

107TH CONGRESS
2D SESSION

S. 2488

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review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.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 SENATE OF THE UNITED STATES

MAY 9, 2002

Mr. BROWNBACK (for himself, Mr. MILLER, Mr. FITZGERALD, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. HELMS, Mr. SESSIONS, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

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

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Commission shall con-
8 sist of 12 members, all of whom shall be appointed
9 by the President within 90 days after the date of en-
10 actment of this Act.

11 (2) CHAIRPERSON AND VICE CHAIRPERSON.—
12 The President shall designate a chairperson and vice
13 chairperson from among the members of the Com-
14 mission.

15 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
16 bers shall be appointed for the life of the Commission. Any
17 vacancy in the Commission shall not affect its powers, but
18 shall be filled in the same manner as the original appoint-
19 ment.

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

24 (e) MEETINGS.—The Commission shall meet at the
25 call of the chairperson.

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

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

5 (a) DEFINITION.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the term “agency”, as used in this sec-
8 tion, has the meaning given the term “executive
9 agency” under section 105 of title 5, United States
10 Code.

11 (2) EXCEPTION.—The term “agency” does not
12 include the Department of Defense or its subdivi-
13 sions.

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

15 (1) evaluate all agencies and programs within
16 those agencies, using the criteria under subsection
17 (c); and

18 (2) submit to Congress—

19 (A) a plan with recommendations of the
20 agencies and programs that should be realigned
21 or eliminated; and

22 (B) proposed legislation to implement the
23 plan under subparagraph (A).

24 (c) CRITERIA.—

11 (A) egregious spending;
12 (B) mismanagement of resources and per-
13 sonnel; or
14 (C) use of such funds for personal benefit
15 or the benefit of a special interest group.

19 (A) has completed its intended purpose;
20 (B) has become irrelevant; or
21 (C) has failed to meet its objectives.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Commission

1 shall submit to the President and Congress a report
2 that includes—

3 (A) the plan described under subsection
4 (b)(1) with supporting documentation for all
5 recommendations; and

6 (B) the proposed legislation described
7 under subsection (b)(2).

8 (2) USE OF SAVINGS.—The proposed legislation
9 under paragraph (1)(B) shall provide that all funds
10 saved by the implementation of the plan under para-
11 graph (1)(A) shall be used to support other domestic
12 programs.

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

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

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

13 (b) ISSUANCE AND ENFORCEMENT OF SUB-
14 POENAS.—

1 place to testify or to produce documentary or other
2 evidence. Any failure to obey the order of the court
3 may be punished by the court as a contempt of that
4 court.

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

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

16 (e) GIFTS.—The Commission may accept, use, and
17 dispose of gifts or donations of services or property.

18 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

19 (a) COMPENSATION OF MEMBERS.—

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

24 (2) FEDERAL OFFICERS OR EMPLOYEES.—All
25 members of the Commission who are officers or em-

1 employees of the United States shall serve without com-
2 pensation in addition to that received for their serv-
3 ices as officers or employees of the United States.

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

11 (c) STAFF.—

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

19 (2) COMPENSATION.—Upon the approval of the
20 chairperson, the executive director may fix the com-
21 pensation of the executive director and other per-
22 sonnel without regard to chapter 51 and subchapter
23 III of chapter 53 of title 5, United States Code, re-
24 lating to classification of positions and General
25 Schedule pay rates, except that the rate of pay for

1 the executive director and other personnel may not
2 exceed the maximum rate payable for a position at
3 GS-15 of the General Schedule under section 5332
4 of such title.

5 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

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

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

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

20 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
21 TENT SERVICES.—The chairperson of the Commission
22 may procure temporary and intermittent services under
23 section 3109(b) of title 5, United States Code, at rates
24 for individuals which do not exceed the daily equivalent

1 of the annual rate of basic pay prescribed for level V of
2 the Executive Schedule under section 5316 of such title.

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

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

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

9 (a) **DEFINITIONS.**—In this section—

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

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

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

21 (1) **INTRODUCTION.**—On the first calendar day
22 on which both Houses are in session, on or imme-
23 diately following the date on which the report is sub-
24 mitted to Congress under section 3, a single imple-
25 mentation bill shall be introduced (by request)—

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

1 ther consideration of such bill, and upon being re-
2 ported or discharged from the committee, such bill
3 shall be placed on the appropriate calendar.

4 (c) FLOOR CONSIDERATION.—

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

1 procedure relating to an implementation bill shall be
2 decided without debate.

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

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

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

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

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

19 (e) RULES OF THE SENATE AND THE HOUSE OF
20 REPRESENTATIVES.—This section is enacted by
21 Congress—

22 (1) as an exercise of the rulemaking power of
23 the Senate and House of Representatives, respec-
24 tively, and as such it is deemed a part of the rules
25 of each House, respectively, but applicable only with

1 respect to the procedure to be followed in that
2 House in the case of an implementation bill de-
3 scribed in subsection (a), and it supersedes other
4 rules only to the extent that it is inconsistent with
5 such rules; and

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

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary for each of fiscal years 2002 through
14 2005 for carrying out this Act.

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