

115TH CONGRESS
2D SESSION

H. R. 5821

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

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

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1 termination shall be deobligated and rescinded and re-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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