

114TH CONGRESS  
2D SESSION

# H. R. 5566

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2016

Mr. KIND 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 subsequently 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 2016”.

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1 termination shall be deobligated and rescinded and re-  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 3, 2017.

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 1 such indi-  
7           vidual who shall serve as Chairperson of the Commission.

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

10          (e) MEETINGS.—(1) The Commission shall meet only  
11          during calendar year 2017.

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

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

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

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

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

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

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

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

20 (2) The Director may make such appointments with-  
21 out regard to the provisions of title 5, United States Code,  
22 governing appointments in the competitive service, and  
23 any personnel so appointed may be paid without regard  
24 to the provisions of chapter 51 and subchapter III of chap-  
25 ter 53 of that title relating to classification and General

1 Schedule pay rates, except that an individual so appointed  
2 may not receive pay in excess of the annual rate of basic  
3 pay payable for GS–18 of the General Schedule.

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

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

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

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

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

23 (k) FUNDING.—There are authorized to be appro-  
24 priated for the Commission such sums as may be nec-  
25 essary for fiscal years 2017 and 2018. Any amounts ap-

1 appropriated under the preceding sentence that remain after  
2 the date of the termination of the Commission under sub-  
3 section (l) shall be deobligated and rescinded and returned  
4 to the general fund of the Treasury for the purpose of  
5 deficit reduction.

6 (l) TERMINATION.—The Commission shall terminate  
7 on December 31, 2017.

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

12 **SEC. 4. REPORT.**

13 Not later than December 31, 2017, the Commission  
14 shall submit to the congressional defense committees a re-  
15 port that includes—

16 (1) the Commission’s recommendations for the  
17 termination of covered programs; and

18 (2) a schedule for the termination of the cov-  
19 ered programs identified under paragraph (1), set  
20 forth separately for each such program.

21 **SEC. 5. CONGRESSIONAL APPROVAL.**

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

1 (b) JOINT RESOLUTION OF APPROVAL.—

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

9 (2) For purposes of this subsection, the days on  
10 which either House of Congress is not in session be-  
11 cause of an adjournment of more than 3 days to a  
12 day certain shall be excluded in the computation of  
13 a period.

14 (3) Paragraphs (1) and (2) are enacted by Con-  
15 gress—

16 (A) as an exercise of the rulemaking power  
17 of the Senate and the House of Representa-  
18 tives, respectively, and as such they are deemed  
19 a part of the rules of each House, respectively,  
20 but applicable only with respect to the proce-  
21 dure to be followed in the House in the case of  
22 resolutions described by this subsection; and  
23 they supersede other rules only to the extent  
24 that they are inconsistent therewith; and

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

7 **SEC. 6. IMPLEMENTATION.**

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

13 **SEC. 7. DEFINITIONS.**

14          In this Act:

15           (1) COVERED PROGRAM.—The term “covered  
16           program” means any procurement program of the  
17           Department of Defense.

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

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