

111TH CONGRESS
2D SESSION

S. 3988

To establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2010

Mr. KIRK introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, 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 “Spending Control Act
5 of 2010”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established an independent commission to be
8 known as the “Grace Commission II”.

9 **SEC. 3. DUTIES OF COMMISSION.**

10 The duties of the Commission shall be—

1 (1) to conduct reviews in accordance with sec-
2 tion 7; and

3 (2) to submit reports in accordance with section
4 8.

5 **SEC. 4. MEMBERSHIP.**

6 (a) NUMBER AND APPOINTMENT.—

7 (1) IN GENERAL.—The Commission shall be
8 composed of eight members appointed by the Presi-
9 dent, by and with the advice and consent of the Sen-
10 ate.

11 (2) NOMINATIONS.—Not later than 180 days
12 after the date of the enactment of this Act, the
13 President shall transmit to the Senate nominations
14 for appointment to the Commission.

15 (3) CONSULTATION.—In selecting individuals
16 for nominations for appointments to the Commis-
17 sion, the President shall consult with—

18 (A) the Speaker of the House of Rep-
19 resentatives concerning the appointment of
20 three members;

21 (B) the majority leader of the Senate con-
22 cerning the appointment of three members;

23 (C) the minority leader of the House of
24 Representatives concerning the appointment of
25 one member; and

1 (D) the minority leader of the Senate con-
2 cerning the appointment of one member.

3 (b) TERMS.—Each member shall be appointed for the
4 life of the Commission.

5 (c) VACANCIES.—A vacancy in the Commission shall
6 be filled in the manner in which the original appointment
7 was made.

8 (d) CHAIRMAN.—The Chairman of the Commission
9 shall be designated by the President at the time of nomi-
10 nation of members of the Commission.

11 (e) BASIC PAY.—

12 (1) RATES OF PAY.—

13 (A) IN GENERAL.—Except as provided in
14 paragraph (2), each member, other than the
15 Chairman, shall be paid at a rate equal to the
16 daily equivalent of the minimum annual rate of
17 basic pay for level IV of the Executive Schedule
18 under section 5315 of title 5, United States
19 Code, for each day (including travel time) dur-
20 ing which the member is engaged in the actual
21 performance of duties vested in the Commis-
22 sion.

23 (B) CHAIRMAN.—The Chairman shall be
24 paid for each day referred to in subparagraph

25 (A) at a rate equal to the daily equivalent of

1 the minimum annual rate of basic pay payable
 2 for level III of the Executive Schedule under
 3 section 5314 of title 5, United States Code.

4 (C) TRAVEL EXPENSES.—Each member
 5 shall receive travel expenses, including per diem
 6 in lieu of subsistence, in accordance with appli-
 7 cable provisions under subchapter I of chapter
 8 57 of title 5, United States Code.

9 (2) PROHIBITION OF COMPENSATION OF FED-
 10 ERAL EMPLOYEES.—Members of the Commission
 11 who are full-time officers or employees of the United
 12 States or Members of Congress may not receive ad-
 13 ditional pay, allowances, or benefits by reason of
 14 their service on the Commission.

15 (f) QUORUM.—Five members of the Commission shall
 16 constitute a quorum but a lesser number may hold hear-
 17 ings.

18 (g) MEETINGS.—The Commission shall meet at the
 19 call of the Chairman.

20 **SEC. 5. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.**

21 (a) DIRECTOR.—The Commission shall have a Direc-
 22 tor who shall be appointed by the Commission. The Direc-
 23 tor shall be paid at the rate of basic pay for level IV of
 24 the Executive Schedule under section 5315 of title 5,
 25 United States Code.

1 (b) STAFF.—

2 (1) IN GENERAL.—With the approval of the
3 Commission, the Director may appoint and fix the
4 pay of personnel as the Director considers appro-
5 priate.

6 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
7 LAWS.—The Director may appoint the personnel of
8 the Commission without regard to the provisions of
9 title 5, United States Code, governing appointments
10 in the competitive service, and any personnel so ap-
11 pointed may be paid without regard to the provisions
12 of chapter 51 and subchapter III of chapter 53 of
13 that title relating to classification and General
14 Schedule pay rates, except that an individual so ap-
15 pointed may not receive pay in excess of the annual
16 rate of basic pay for GS–18 of the General Schedule.

17 (3) STAFF OF FEDERAL AGENCIES.—Upon re-
18 quest of the Director, the head of any Federal de-
19 partment or agency may detail, on a reimbursable
20 basis, any of the personnel of that department or
21 agency to the Commission to assist it in carrying out
22 its duties under this Act.

23 (c) EXPERTS AND CONSULTANTS.—The Commission
24 may procure by contract temporary and intermittent serv-
25 ices under section 3109(b) of title 5, United States Code.

1 **SEC. 6. POWERS OF COMMISSION.**

2 (a) HEARINGS AND SESSIONS.—The Commission
3 may, for the purpose of carrying out this Act, hold hear-
4 ings, sit and act at times and places, take testimony, and
5 receive evidence as the Commission considers appropriate.
6 The Commission may administer oaths or affirmations to
7 witnesses appearing before it.

8 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
9 ber or agent of the Commission may, if authorized by the
10 Commission, take any action which the Commission is au-
11 thorized to take by this section.

12 (c) OBTAINING OFFICIAL DATA.—The Commission
13 may secure directly from any department or agency of the
14 United States information necessary to enable it to carry
15 out this Act. Upon request of the Chairman, the head of
16 that department or agency shall furnish that information
17 to the Commission.

18 (d) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as other departments and agencies of the United
21 States.

22 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
23 the request of the Commission, the Administrator of the
24 General Services Administration shall provide to the Com-
25 mission, on a reimbursable basis, the administrative sup-

1 port services necessary for the Commission to carry out
2 its responsibilities under this Act.

3 (f) CONTRACT AUTHORITY.—The Commission may
4 contract with and compensate Government and private
5 agencies or persons for products and services necessary
6 for the Commission to carry out its responsibilities under
7 this Act.

8 **SEC. 7. COST CONTROL REVIEWS.**

9 (a) IN GENERAL.—In preparation for submitting re-
10 ports as required under section 8, the Commission shall
11 conduct, every two years, a review of cost control in the
12 Federal Government with respect to improving manage-
13 ment and reducing costs.

14 (b) AGENCY STUDIES.—In conducting a review under
15 this section, the Commission shall conduct in-depth stud-
16 ies of the operations of the Executive agencies as a basis
17 for evaluating potential improvements in agency oper-
18 ations.

19 (c) RECOMMENDATIONS.—In conducting a review
20 under this section, the Commission shall develop rec-
21 ommendations in the following areas:

22 (1) Opportunities for increased efficiency and
23 reduced costs in the Federal Government that can
24 be realized by Executive action or legislation.

1 (2) Areas where managerial accountability can
2 be enhanced and administrative control can be im-
3 proved.

4 (3) Opportunities for managerial improvements
5 over both the short- and long-term.

6 (4) Specific areas where further study can be
7 justified by potential savings.

8 (5) Ways to reduce governmental expenditures
9 and indebtedness and improve personnel manage-
10 ment.

11 **SEC. 8. REPORTS.**

12 (a) INTERIM REPORTS.—Not later than 180 days be-
13 fore the date on which the Commission is required to sub-
14 mit a final report under subsection (b), the Commission
15 shall submit to Congress and the President an interim re-
16 port containing the preliminary results of the review being
17 conducted under section 7 related to that final report.

18 (b) FINAL REPORTS.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of the enactment of this Act, and
21 every two years thereafter until the date on which
22 the Commission submits its third final report under
23 this paragraph, the Commission shall submit to Con-
24 gress and the President a final report containing a
25 detailed statement of the findings and conclusions of

1 the Commission based on the most recent review
2 conducted under section 7, together with its rec-
3 ommendations for legislative and administrative ac-
4 tions, and other matters the Commission considers
5 appropriate.

6 (2) PROPOSED LEGISLATION.—The Commission
7 shall include in a final report submitted under para-
8 graph (1) proposed legislation in the form of an im-
9 plementation bill to carry out recommendations de-
10 veloped under section 7(c).

11 (3) LIMITATION.—The Commission may include
12 in a report submitted under this section proposed
13 legislation under paragraph (2) only if such pro-
14 posed legislation is agreed to by not fewer than five
15 of the members of the Commission.

16 **SEC. 9. CONGRESSIONAL CONSIDERATION OF PROPOSED**
17 **LEGISLATION.**

18 (a) INTRODUCTION; REFERRAL; REPORT OR DIS-
19 CHARGE.—

20 (1) INTRODUCTION.—On the first calendar day
21 on which both Houses are in session on or imme-
22 diately following the date on which a final report is
23 submitted to Congress under section 8(b), the imple-
24 mentation bill included in such report shall be intro-
25 duced (by request)—

1 (A) in the Senate by the majority leader of
2 the Senate, for himself and the minority leader
3 of the Senate, or by Members of the Senate
4 designated by the majority leader and minority
5 leader of the Senate; and

6 (B) in the House of Representatives by the
7 majority leader of the House of Representa-
8 tives, for himself and the minority leader of the
9 House of Representatives, or by Members of the
10 House of Representatives designated by the ma-
11 jority leader and minority leader of the House
12 of Representatives.

13 (2) REFERRAL.—An implementation bill intro-
14 duced under paragraph (1) shall be referred to any
15 appropriate committee of jurisdiction in the Senate
16 and any appropriate committee of jurisdiction in the
17 House of Representatives. A committee to which an
18 implementation bill is referred under this paragraph
19 may report such bill to the respective House, but
20 only without amendment.

21 (3) REPORT OR DISCHARGE.—If a committee to
22 which an implementation bill is referred has not re-
23 ported such bill by the end of the 15th calendar day
24 after the date of the introduction of such bill, such
25 committee shall be immediately discharged from fur-

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 (b) FLOOR CONSIDERATION.—

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

1 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 bill. A
11 motion further to limit debate is in order and not
12 debatable. An amendment to, or a motion to post-
13 pone, or a motion to proceed to the consideration of
14 other business, or a motion to recommit the imple-
15 mentation bill is not in order. A motion to reconsider
16 the vote by which the implementation bill is agreed
17 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 (c) COORDINATION WITH ACTION BY OTHER
 6 HOUSE.—If, before the passage by one 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 (d) 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, and it
 5 supersedes other rules only to the extent that it is
 6 inconsistent with such rules; and

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

12 **SEC. 10. TERMINATION.**

13 The Commission shall terminate on the date that is
 14 one day after the date on which it submits its third final
 15 report under section 8(b).

16 **SEC. 11. DEFINITIONS.**

17 In this Act, the following definitions apply:

18 (1) **CALENDAR DAY.**—The term “calendar day”
 19 means a calendar day other than one on which ei-
 20 ther House is not in session because of an adjourn-
 21 ment of more than 3 days to a date certain.

22 (2) **COMMISSION.**—The term “Commission”
 23 means the Grace Commission II established by sec-
 24 tion 2.

1 (3) IMPLEMENTATION BILL.—The term “imple-
2 mentation bill” means only a bill that is introduced
3 as provided under section 9(a), and contains the
4 proposed legislation described in section 8(b)(2),
5 without modification.

6 (4) MEMBER.—The term “member” means a
7 member of the Commission appointed under section
8 4(a)(1).

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