

115TH CONGRESS  
2D SESSION

# H. R. 5821

To establish a process for the termination of certain programs of the  
Department of Defense.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. KIND (for himself and Mr. SCHWEIKERT) introduced the following bill;  
which was referred to the Committee on Armed Services, and in addition  
to the Committees on Rules, and Appropriations, for a period to be sub-  
sequently determined by the Speaker, in each case for consideration of  
such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a process for the termination of certain  
programs of the Department of Defense.

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 “Wasteful Defense  
5 Spending Reduction Act of 2018”.

6 **SEC. 2. DEFICIT REDUCTION.**

7 Notwithstanding any other provision of law, any  
8 amounts appropriated for a covered program terminated  
9 pursuant to this Act that remain after the date of such

1 termination shall be deobligated and rescinded and re-  
2 turned to the general fund of the Treasury for the purpose  
3 of deficit reduction.

4 **SEC. 3. THE COMMISSION.**

5 (a) ESTABLISHMENT.—There is established an inde-  
6 pendent commission to be known as the “Wasteful De-  
7 fense Spending Reduction Commission” (referred to in  
8 this Act as the “Commission”).

9 (b) DUTIES.—The Commission shall review covered  
10 programs of the Department of Defense and make rec-  
11 ommendations for the termination of such programs.

12 (c) APPOINTMENT.—(1) The Commission shall be  
13 composed of 11 members appointed by the President. The  
14 President shall transmit to the congressional defense com-  
15 mittees the names of the individuals appointed to the  
16 Commission by not later than January 2, 2019.

17 (2) In selecting individuals for appointments to the  
18 Commission, the President should consult with—

19 (A) the Speaker of the House of Representa-  
20 tives concerning the appointment of 2 members;

21 (B) the majority leader of the Senate con-  
22 cerning the appointment of 2 members;

23 (C) the minority leader of the House of Rep-  
24 resentatives concerning the appointment of 2 mem-  
25 bers; and

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

3 (3) Not more than 6 members of the Commission  
4 may be affiliated with the same political party.

5 (4) At the time the President appoints individuals to  
6 the Commission, the President shall designate one such  
7 individual who shall serve as Chairperson of the Commis-  
8 sion.

9 (d) TERMS.—Each member of the Commission shall  
10 serve for the life of the Commission.

11 (e) MEETINGS.—(1) The Commission shall meet only  
12 during calendar years 2019 through 2021.

13 (2) Each meeting of the Commission, other than  
14 meetings in which classified information is to be discussed,  
15 shall be open to the public.

16 (f) VACANCIES.—A vacancy in the Commission shall  
17 be filled in the same manner as the original appointment.

18 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each  
19 member, other than the Chairperson, shall be paid at a  
20 rate equal to the daily equivalent of the minimum annual  
21 rate of basic pay payable for level IV of the Executive  
22 Schedule under section 5315 of title 5, United States  
23 Code, for each day (including travel time) during which  
24 the member is engaged in the actual performance of duties  
25 vested in the Commission.

1           (B) The Chairperson shall be paid for each day  
2       referred to in subparagraph (A) at a rate equal to  
3       the daily equivalent of the minimum annual rate of  
4       basic pay payable for level III of the Executive  
5       Schedule under section 5314 of title 5, United  
6       States Code.

7       (2) Members shall receive travel expenses, including  
8       per diem in lieu of subsistence, in accordance with sections  
9       5702 and 5703 of title 5, United States Code.

10       (h) DIRECTOR OF STAFF.—(1) The Commission shall  
11       appoint a Director who has not served on active duty in  
12       the Armed Forces or as a civilian employee of the Depart-  
13       ment of Defense during the 1-year period preceding the  
14       date of such appointment.

15       (2) The Director shall be paid at the rate of basic  
16       pay payable for level IV of the Executive Schedule under  
17       section 5315 of title 5, United States Code.

18       (i) STAFF.—(1) Subject to paragraphs (2) and (3),  
19       the Director, with the approval of the Commission, may  
20       appoint and fix the pay of additional personnel.

21       (2) The Director may make such appointments with-  
22       out regard to the provisions of title 5, United States Code,  
23       governing appointments in the competitive service, and  
24       any personnel so appointed may be paid without regard  
25       to the provisions of chapter 51 and subchapter III of chap-

1 ter 53 of that title relating to classification and General  
2 Schedule pay rates, except that an individual so appointed  
3 may not receive pay in excess of the annual rate of basic  
4 pay payable for GS–18 of the General Schedule.

5 (3) Not more than one-third of the personnel em-  
6 ployed by or detailed to the Commission may be on detail  
7 from the Department of Defense.

8 (4) Upon request of the Director, the head of any  
9 Federal Department or Agency may detail any of the per-  
10 sonnel of that Department or Agency to the Commission  
11 to assist the Commission in carrying out its duties under  
12 this Act.

13 (5) The Comptroller General of the United States  
14 shall provide assistance, including the detailing of employ-  
15 ees, to the Commission in accordance with an agreement  
16 entered into with the Commission.

17 (j) OTHER AUTHORITY.—(1) The Commission may  
18 procure by contract, to the extent funds are available, the  
19 temporary or intermittent services of experts or consult-  
20 ants pursuant to section 3109 of title 5, United States  
21 Code.

22 (2) The Commission may lease space and acquire per-  
23 sonal property to the extent funds are available.

24 (k) FUNDING.—There are authorized to be appro-  
25 priated for the Commission such sums as may be nec-

1    essary for fiscal years 2019 through 2022. Any amounts  
2    appropriated under the preceding sentence that remain  
3    after the date of the termination of the Commission under  
4    subsection (l) shall be deobligated and rescinded and re-  
5    turned to the general fund of the Treasury for the purpose  
6    of deficit reduction.

7       (l) **TERMINATION.**—The Commission shall terminate  
8    on December 31, 2021.

9       (m) **PROHIBITION AGAINST RESTRICTING COMMU-**  
10   **NICATIONS.**—Section 1034 of title 10, United States  
11    Code, shall apply with respect to communications with the  
12    Commission.

13       (n) **FEDERAL ADVISORY COMMITTEE ACT.**—Except  
14    as otherwise provided in this section, the Federal Advisory  
15    Committee Act (5 U.S.C. App.) shall apply to the Commis-  
16    sion.

17   **SEC. 4. REPORT.**

18       Not later than December 31, 2021, the Commission  
19    shall submit to the congressional defense committees a re-  
20    port that includes—

- 21           (1) the Commission’s recommendations for the  
22           termination of covered programs; and
- 23           (2) a schedule for the termination of the cov-  
24           ered programs identified under paragraph (1), set  
25           forth separately for each such program.

1 **SEC. 5. CONGRESSIONAL APPROVAL.**

2 (a) IN GENERAL.—The Secretary may not terminate  
3 a program recommended for termination in the report  
4 under section 4 unless a joint resolution approving such  
5 termination is enacted in accordance with subsection (b).

6 (b) JOINT RESOLUTION OF APPROVAL.—

7 (1) Notwithstanding any rule of the Senate or  
8 the House of Representatives, not later than 90 days  
9 after the date on which the Commission submits the  
10 report under section 4, each House of Congress shall  
11 meet to consider a vote on a joint resolution to ap-  
12 prove the recommendations of the Commission in-  
13 cluded in such report in their entirety.

14 (2) For purposes of this subsection, the days on  
15 which either House of Congress is not in session be-  
16 cause of an adjournment of more than 3 days to a  
17 day certain shall be excluded in the computation of  
18 a period.

19 (3) Paragraphs (1) and (2) are enacted by Con-  
20 gress—

21 (A) as an exercise of the rulemaking power  
22 of the Senate and the House of Representa-  
23 tives, respectively, and as such they are deemed  
24 a part of the rules of each House, respectively,  
25 but applicable only with respect to the proce-  
26 dure to be followed in the House in the case of

1 resolutions described by this subsection; and  
2 they supersede other rules only to the extent  
3 that they are inconsistent therewith; and

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

10 **SEC. 6. IMPLEMENTATION.**

11 The Secretary of Defense shall carry out the termi-  
12 nation of the programs approved for termination in a joint  
13 resolution under section 5 in accordance with the schedule  
14 for the termination of such programs recommended by the  
15 Commission under paragraph (2) of section 4.

16 **SEC. 7. DEFINITIONS.**

17 In this Act:

18 (1) COVERED PROGRAM.—The term “covered  
19 program” means any procurement program of the  
20 Department of Defense.

21 (2) CONGRESSIONAL DEFENSE COMMITTEES.—  
22 The term “congressional defense committees” has  
23 the meaning given that term in section 101(a)(16)  
24 of title 10, United States Code.

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