

112TH CONGRESS
1ST SESSION

H. R. 606

To establish a Commission to provide for the abolishment of Federal programs for which a public need does not exist, to periodically review the efficiency and public need for Federal programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

Mr. SCHOCK (for himself, Mr. COOPER, Mr. WALSH of Illinois, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To establish a Commission to provide for the abolishment of Federal programs for which a public need does not exist, to periodically review the efficiency and public need for Federal programs, 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 “Federal Program Sun-
5 set Commission Act”.

6 **SEC. 2. FEDERAL PROGRAM SUNSET COMMISSION.**

7 (a) ESTABLISHMENT OF COMMISSION.—

1 (1) ESTABLISHMENT.—There is established a
2 commission to be known as the Federal Program
3 Sunset Commission (in this section referred to as
4 the “Commission”).

5 (2) COMPOSITION.—The Commission shall be
6 composed of 10 members (in this section referred to
7 as the “members”) appointed by the President, by
8 and with the advice and consent of the Senate, as
9 follows:

10 (A) 5 members shall be former Members of
11 Congress (not more than 3 of whom may be of
12 the same political party).

13 (B) 5 members (not more than 3 of whom
14 may be of the same political party) shall be an
15 individual—

16 (i) who is not a former Member of
17 Congress; and

18 (ii) with expertise in the operation
19 and administration of Federal programs,
20 such as a former Comptroller General, a
21 former Director of the Office of Manage-
22 ment and Budget, a former State gov-
23 ernor, a former agency secretary or under-
24 secretary, or a former head of a business.

1 (3) LIST OF NOMINEES.—Not later than 30
2 days after the date of the enactment of this Act or
3 the date on which there is a vacancy in the Commis-
4 sion, the Speaker of the House of Representatives
5 and the majority leader of the Senate, in consulta-
6 tion with the minority leader of the House of Rep-
7 resentatives and the minority leader of the Senate,
8 shall submit to the President a list of recommended
9 nominees for appointment under paragraph (2).

10 (4) APPOINTMENTS.—All appointments to the
11 Commission shall be made not later than 30 days
12 after the date on which the list of nominees under
13 paragraph (3) is received by the President.

14 (5) CHAIRMAN; VICE CHAIRMAN.—The Chair-
15 man and Vice Chairman of the Commission shall be
16 designated by the President at the time of appoint-
17 ment from among the members appointed under
18 paragraph (2). The term of office of the Chairman
19 and Vice Chairman shall be 2 years.

20 (6) TERMS OF MEMBERS.—

21 (A) FORMER MEMBERS OF CONGRESS.—
22 Each member appointed to the Commission who
23 is a former Member of Congress shall serve for
24 a term of 6 years.

1 (B) OTHER MEMBERS.—Each member of
2 the Commission who is not a former Member of
3 Congress shall serve for a term of 3 years.

4 (C) TERM LIMIT.—(i) A member of the
5 Commission who is a former Member of Con-
6 gress and who serves more than 3 years of a
7 term may not be appointed to another term as
8 a member.

9 (ii) A member of the Commission who is
10 not a former Member of Congress and who
11 serves as a member of the Commission for more
12 than 56 months may not be appointed to an-
13 other term as a member.

14 (7) VACANCIES.—Any member appointed to fill
15 a vacancy occurring before the expiration of the
16 term for which the member's predecessor was ap-
17 pointed shall be appointed only for the remainder of
18 that term. A member may serve after the expiration
19 of that member's term until a successor has taken
20 office. A vacancy in the Commission shall be filled
21 in the manner in which the original appointment was
22 made.

23 (8) POWERS OF COMMISSION.—

24 (A) HEARINGS AND SESSIONS.—The Com-
25 mission may, for the purpose of carrying out

1 this section, hold such hearings, sit and act at
2 such times and places, take such testimony, and
3 receive such evidence as the Commission con-
4 siders appropriate. The Commission may ad-
5 minister oaths to witnesses appearing before it.

6 (B) OBTAINING INFORMATION.—The Com-
7 mission may secure directly from any agency of
8 the United States information necessary to en-
9 able it to carry out its duties under this section.
10 Upon request of any member, the head of that
11 agency shall furnish that information to the
12 Commission in a full and timely manner.

13 (C) SUBPOENA POWER.—(i) The Commis-
14 sion may issue a subpoena to require the at-
15 tendance and testimony of witnesses and the
16 production of evidence relating to any matter
17 under investigation by the Commission.

18 (ii) If a person refuses to obey an order or
19 subpoena of the Commission that is issued in
20 connection with a Commission proceeding, the
21 Commission may apply to the United States
22 district court in the judicial district in which
23 the proceeding is held for an order requiring
24 the person to comply with the subpoena or
25 order.

1 (D) IMMUNITY.—The Commission is an
2 agency of the United States for purposes of
3 part V of title 18, United States Code (relating
4 to immunity of witnesses).

5 (E) CONTRACT AUTHORITY.—The Com-
6 mission may contract with and compensate gov-
7 ernment and private agencies or persons for
8 services without regard to section 3709 of the
9 Revised Statutes (41 U.S.C. 5).

10 (9) COMMISSION PROCEDURES.—

11 (A) MEETINGS.—The Commission shall
12 meet at the call of the Chairman.

13 (B) QUORUM.—Eight members of the
14 Commission shall constitute a quorum but a
15 lesser number may hold hearings.

16 (C) DECISIONS.—Decisions of the Com-
17 mission shall be made according to the vote of
18 not less than a majority of the members who
19 are present and voting at a meeting called pur-
20 suant to subparagraph (A).

21 (10) PERSONNEL MATTERS.—

22 (A) COMPENSATION.—Members shall not
23 be paid by reason of their service as members.

24 (B) TRAVEL EXPENSES.—Each member
25 shall receive travel expenses, including per diem

1 in lieu of subsistence, in accordance with sec-
2 tions 5702 and 5703 of title 5, United States
3 Code.

4 (C) DIRECTOR.—The Commission shall
5 have a Director who shall be appointed by the
6 Chairman. The Director shall be paid at a rate
7 not to exceed the maximum rate of basic pay
8 payable for GS–15 of the General Schedule.

9 (D) STAFF.—The Director may appoint
10 and fix the pay of additional personnel as the
11 Director considers appropriate.

12 (E) APPLICABILITY OF CERTAIN CIVIL
13 SERVICE LAWS.—The Director and staff of the
14 Commission shall be appointed subject to the
15 provisions of title 5, United States Code, gov-
16 erning appointments in the competitive service,
17 and shall be paid in accordance with the provi-
18 sions of chapter 51 and subchapter III of chap-
19 ter 53 of that title relating to classification and
20 General Schedule pay rates.

21 (11) OTHER ADMINISTRATIVE MATTERS.—

22 (A) POSTAL AND PRINTING SERVICES.—
23 The Commission may use the United States
24 mails and obtain printing and binding services

1 in the same manner and under the same condi-
2 tions as other agencies of the United States.

3 (B) ADMINISTRATIVE SUPPORT SERV-
4 ICES.—Upon the request of the Commission,
5 the Administrator of General Services shall pro-
6 vide to the Commission, on a reimbursable
7 basis, the administrative support services nec-
8 essary for the Commission to carry out its du-
9 ties under this section.

10 (C) EXPERTS AND CONSULTANTS.—The
11 Commission may procure temporary and inter-
12 mittent services under section 3109(b) of title
13 5, United States Code.

14 (b) REVIEW AND ABOLISHMENT OF FEDERAL PRO-
15 GRAMS.—

16 (1) RECOMMENDATIONS; REPORT TO CON-
17 GRESS.—Not later than 6 months after the date of
18 the enactment of this Act or September 1, whichever
19 comes later, and September 1 of each year there-
20 after, the Federal Program Sunset Commission es-
21 tablished under subsection (a) shall submit to Con-
22 gress and the President a report containing—

23 (A) a list of the Federal programs, if any,
24 the Commission recommends to be abolished;
25 and

1 (B) a review of the efficiency of operation
2 and public need for each Federal program in
3 accordance with the criteria described in sub-
4 section (c) that shall be referred to the appro-
5 priate committees of the Congress, including
6 recommendations—

7 (i) on whether the functions of a Fed-
8 eral program should be consolidated, trans-
9 ferred, or reorganized in another Federal
10 program; and

11 (ii) for administrative and legislative
12 action with respect to each Federal pro-
13 gram.

14 (2) ABOLISHMENT OF FEDERAL PROGRAMS AND
15 DEADLINE FOR ABOLISHMENT.—Not later than 6
16 months after the date on which the Commission sub-
17 mits a report pursuant to paragraph (1), all Federal
18 programs on the list the Commission recommends to
19 be abolished shall be abolished, unless the Federal
20 program is reauthorized by the Congress after the
21 submission of such report.

22 (3) DRAFT LEGISLATION.—The Commission
23 shall submit to Congress and the President not later
24 than September 1 of each year a draft of legislation

1 to carry out the recommendations of the Commission
2 under clauses (i) and (ii) of paragraph (1)(B).

3 (4) INFORMATION GATHERING.—The Commis-
4 sion shall—

5 (A) conduct public hearings on the abolish-
6 ment of each Federal program reviewed under
7 paragraph (1);

8 (B) provide an opportunity for public com-
9 ment on the abolishment of each such Federal
10 program;

11 (C) require the agency that administers
12 the Federal program to provide information to
13 the Commission, as appropriate; and

14 (D) consult with the Comptroller General,
15 the Office of Management and Budget, and the
16 chairman and ranking minority members of the
17 committees of Congress with oversight responsi-
18 bility for the Federal program being reviewed
19 regarding the operation of the Federal program.

20 (5) USE OF PROGRAM INVENTORY.—The Com-
21 mission shall use the program inventory prepared
22 under subsection (f) in reviewing the efficiency and
23 public need for each Federal program under para-
24 graph (1).

1 (c) CRITERIA FOR REVIEW.—The Commission shall
2 evaluate the efficiency and public need for each Federal
3 program pursuant to subsection (b) using the following
4 criteria:

5 (1) The effectiveness and the efficiency of the
6 operation of the Federal program.

7 (2) Whether the Federal program is cost-effec-
8 tive.

9 (3) Whether less restrictive or alternative meth-
10 ods exist to carry out the functions of the Federal
11 program.

12 (4) The extent to which the Federal program
13 duplicates another Federal program.

14 (5) The potential benefits of consolidating the
15 Federal program with similar or duplicative pro-
16 grams of other agencies, and the potential for con-
17 solidating such programs.

18 (6) The number and types of beneficiaries or
19 persons served by the Federal program.

20 (7) The extent to which any trends, develop-
21 ments, and emerging conditions are likely to affect
22 the future nature and extent of the problems or
23 needs that the Federal program is intended to ad-
24 dress.

1 (8) The extent to which the agency that admin-
2 isters the Federal program has complied with—

3 (A) sections 1115, 1116, 1117, 1120,
4 1121, 1122, 1123, 1124, 1125, and the first
5 section 9703 of title 31, United States Code;

6 (B) section 306 of title 5, United States
7 Code; and

8 (C) this Act.

9 (9) The promptness and effectiveness with
10 which the Federal program seeks public input and
11 input from State and local governments on the effi-
12 ciency and effectiveness of the Federal program.

13 (10) Whether the Federal program has worked
14 to enact changes in the law that are intended to ben-
15 efit the public as a whole.

16 (11) The extent to which the Federal program
17 has encouraged participation by the public as a
18 whole.

19 (12) The extent to which the Federal program
20 complies with equal employment opportunity require-
21 ments.

22 (13) The extent of the regulatory, privacy, and
23 paperwork impacts of the Federal program.

24 (14) The extent to which the Federal program
25 has coordinated with State and local governments.

1 (15) The potential effects of abolishing the
2 Federal program on State and local governments.

3 (16) The extent to which changes are necessary
4 in the authorizing statutes of the Federal program
5 in order that the functions of the Federal program
6 can be performed in the most efficient and effective
7 manner.

8 (17) The extent to which an agency has dem-
9 onstrated using objective and measurable criteria
10 that the program has contributed to meeting the
11 goals identified pursuant to section 1120(a) of title
12 31, United States Code.

13 (18) The extent to which the Federal program
14 has helped or hindered job creation and the con-
15 tribution of such program to economic growth.

16 (d) COMMISSION OVERSIGHT OF IMPLEMENTATION
17 OF RECOMMENDATIONS.—The Commission shall monitor
18 implementation of laws enacting provisions that incor-
19 porate recommendations of the Commission with respect
20 to abolishment or reorganization of Federal programs.

21 (e) RULEMAKING AUTHORITY.—The Commission
22 may promulgate such rules as necessary to carry out this
23 section.

24 (f) PROGRAM INVENTORY.—

1 (1) PREPARATION.—Not later than 6 months
2 after the date of the enactment of this Act or Sep-
3 tember 1, whichever comes later, and September 1
4 of each year thereafter, the Comptroller General and
5 the Director of the Congressional Budget Office, in
6 consultation with the Director of the Congressional
7 Research Service, shall prepare an inventory of Fed-
8 eral programs (in this section referred to as the
9 “program inventory”) within each agency.

10 (2) PURPOSE.—The purpose of the program in-
11 ventory is to advise and assist the Congress and the
12 Commission in carrying out the requirements of this
13 section. Such inventory shall not in any way bind
14 the committees of the Senate or the House of Rep-
15 resentatives with respect to their responsibilities
16 under this section and shall not infringe on the legis-
17 lative and oversight responsibilities of such commit-
18 tees. The Comptroller General shall compile and
19 maintain the inventory, and the Director of the Con-
20 gressional Budget Office shall provide budgetary in-
21 formation for inclusion in the inventory.

22 (3) INVENTORY CONTENT.—The program in-
23 ventory shall set forth for each program each of the
24 following matters:

1 (A) The specific provision or provisions of
2 law authorizing the program.

3 (B) The committees of the Senate and the
4 House of Representatives which have legislative
5 or oversight jurisdiction over the program.

6 (C) A brief statement of the purpose or
7 purposes to be achieved by the program.

8 (D) The committees which have jurisdic-
9 tion over legislation providing new budget au-
10 thority for the program, including the appro-
11 priate subcommittees of the Committees on Ap-
12 propriations of the Senate and the House of
13 Representatives.

14 (E) The agency and, if applicable, the sub-
15 division thereof responsible for administering
16 the program.

17 (F) The grants-in-aid, if any, provided by
18 such program to State and local governments.

19 (G) The next reauthorization date for the
20 program.

21 (H) A unique identification number which
22 links the program and functional category
23 structure.

1 (I) The year in which the program was
2 originally established and, where applicable, the
3 year in which the program expires.

4 (J) Where applicable, the year in which
5 new budget authority for the program was last
6 authorized and the year in which current au-
7 thorizations of new budget authority expire.

8 (4) BUDGET AUTHORITY.—The report also
9 shall set forth for each program whether the new
10 budget authority provided for such program is—

11 (A) authorized for a definite period of
12 time;

13 (B) authorized in a specific dollar amount
14 but without limit of time;

15 (C) authorized without limit of time or dol-
16 lar amounts;

17 (D) not specifically authorized; or

18 (E) permanently provided,

19 as determined by the Director of the Congressional
20 Budget Office.

21 (5) CBO INFORMATION.—For each program or
22 group of programs, the program inventory also shall
23 include information prepared by the Director of the
24 Congressional Budget Office indicating each of the
25 following matters:

1 (A) The amounts of new budget authority
2 authorized and provided for the program for
3 each of the preceding 4 fiscal years and, where
4 applicable, the 4 succeeding fiscal years.

5 (B) The functional and subfunctional cat-
6 egory in which the program is presently classi-
7 fied under the budget.

8 (C) The identification code and title of the
9 appropriation account in which budget author-
10 ity is provided for the program.

11 (6) MUTUAL EXCHANGE OF INFORMATION.—
12 The Government Accountability Office, the Congres-
13 sional Research Service, and the Congressional
14 Budget Office shall permit the mutual exchange of
15 available information in their possession which would
16 aid in the compilation of the program inventory.

17 (7) ASSISTANCE BY EXECUTIVE BRANCH.—The
18 Office of Management and Budget, and the agencies
19 and the subdivisions thereof, shall, to the extent nec-
20 essary and possible, provide the Government Ac-
21 countability Office with assistance requested by the
22 Comptroller General in the compilation of the pro-
23 gram inventory.

24 (g) DEFINITION OF AGENCY.—As used in this sec-
25 tion, the term “agency” has the meaning given the term

1 “Executive agency” by section 105 of title 5, United
2 States Code, except that such term includes an advisory
3 committee as that term is defined in section 3(2) of the
4 Federal Advisory Committee Act (5 U.S.C. App.).

5 (h) AMOUNTS APPROPRIATED.—

6 (1) OFFSET.—Amounts appropriated to carry
7 out this section shall be offset by a reduction in
8 amounts appropriated to carry out Federal pro-
9 grams abolished pursuant to subsection (b)(2) of
10 this Act.

11 (2) ABOLISHED FEDERAL PROGRAM.—None of
12 the funds appropriated or otherwise made available
13 to an agency in any fiscal year may be used to fund
14 a Federal program that has been abolished pursuant
15 to this section. A Federal program abolished pursu-
16 ant to this section may not be funded without an ex-
17 press reauthorization.

18 (3) REMAINING FUNDING FOR AN ABOLISHED
19 FEDERAL PROGRAM.—Any unobligated amounts for
20 the current fiscal year for an abolished Federal pro-
21 gram shall be returned to the General Fund of the
22 Treasury.

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