consultation with the ma-
20 jority leader of the Senate.

21 (iv) One in consultation with the mi-
22 nority leader of the Senate.

23 (v) Three other members.

24 (B) **EX OFFICIO MEMBERS.**—The Presi-
25 dent may appoint up to 4 Members of Congress

1 (up to 2 from each House) as nonvoting ex offi-
2 cio members of the Commission.

3 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
4 bers shall be appointed for the life of the Commission. Any
5 vacancy in the Commission shall not affect its powers, but
6 shall be filled in the same manner as the original appoint-
7 ment.

8 (d) INITIAL MEETING.—Not later than 30 days after
9 the date on which all members of the Commission have
10 been appointed, the Commission shall hold its first meet-
11 ing.

12 (e) MEETINGS.—The Commission shall meet at the
13 call of the chairperson.

14 (f) QUORUM.—A majority of the members of the
15 Commission shall constitute a quorum, but a lesser num-
16 ber of members may hold hearings.

17 **SEC. 3. DUTIES OF THE COMMISSION.**

18 (a) DEFINITION.—The term “agency”, as used in
19 this section, has the meaning given the term “executive
20 agency” under section 105 of title 5, United States Code.

21 (b) IN GENERAL.—The Commission shall—

22 (1) evaluate all agencies and programs within
23 those agencies, using the criteria under subsection

24 (c); and

25 (2) submit to Congress—

1 (A) a plan with recommendations of the
2 agencies and programs that should be realigned
3 or eliminated; and

4 (B) proposed legislation to implement the
5 plan under subparagraph (A).

6 (c) CRITERIA.—

7 (1) DUPLICATIVE.—If 2 or more agencies or
8 programs are performing the same essential function
9 and the function can be consolidated or streamlined
10 into a single agency or program, the Commission
11 shall recommend that the agency or program be re-
12 aligned.

13 (2) WASTEFUL OR INEFFICIENT.—The Com-
14 mission shall recommend the realignment or elimi-
15 nation of any agency or program that has wasted
16 Federal funds by—

17 (A) egregious spending;

18 (B) mismanagement of resources and per-
19 sonnel; or

20 (C) use of such funds for personal benefit
21 or the benefit of a special interest group.

22 (3) OUTDATED, IRRELEVANT, OR FAILED.—The
23 Commission shall recommend the elimination of any
24 agency or program that—

25 (A) has completed its intended purpose;

1 (B) has become irrelevant; or

2 (C) has failed to meet its objectives.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Commission
6 shall submit to the President and Congress a report
7 that includes—

8 (A) the plan described under subsection
9 (b)(1) with supporting documentation for all
10 recommendations; and

11 (B) the proposed legislation described
12 under subsection (b)(2).

13 (2) USE OF SAVINGS.—The proposed legislation
14 under paragraph (1)(B) shall provide that all funds
15 saved by the implementation of the plan under para-
16 graph (1)(A) shall be used for deficit reduction.

17 (3) RELOCATION OF FEDERAL EMPLOYEES.—
18 The proposed legislation under paragraph (1)(B)
19 shall provide that if the position of an employee of
20 an agency is eliminated as a result of the implemen-
21 tation of the plan under paragraph (1)(A), the af-
22 fected agency shall make reasonable efforts to relo-
23 cate such employee to another position within the
24 agency or within another Federal agency.

1 **SEC. 4. POWERS OF THE COMMISSION.**

2 (a) HEARINGS.—The Commission or, at its direction,
3 any subcommittee or member of the Commission, may, for
4 the purpose of carrying out this Act—

5 (1) hold such hearings, sit and act at such
6 times and places, take such testimony, receive such
7 evidence, and administer such oaths as any member
8 of the Commission considers advisable;

9 (2) require, by subpoena or otherwise, the at-
10 tendance and testimony of such witnesses as any
11 member of the Commission considers advisable; and

12 (3) require, by subpoena or otherwise, the pro-
13 duction of such books, records, correspondence,
14 memoranda, papers, documents, tapes, and other
15 evidentiary materials relating to any matter under
16 investigation by the Commission.

17 (b) ISSUANCE AND ENFORCEMENT OF SUB-
18 POENAS.—

19 (1) ISSUANCE.—Subpoenas issued under sub-
20 section (a) shall bear the signature of the chair-
21 person of the Commission and shall be served by any
22 person or class of persons designated by the chair-
23 person for that purpose.

24 (2) ENFORCEMENT.—In the case of contumacy
25 or failure to obey a subpoena issued under sub-
26 section (a), the United States district court for the

1 judicial district in which the subpoenaed person re-
2 sides, is served, or may be found, may issue an order
3 requiring such person to appear at any designated
4 place to testify or to produce documentary or other
5 evidence. Any failure to obey the order of the court
6 may be punished by the court as a contempt of that
7 court.

8 (c) INFORMATION FROM FEDERAL AGENCIES.—The
9 Commission may secure directly from any Federal depart-
10 ment or agency such information as the Commission con-
11 siders necessary to carry out this Act. Upon request of
12 the chairperson of the Commission, the head of such de-
13 partment or agency shall furnish such information to the
14 Commission.

15 (d) POSTAL SERVICES.—The Commission may use
16 the United States mails in the same manner and under
17 the same conditions as other departments and agencies of
18 the Federal Government.

19 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

20 (a) COMPENSATION OF MEMBERS.—

21 (1) NON-FEDERAL MEMBERS.—Except as pro-
22 vided under subsection (b), each member of the
23 Commission who is not an officer or employee of the
24 Federal Government shall not be compensated.

1 (2) FEDERAL OFFICERS OR EMPLOYEES.—All
2 members of the Commission who are officers or em-
3 ployees of the United States shall serve without com-
4 pensation in addition to that received for their serv-
5 ices as officers or employees of the United States.

6 (b) TRAVEL EXPENSES.—The members of the Com-
7 mission shall be allowed travel expenses, including per
8 diem in lieu of subsistence, at rates authorized for employ-
9 ees of agencies under subchapter I of chapter 57 of title
10 5, United States Code, while away from their homes or
11 regular places of business in the performance of services
12 for the Commission.

13 (c) STAFF.—

14 (1) IN GENERAL.—The chairperson of the Com-
15 mission may, without regard to the civil service laws
16 and regulations, appoint and terminate an executive
17 director and such other additional personnel as may
18 be necessary to enable the Commission to perform
19 its duties. The employment of an executive director
20 shall be subject to confirmation by the Commission.

21 (2) COMPENSATION.—Upon the approval of the
22 chairperson, the executive director may fix the com-
23 pensation of the executive director and other per-
24 sonnel without regard to chapter 51 and subchapter
25 III of chapter 53 of title 5, United States Code, re-

1 lating to classification of positions and General
2 Schedule pay rates, except that the rate of pay for
3 the executive director and other personnel may not
4 exceed the maximum rate payable for a position at
5 GS-15 of the General Schedule under section 5332
6 of such title.

7 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

8 (A) IN GENERAL.—The executive director
9 and any personnel of the Commission who are
10 employees shall be employees under section
11 2105 of title 5, United States Code, for pur-
12 poses of chapters 63, 81, 83, 84, 85, 87, 89,
13 and 90 of that title.

14 (B) MEMBERS OF COMMISSION.—Subpara-
15 graph (A) shall not be construed to apply to
16 members of the Commission.

17 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
18 Federal Government employee may be detailed to the
19 Commission without reimbursement, and such detail shall
20 be without interruption or loss of civil service status or
21 privilege.

22 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
23 TENT SERVICES.—The chairperson of the Commission
24 may procure temporary and intermittent services under
25 section 3109(b) of title 5, United States Code, at rates

1 for individuals which do not exceed the daily equivalent
2 of the annual rate of basic pay prescribed for level V of
3 the Executive Schedule under section 5316 of such title.

4 **SEC. 6. TERMINATION OF THE COMMISSION.**

5 The Commission shall terminate 90 days after the
6 date on which the Commission submits the report under
7 section 3(d).

8 **SEC. 7. CONGRESSIONAL CONSIDERATION OF REFORM**
9 **PROPOSALS.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “implementation bill” means only
12 a bill which is introduced as provided under sub-
13 section (b), and contains the proposed legislation in-
14 cluded in the report submitted to Congress under
15 section 3, without modification; and

16 (2) the term “calendar day” means a calendar
17 day other than 1 on which either House is not in
18 session because of an adjournment of more than 3
19 days to a date certain.

20 (b) INTRODUCTION; REFERRAL; AND REPORT OR
21 DISCHARGE.—

22 (1) INTRODUCTION.—On the first calendar day
23 on which both Houses are in session, on or imme-
24 diately following the date on which the report is sub-

1 mitted to Congress under section 3, a single imple-
2 mentation bill shall be introduced (by request)—

3 (A) in the Senate by the Majority Leader
4 of the Senate, for himself and the Minority
5 Leader of the Senate, or by Members of the
6 Senate designated by the Majority Leader and
7 Minority Leader of the Senate; and

8 (B) in the House of Representatives by the
9 Speaker of the House of Representatives, for
10 himself and the Minority Leader of the House
11 of Representatives, or by Members of the House
12 of Representatives designated by the Speaker
13 and Minority Leader of the House of Rep-
14 resentatives.

15 (2) REFERRAL.—The implementation bills in-
16 troduced under paragraph (1) shall be referred to
17 any appropriate committee of jurisdiction in the
18 Senate and any appropriate committee of jurisdic-
19 tion in the House of Representatives. A committee
20 to which an implementation bill is referred under
21 this paragraph may report such bill to the respective
22 House without amendment.

23 (3) REPORT OR DISCHARGE.—If a committee to
24 which an implementation bill is referred has not re-
25 ported such bill by the end of the 15th calendar day

1 after the date of the introduction of such bill, such
2 committee shall be immediately discharged from fur-
3 ther consideration of such bill, and upon being re-
4 ported or discharged from the committee, such bill
5 shall be placed on the appropriate calendar.

6 (c) FLOOR CONSIDERATION.—

7 (1) IN GENERAL.—When the committee to
8 which an implementation bill is referred has re-
9 ported, or has been discharged under subsection
10 (b)(3), it is at any time thereafter in order (even
11 though a previous motion to the same effect has
12 been disagreed to) for any Member of the respective
13 House to move to proceed to the consideration of the
14 implementation bill, and all points of order against
15 the implementation bill (and against consideration of
16 the implementation bill) are waived. The motion is
17 highly privileged in the House of Representatives
18 and is privileged in the Senate and is not debatable.
19 The motion is not subject to amendment, or to a
20 motion to postpone, or to a motion to proceed to the
21 consideration of other business. A motion to recon-
22 sider the vote by which the motion is agreed to or
23 disagreed to shall not be in order. If a motion to
24 proceed to the consideration of the implementation
25 bill is agreed to, the implementation bill shall remain

1 the unfinished business of the respective House until
2 disposed of.

3 (2) AMENDMENTS.—An implementation bill
4 may not be amended in the Senate or the House of
5 Representatives.

6 (3) DEBATE.—Debate on the implementation
7 bill, and on all debatable motions and appeals in
8 connection therewith, shall be limited to not more
9 than 10 hours, which shall be divided equally be-
10 tween those favoring and those opposing the resolu-
11 tion. A motion further to limit debate is in order and
12 not debatable. An amendment to, or a motion to
13 postpone, or a motion to proceed to the consider-
14 ation of other business, or a motion to recommit the
15 implementation bill is not in order. A motion to re-
16 consider the vote by which the implementation bill is
17 agreed to or disagreed to is not in order.

18 (4) VOTE ON FINAL PASSAGE.—Immediately
19 following the conclusion of the debate on an imple-
20 mentation bill, and a single quorum call at the con-
21 clusion of the debate if requested in accordance with
22 the rules of the appropriate House, the vote on final
23 passage of the implementation bill shall occur.

24 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
25 Appeals from the decisions of the Chair relating to

1 the application of the rules of the Senate or the
2 House of Representatives, as the case may be, to the
3 procedure relating to an implementation bill shall be
4 decided without debate.

5 (d) COORDINATION WITH ACTION BY OTHER
6 HOUSE.—If, before the passage by 1 House of an imple-
7 mentation bill of that House, that House receives from
8 the other House an implementation bill, then the following
9 procedures shall apply:

10 (1) NONREFERRAL.—The implementation bill
11 of the other House shall not be referred to a com-
12 mittee.

13 (2) VOTE ON BILL OF OTHER HOUSE.—With
14 respect to an implementation bill of the House re-
15 ceiving the implementation bill—

16 (A) the procedure in that House shall be
17 the same as if no implementation bill had been
18 received from the other House; but

19 (B) the vote on final passage shall be on
20 the implementation bill of the other House.

21 (e) RULES OF THE SENATE AND THE HOUSE OF
22 REPRESENTATIVES.—This section is enacted by Con-
23 gress—

24 (1) as an exercise of the rulemaking power of
25 the Senate and House of Representatives, respec-

1 tively, and as such it is deemed a part of the rules
2 of each House, respectively, but applicable only with
3 respect to the procedure to be followed in that
4 House in the case of an implementation bill de-
5 scribed in subsection (a), and it supersedes other
6 rules only to the extent that it is inconsistent with
7 such rules; and

8 (2) with full recognition of the constitutional
9 right of either House to change the rules (so far as
10 relating to the procedure of that House) at any time,
11 in the same manner, and to the same extent as in
12 the case of any other rule of that House.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as may be necessary for each of fiscal years 2008 through
16 2011 for carrying out this Act.

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