

113TH CONGRESS
1ST SESSION

H. R. 1954

To amend chapter 7 of title 31, United States Code, to require the Comptroller General to assist Congress and the President in eliminating agencies and programs in Executive departments that no longer serve a public need, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2013

Mr. HUDSON 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 amend chapter 7 of title 31, United States Code, to require the Comptroller General to assist Congress and the President in eliminating agencies and programs in Executive departments that no longer serve a public need, 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 “Sunset Wasteful Exec-
5 utive Expenditures and Programs Act of 2013”.

1 **SEC. 2. REQUIREMENT FOR THE COMPTROLLER GENERAL**
2 **TO REVIEW EXECUTIVE DEPARTMENTS TO**
3 **ENSURE THEY CONTINUE TO SERVE A PUB-**
4 **LIC NEED.**

5 (a) AMENDMENT.—Chapter 7 of title 31, United
6 States Code, is amended by adding at the end of sub-
7 chapter II the following new section:

8 **“§ 721. Review of Executive departments to ensure**
9 **they continue to serve a public need**

10 “(a) REVIEW REQUIRED.—Each year, beginning with
11 2014, the Comptroller General of the United States shall
12 review three Executive departments, in the order of their
13 creation, to identify agencies and programs within the ju-
14 risdiction of the departments that perform similar or re-
15 lated functions and that no longer serve a public need.
16 The Comptroller General shall review every department at
17 least once every five years.

18 “(b) CRITERIA.—The Comptroller General shall
19 evaluate the efficiency and public need for each Executive
20 department pursuant to subsection (a) using the following
21 criteria:

22 “(1) The effectiveness and the efficiency of the
23 operation of the programs carried out by each such
24 Executive department.

25 “(2) Whether the programs carried out by the
26 Executive department are cost-effective.

1 “(3) Whether the Executive department has
2 acted outside the scope of its original authority, and
3 whether the original objectives of the department
4 have been achieved.

5 “(4) Whether less restrictive or alternative
6 methods exist to carry out the functions of the Exec-
7 utive department.

8 “(5) The extent to which the jurisdiction of,
9 and the programs administered by, the Executive de-
10 partment duplicate or conflict with the jurisdiction
11 and programs of other Executive departments.

12 “(6) The potential benefits of consolidating pro-
13 grams administered by the Executive department
14 with similar or duplicative programs of other Execu-
15 tive departments, and the potential for consolidating
16 such programs.

17 “(7) The number and types of beneficiaries or
18 persons served by programs carried out by the Exec-
19 utive department.

20 “(8) The extent to which any trends, develop-
21 ments, and emerging conditions that are likely to af-
22 fect the future nature and extent of the problems or
23 needs that the programs carried out by the Execu-
24 tive department are intended to address.

1 “(9) The extent to which the Executive depart-
2 ment has complied with the provisions contained in
3 sections 1115 through 1119 of this title (relating to
4 Government performance planning and reporting).

5 “(10) Whether the Executive department has
6 worked to enact changes in the law that are in-
7 tended to benefit the public as a whole rather than
8 the specific business, institution, or individuals that
9 the department regulates.

10 “(11) The extent to which the Executive de-
11 partment has encouraged participation by the public
12 as a whole in making its rules and decisions rather
13 than encouraging participation solely by those it reg-
14 ulates.

15 “(12) The extent to which the public participa-
16 tion in rulemaking and decisionmaking of the Execu-
17 tive department has resulted in rules and decisions
18 compatible with the objectives of the department.

19 “(13) The extent to which the Executive de-
20 partment complies with section 552 of title 5,
21 United States Code (commonly known as the ‘Free-
22 dom of Information Act’).

23 “(14) The extent of the regulatory, privacy, and
24 paperwork impacts of the programs carried out by
25 the Executive department.

1 “(15) The extent to which changes are nec-
2 essary in the authorizing statutes of the Executive
3 department in order that the function of the depart-
4 ment can be performed in the most efficient and ef-
5 fective manner.

6 “(c) ANNUAL REPORT AND RECOMMENDED LEGIS-
7 LATION.—By February 1 of each year, beginning with
8 February 1, 2015, the Comptroller General shall submit
9 to Congress a report on the results of the review of the
10 Executive departments carried out during the preceding
11 year. The report shall include—

12 “(1) such recommendations as the Comptroller
13 General considers necessary to facilitate the abolish-
14 ment of agencies and programs within the Executive
15 departments that perform similar or related func-
16 tions that were identified pursuant to subsection (a)
17 as no longer serving a public need; and

18 “(2) legislative language to implement those
19 recommendations in a form appropriate for introduc-
20 tion in Congress as a bill.

21 “(d) EXECUTIVE DEPARTMENT DEFINED.—In this
22 section, the term ‘Executive department’ means each de-
23 partment listed in section 101 of title 5, United States
24 Code.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 7 of title 31, United States
 3 Code, is amended by adding at the end of subchapter II
 4 the following new item:

“721. Review of Executive departments to ensure they continue to serve a public
 need.”.

5 **SEC. 3. CONGRESSIONAL ACTION TO ENSURE EXECUTIVE**
 6 **DEPARTMENTS CONTINUE TO SERVE A PUB-**
 7 **LIC NEED.**

8 (a) ABOLISHMENT OF DEPARTMENTS.—

9 (1) IN GENERAL.—Not later than December 31
 10 of each year, beginning with December 31, 2015, the
 11 three Executive departments that were reviewed by
 12 the Comptroller General of the United States during
 13 the preceding year pursuant to section 721 of title
 14 31, United States Code, shall be abolished.

15 (2) WINDING DOWN.—The President, in coordi-
 16 nation with the Secretary of each Executive depart-
 17 ment concerned, shall direct the procedures for the
 18 winding down of the operations of departments abol-
 19 ished under subsection (a).

20 (3) EXTENSION.—The date of abolishment for
 21 an Executive department may be extended for an
 22 additional two years if Congress enacts legislation
 23 extending such date by a vote of three-fifths of the
 24 House of Representatives and of the Senate.

1 (b) CONTINUATION OF DEPARTMENTS.—

2 (1) APPROVAL OF EXISTENCE.—Congress may
3 authorize the continued existence of an Executive
4 department scheduled for abolishment by approving
5 or rejecting the legislation containing the rec-
6 ommendations of the Comptroller General with re-
7 spect to that department, as submitted under section
8 721(c)(2) of title 31, United States Code, and intro-
9 duced as a bill under subsection (c).

10 (2) FUTURE RECOMMENDATIONS.—Action of
11 Congress approving of an Executive department
12 scheduled for abolishment does not prevent the de-
13 partment from being abolished in the next cycle for
14 consideration.

15 (c) PROCESS FOR CONSIDERATION OF COMPTROLLER
16 GENERAL'S REPORT.—

17 (1) INTRODUCTION.—After February 1 of each
18 year, beginning with 2015, the legislation containing
19 the recommendations of the Comptroller General
20 with respect to the Executive departments reviewed
21 during the preceding year, as submitted in the re-
22 port of the Comptroller General under section
23 721(c)(2) of title 31, United States Code, shall be
24 introduced in the Senate by the Majority Leader or
25 the Majority Leader's designee, and in the House of

1 Representatives by the Speaker or the Speaker's
2 designee. Upon such introduction, the bill, to be
3 known as a “wasteful expenditures bill” shall be re-
4 ferred to appropriate committees of Congress under
5 paragraph (2). If the wasteful expenditures bill is
6 not introduced in accordance with the preceding sen-
7 tence, then any member of Congress may introduce
8 such bill in the member's respective House of Con-
9 gress beginning on the date that is the fifth calendar
10 day that such House is in session following the date
11 of the submission of such aggregate legislative provi-
12 sions.

13 (2) COMMITTEE CONSIDERATION.—

14 (A) REFERRAL.—A wasteful expenditures
15 bill introduced under paragraph (1) shall be re-
16 ferred to any appropriate committee of jurisdic-
17 tion in the Senate and the House of Represent-
18 atives. A committee to which a wasteful expend-
19 itures bill is referred under this paragraph and
20 may review and comment on such bill, may re-
21 port such bill to the respective House, and may
22 not amend such bill.

23 (B) REPORTING.—Not later than 60 legis-
24 lative days after the introduction of the waste-
25 ful expenditures bill, each Committee of Con-

gress to which the wasteful expenditures bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a wasteful expenditures bill has not reported such bill at the end of 60 legislative days after its introduction or at the end of the first day after there has been reported to the House involved a wasteful expenditures bill, whichever is earlier, such committee shall be deemed to have been discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(3) EXPEDITED PROCEDURE.—

(A) CONSIDERATION.—

(i) IN GENERAL.—Not later than 5 legislative days after the date on which a committee has reported a wasteful expenditures bill or been discharged from consideration of a wasteful expenditures bill, the Majority Leader of the Senate, or the Majority Leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the wasteful ex-

1 penditures bill. It shall also be in order for
2 any member of the Senate or the House of
3 Representatives, respectively, to move to
4 proceed to the consideration of the waste-
5 ful expenditures bill at any time after the
6 conclusion of such 5-day period.

7 (ii) MOTION TO PROCEED.—A motion
8 to proceed to the consideration of a waste-
9 ful expenditures bill is highly privileged in
10 the House of Representatives and is privi-
11 leged in the Senate and is not debatable.
12 The motion is not subject to amendment or
13 to a motion to postpone consideration of
14 the wasteful expenditures bill. If the mo-
15 tion to proceed is agreed to, the Senate or
16 the House of Representatives, as the case
17 may be, shall immediately proceed to con-
18 sideration of the wasteful expenditures bill
19 without intervening motion, order, or other
20 business, and the wasteful expenditures bill
21 shall remain the unfinished business of the
22 Senate or the House of Representatives, as
23 the case may be, until disposed of.

24 (iii) LIMITED DEBATE.—Debate on
25 the wasteful expenditures bill and on all

1 debatable motions and appeals in connec-
2 tion therewith shall be limited to not more
3 than 10 hours, which shall be divided
4 equally between those favoring and those
5 opposing the wasteful expenditures bill. A
6 motion further to limit debate on the
7 wasteful expenditures bill is in order and is
8 not debatable. All time used for consider-
9 ation of the wasteful expenditures bill, in-
10 cluding time used for quorum calls (except
11 quorum calls immediately preceding a vote)
12 and voting, shall come from the 10 hours
13 of debate.

14 (iv) AMENDMENTS.—No amendment
15 to the wasteful expenditures bill shall be in
16 order in the Senate and the House of Rep-
17 resentatives.

18 (v) VOTE ON FINAL PASSAGE.—Imme-
19 diately following the conclusion of the de-
20 bate on the wasteful expenditures bill, the
21 vote on final passage of the wasteful ex-
22 penditures bill shall occur.

23 (vi) OTHER MOTIONS NOT IN
24 ORDER.—A motion to postpone consider-
25 ation of the wasteful expenditures bill, a

1 motion to proceed to the consideration of
2 other business, or a motion to recommit
3 the wasteful expenditures bill is not in
4 order. A motion to reconsider the vote by
5 which the wasteful expenditures bill is
6 agreed to or not agreed to is not in order.

7 (B) CONSIDERATION BY THE OTHER
8 HOUSE.—If, before the passage by one House
9 of the wasteful expenditures bill that was intro-
10 duced in such House, such House receives from
11 the other House a wasteful expenditures bill as
12 passed by such other House—

13 (i) the wasteful expenditures bill of
14 the other House shall not be referred to a
15 committee and may only be considered for
16 final passage in the House that receives it
17 under subparagraph (C);

18 (ii) the procedure in the House in re-
19 ceipt of the wasteful expenditures bill of
20 the other House, shall be the same as if no
21 wasteful expenditures bill had been re-
22 ceived from the other House; and

23 (iii) notwithstanding subparagraph
24 (B), the vote on final passage shall be on

1 the wasteful expenditures bill of the other
2 House.

3 (C) DISPOSITION.—Upon disposition of a
4 wasteful expenditures bill that is received by
5 one House from the other House, it shall no
6 longer be in order to consider the wasteful ex-
7 penditures bill that was introduced in the re-
8 ceiving House.

9 (4) LEGISLATIVE DAY.—In this section, the
10 term “legislative day” means a day on which either
11 House of Congress is in session.

12 (5) RULES OF THE SENATE AND THE HOUSE
13 OF REPRESENTATIVES.—This section is enacted—

14 (A) as an exercise of the rulemaking power
15 of the Senate and the House of Representa-
16 tives, respectively, and is deemed to be part of
17 the rules of each House, respectively, but appli-
18 cable only with respect to the procedure to be
19 followed in that House in the case of a wasteful
20 expenditures bill, and it supersedes other rules
21 only to the extent that it is inconsistent with
22 such rules; and

23 (B) with full recognition of the constitu-
24 tional right of either House to change the rules
25 (so far as they relate to the procedure of that

1 House) at any time, in the same manner, and
2 to the same extent as in the case of any other
3 rule of that House.

○