

Calendar No. 572117TH CONGRESS
2^D SESSION**S. 2135****[Report No. 117-216]**

To amend title 31, United States Code, to require the Chief Operating Officer of each agency to compile a list of unnecessary programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Ms. HASSAN (for herself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 5, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 31, United States Code, to require the Chief Operating Officer of each agency to compile a list of unnecessary programs, 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 “Wasteful Federal Pro-
3 grams Reduction Authorization Act”.

4 **SEC. 2. ELIMINATION OF UNNECESSARY AGENCY PRO-**
5 **GRAMS OR PROGRAM ACTIVITIES.**

6 (a) **IN GENERAL.**—Chapter 11 of title 31, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1127. Elimination of unnecessary agency programs**
10 **or program activities**

11 **“(a) DEFINITIONS.**—In this section:

12 **“(1) AGENCY.**—The term ‘agency’ has the
13 meaning given the term in section 1108(a).

14 **“(2) PROGRAM.**—The term ‘program’ has the
15 meaning given the term in section 1122(a)(1), as
16 amended by section 9601(a) of title XCVI of the
17 William M. (Mac) Thornberry National Defense Au-
18 thorization Act for Fiscal Year 2021 (Public Law
19 116–283).

20 **“(3) PROGRAM ACTIVITY.**—The term ‘program
21 activity’ has the meaning given the term in section
22 1115(h).

23 **“(b) AGENCY IDENTIFICATION OF UNNECESSARY**
24 **PROGRAMS OR PROGRAM ACTIVITIES.**—Not later than the
25 date on which the Chief Operating Officer of each agency
26 is required to provide a count of plans and programs

1 under section 1125(a)(4) each year, and based on guid-
2 ance provided by the Director of the Office of Management
3 and Budget, the Chief Operating Officer of each agency
4 shall—

5 “(1) compile a list that identifies any program
6 or program activity of the agency that is unneces-
7 sary, defunct, or duplicative of another program or
8 program activity of the agency;

9 “(2) in consultation with the congressional com-
10 mittees that oversee a program or program activity
11 identified under paragraph (1), determine—

12 “(A) whether the program or program ac-
13 tivity is unnecessary, defunct, or duplicative of
14 another program or program activity of the
15 agency; and

16 “(B) whether the program or program ac-
17 tivity could be eliminated or consolidated with
18 another program or program activity of the
19 agency or the Federal Government;

20 “(3) refine the list compiled under paragraph
21 (1), in accordance with the determinations made
22 under paragraph (2); and

23 “(4) submit to the Director of the Office of
24 Management and Budget the list refined under
25 paragraph (3).

1 “(c) **PROPOSED LEGISLATION.**—The Director of the
 2 Office of Management and Budget may submit to Con-
 3 gress proposed legislation to eliminate or consolidate the
 4 programs or program activities identified in the lists sub-
 5 mitted under subsection (b)(4).”.

6 (b) **INCLUSION IN BUDGET.**—Section 1105(a) of title
 7 31, United States Code, is amended by adding at the end
 8 the following:

9 “(40) the lists identifying unnecessary, defunct,
 10 or duplicative programs or program activities sub-
 11 mitted to the Director of the Office of Management
 12 and Budget under section 1127(b)(4).”.

13 (c) **CLERICAL AMENDMENT.**—The table of sections
 14 for chapter 11 of title 31, United States Code, is amended
 15 by adding at the end the following:

“1127. Elimination of unnecessary agency programs or program activities”.

16 (d) **EFFECTIVE DATE.**—The amendments made by
 17 this section shall take effect on the date that is 30 days
 18 after the date of enactment of this Act.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Identifying and Eliminating Wasteful Programs Act”.*
 21

1 **SEC. 2. IDENTIFICATION AND ELIMINATION OF UNNECES-**
 2 **SARY AGENCY PROGRAMS OR PROGRAM AC-**
 3 **TIVITIES.**

4 (a) *TRANSPARENCY OF PROGRAMS, PRIORITY GOALS,*
 5 *AND RESULTS.*—Section 1122(a)(3)(D) of title 31, United
 6 States Code, is amended—

7 (1) *by redesignating clauses (vi) and (vii) as*
 8 *clauses (vii) and (ix), respectively;*

9 (2) *by inserting after clause (v) the following:*

10 “(vi) to the extent practicable and con-

11 sistent with guidance issued by the Director

12 of the Office of Management and Budget,

13 information provided in the annual budget

14 justification materials submitted in con-

15 junction with the budget of the United

16 States Government submitted under section

17 1105(a) in accordance with section 3(a) of

18 the Federal Funding Accountability and

19 Transparency Act of 2006 (31 U.S.C. 6101

20 note);”; and

21 (3) *in clause (vii), as so redesignated, by striking*

22 *“accountability; and” and inserting “accountability,*

23 *including information included in the list compiled*

24 *under section 1127(b)(1); and”.*

25 (b) *IDENTIFICATION OF UNNECESSARY AGENCY PRO-*
 26 *GRAMS OR PROGRAM ACTIVITIES.*—Chapter 11 of title 31,

1 *United States Code, is amended by adding at the end the*
2 *following:*

3 **“§ 1127. Identification of unnecessary agency pro-**
4 **grams or program activities**

5 “(a) DEFINITIONS.—*In this section:*

6 “(1) AGENCY.—*The term ‘agency’ has the mean-*
7 *ing given the term in section 1108(a).*

8 “(2) PROGRAM.—*The term ‘program’ has the*
9 *meaning given the term in section 1122(a)(1).*

10 “(3) PROGRAM ACTIVITY.—*The term ‘program*
11 *activity’ has the meaning given the term in section*
12 *1115(h).*

13 “(b) AGENCY IDENTIFICATION OF UNNECESSARY PRO-
14 GRAMS OR PROGRAM ACTIVITIES.—*Not later than the 20*
15 *days after the date on which the President transmits the*
16 *budget of the United States Government under section*
17 *1105(a) each year, and based on guidance provided by the*
18 *Director of the Office of Management and Budget, the Chief*
19 *Operating Officer of each agency shall—*

20 “(1) *compile a list that identifies any program*
21 *or program activity of the agency that—*

22 “(A) *is unnecessary, defunct, or duplicative*
23 *of another program or program activity of the*
24 *agency;*

1 “(B) another agency could administer more
2 effectively; or

3 “(C) could operate more effectively if the
4 program or activity were consolidated with other
5 programs or activities;

6 “(2) publish the list compiled under paragraph
7 (1) in—

8 “(A) with respect to each list compiled be-
9 fore the date of the implementation described in
10 section 9601(b)(3) of title XCVI of the William
11 M. (Mac) Thornberry National Defense Author-
12 ization Act for Fiscal Year 2021 (31 U.S.C. 1122
13 note) of the program inventory described in sec-
14 tion 1122(a)(2)(B)(i) of this title, the pilot pro-
15 gram described in section 9601(b)(2)(B) of title
16 XCVI of that Act; and

17 “(B) with respect to each successive list, the
18 program inventory described in section
19 1122(a)(2)(B)(i); and

20 “(3) submit the list compiled under paragraph
21 (1) to—

22 “(A) the relevant congressional committees
23 of jurisdiction of the agency;

24 “(B) the Committee on Appropriations of
25 the Senate;

1 “(C) *the Committee on Homeland Security*
2 *and Governmental Affairs of the Senate;*

3 “(D) *the Committee on Appropriations of*
4 *the House of Representatives; and*

5 “(E) *the Committee on Oversight and Re-*
6 *form of the House of Representatives.*

7 “(c) *RECOMMENDATIONS.—Based on guidance issued*
8 *by the Director of the Office of Management and Budget,*
9 *the head of an agency may submit to Congress recommenda-*
10 *tions for statutory changes to eliminate or consolidate pro-*
11 *grams or program activities identified under subsection*
12 *(b)(1).”.*

13 “(c) *CLERICAL AMENDMENT.—The table of sections for*
14 *chapter 11 of title 31, United States Code, is amended by*
15 *adding at the end the following:*

 “1127. *Identification of unnecessary agency programs or program activities”.*

16 “(d) *EFFECTIVE DATE.—The amendments made by this*
17 *section shall take effect on the date that is 120 days after*
18 *the date of enactment of this Act.*

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