

112TH CONGRESS
1ST SESSION

H. R. 779

To establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Mr. KINZINGER of Illinois (for himself, Mr. SHIMKUS, Mr. DOLD, Mr. SCHOCK, Mr. HULTGREN, and Mr. JOHNSON of Illinois) 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 establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, 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 “Spending Control Act
5 of 2011”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established an independent commission to be
3 known as the “Grace Commission II”.

4 **SEC. 3. DUTIES OF COMMISSION.**

5 The duties of the Commission shall be—

6 (1) to conduct reviews in accordance with sec-
7 tion 7; and

8 (2) to submit reports in accordance with section
9 8.

10 **SEC. 4. MEMBERSHIP.**

11 (a) NUMBER AND APPOINTMENT.—

12 (1) IN GENERAL.—The Commission shall be
13 composed of eight members appointed by the Presi-
14 dent, by and with the advice and consent of the Sen-
15 ate.

16 (2) NOMINATIONS.—Not later than 180 days
17 after the date of the enactment of this Act, the
18 President shall transmit to the Senate nominations
19 for appointment to the Commission.

20 (3) CONSULTATION.—In selecting individuals
21 for nominations for appointments to the Commis-
22 sion, the President shall consult with—

23 (A) the Speaker of the House of Rep-
24 resentatives concerning the appointment of
25 three members;

1 (B) the majority leader of the Senate con-
2 cerning the appointment of three members;

3 (C) the minority leader of the House of
4 Representatives concerning the appointment of
5 one member; and

6 (D) the minority leader of the Senate con-
7 cerning the appointment of one member.

8 (b) TERMS.—Each member shall be appointed for the
9 life of the Commission.

10 (c) VACANCIES.—A vacancy in the Commission shall
11 be filled in the manner in which the original appointment
12 was made.

13 (d) CHAIRMAN.—The Chairman of the Commission
14 shall be designated by the President at the time of nomi-
15 nation of members of the Commission.

16 (e) BASIC PAY.—

17 (1) RATES OF PAY.—

18 (A) IN GENERAL.—Except as provided in
19 paragraph (2), each member, other than the
20 Chairman, shall be paid at a rate equal to the
21 daily equivalent of the minimum annual rate of
22 basic pay for level IV of the Executive Schedule
23 under section 5315 of title 5, United States
24 Code, for each day (including travel time) dur-
25 ing which the member is engaged in the actual

1 performance of duties vested in the Commis-
2 sion.

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

9 (C) TRAVEL EXPENSES.—Each member
10 shall receive travel expenses, including per diem
11 in lieu of subsistence, in accordance with appli-
12 cable provisions under subchapter I of chapter
13 57 of title 5, United States Code.

14 (2) PROHIBITION OF COMPENSATION OF FED-
15 ERAL EMPLOYEES.—Members of the Commission
16 who are full-time officers or employees of the United
17 States or Members of Congress may not receive ad-
18 ditional pay, allowances, or benefits by reason of
19 their service on the Commission.

20 (f) QUORUM.—Five members of the Commission shall
21 constitute a quorum but a lesser number may hold hear-
22 ings.

23 (g) MEETINGS.—The Commission shall meet at the
24 call of the Chairman.

1 **SEC. 5. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.**

2 (a) DIRECTOR.—The Commission shall have a Direc-
3 tor who shall be appointed by the Commission. The Direc-
4 tor shall be paid at the rate of basic pay for level IV of
5 the Executive Schedule under section 5315 of title 5,
6 United States Code.

7 (b) STAFF.—

8 (1) IN GENERAL.—With the approval of the
9 Commission, the Director may appoint and fix the
10 pay of personnel as the Director considers appro-
11 priate.

12 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—The Director may appoint the personnel of
14 the Commission without regard to the provisions of
15 title 5, United States Code, governing appointments
16 in the competitive service, and any personnel so ap-
17 pointed may be paid without regard to the provisions
18 of chapter 51 and subchapter III of chapter 53 of
19 that title relating to classification and General
20 Schedule pay rates, except that an individual so ap-
21 pointed may not receive pay in excess of the annual
22 rate of basic pay for level V of the Executive Sched-
23 ule under section 5316 of such title.

24 (3) STAFF OF FEDERAL AGENCIES.—Upon re-
25 quest of the Director, the head of any Federal de-
26 partment or agency may detail, on a reimbursable

1 basis, any of the personnel of that department or
2 agency to the Commission to assist it in carrying out
3 its duties under this Act.

4 (c) EXPERTS AND CONSULTANTS.—The Commission
5 may procure by contract temporary and intermittent serv-
6 ices under section 3109(b) of title 5, United States Code.

7 **SEC. 6. POWERS OF COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out this Act, hold hear-
10 ings, sit and act at times and places, take testimony, and
11 receive evidence as the Commission considers appropriate.
12 The Commission may administer oaths or affirmations to
13 witnesses appearing before it.

14 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
15 ber or agent of the Commission may, if authorized by the
16 Commission, take any action which the Commission is au-
17 thorized to take by this section.

18 (c) OBTAINING OFFICIAL DATA.—The Commission
19 may secure directly from any department or agency of the
20 United States information necessary to enable it to carry
21 out this Act. Upon request of the Chairman, the head of
22 that department or agency shall furnish that information
23 to the Commission.

24 (d) MAILS.—The Commission may use the United
25 States mails in the same manner and under the same con-

1 ditions as other departments and agencies of the United
2 States.

3 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
4 the request of the Commission, the Administrator of Gen-
5 eral Services shall provide to the Commission, on a reim-
6 bursable basis, the administrative support services nec-
7 essary for the Commission to carry out its responsibilities
8 under this Act.

9 (f) CONTRACT AUTHORITY.—The Commission may
10 contract with and compensate Government and private
11 agencies or persons for products and services necessary
12 for the Commission to carry out its responsibilities under
13 this Act.

14 **SEC. 7. COST CONTROL REVIEWS.**

15 (a) IN GENERAL.—In preparation for submitting re-
16 ports as required under section 8, the Commission shall
17 conduct, every two years, a review of cost control in the
18 Federal Government with respect to improving manage-
19 ment and reducing costs.

20 (b) AGENCY STUDIES.—In conducting a review under
21 this section, the Commission shall conduct in-depth stud-
22 ies of the operations of the Executive agencies as a basis
23 for evaluating potential improvements in agency oper-
24 ations.

1 (c) RECOMMENDATIONS.—In conducting a review
2 under this section, the Commission shall develop rec-
3 ommendations in the following areas:

4 (1) Opportunities for increased efficiency and
5 reduced costs in the Federal Government that can
6 be realized by Executive action or legislation.

7 (2) Areas where managerial accountability can
8 be enhanced and administrative control can be im-
9 proved.

10 (3) Opportunities for managerial improvements
11 over both the short- and long-term.

12 (4) Specific areas where further study can be
13 justified by potential savings.

14 (5) Ways to reduce governmental expenditures
15 and indebtedness and improve personnel manage-
16 ment.

17 **SEC. 8. REPORTS.**

18 (a) INTERIM REPORTS.—Not later than 180 days be-
19 fore the date on which the Commission is required to sub-
20 mit a final report under subsection (b), the Commission
21 shall submit to Congress and the President an interim re-
22 port containing the preliminary results of the review being
23 conducted under section 7 related to that final report.

24 (b) FINAL REPORTS.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of the enactment of this Act, and
3 every two years thereafter until the date on which
4 the Commission submits its third final report under
5 this paragraph, the Commission shall submit to Con-
6 gress and the President a final report containing a
7 detailed statement of the findings and conclusions of
8 the Commission based on the most recent review
9 conducted under section 7, together with its rec-
10 ommendations for legislative and administrative ac-
11 tions, and other matters the Commission considers
12 appropriate.

13 (2) PROPOSED LEGISLATION.—The Commission
14 shall include in a final report submitted under para-
15 graph (1) proposed legislation in the form of an im-
16 plementation bill to carry out recommendations de-
17 veloped under section 7(c).

18 (3) LIMITATION.—The Commission may include
19 in a report submitted under this section proposed
20 legislation under paragraph (2) only if such pro-
21 posed legislation is agreed to by not fewer than five
22 of the members of the Commission.

1 **SEC. 9. CONGRESSIONAL CONSIDERATION OF PROPOSED**
2 **LEGISLATION.**

3 (a) INTRODUCTION; REFERRAL; REPORT OR DIS-
4 CHARGE.—

5 (1) INTRODUCTION.—On the first calendar day
6 on which both Houses are in session on or imme-
7 diately following the date on which a final report is
8 submitted to Congress under section 8(b), the imple-
9 mentation bill included in such report shall be intro-
10 duced (by request)—

11 (A) in the Senate by the majority leader of
12 the Senate, for himself and the minority leader
13 of the Senate, or by Members of the Senate
14 designated by the majority leader and minority
15 leader of the Senate; and

16 (B) in the House of Representatives by the
17 majority leader of the House of Representa-
18 tives, for himself and the minority leader of the
19 House of Representatives, or by Members of the
20 House of Representatives designated by the ma-
21 jority leader and minority leader of the House
22 of Representatives.

23 (2) REFERRAL.—An implementation bill intro-
24 duced under paragraph (1) shall be referred to any
25 appropriate committee of jurisdiction in the Senate
26 and any appropriate committee of jurisdiction in the

1 House of Representatives. A committee to which an
2 implementation bill is referred under this paragraph
3 may report such bill to the respective House, but
4 only without amendment.

5 (3) REPORT OR DISCHARGE.—If a committee to
6 which an implementation bill is referred has not re-
7 ported such bill by the end of the 15th calendar day
8 after the date of the introduction of such bill, such
9 committee shall be immediately discharged from fur-
10 ther consideration of such bill, and upon being re-
11 ported or discharged from the committee, such bill
12 shall be placed on the appropriate calendar.

13 (b) FLOOR CONSIDERATION.—

14 (1) IN GENERAL.—When the committee to
15 which an implementation bill is referred has re-
16 ported the bill, or has been discharged from further
17 consideration of the bill under subsection (a)(3), it
18 is at any time thereafter in order (even though a
19 previous motion to the same effect has been dis-
20 agreed to) for any Member of the respective House
21 to move to proceed to the consideration of the imple-
22 mentation bill, and all points of order against the
23 implementation bill (and against consideration of the
24 implementation bill) are waived. The motion is high-
25 ly privileged in the House of Representatives and is

1 privileged in the Senate and is not debatable. The
2 motion is not subject to amendment, or to a motion
3 to postpone, or to a motion to proceed to the consid-
4 eration of other business. A motion to reconsider the
5 vote by which the motion is agreed to or disagreed
6 to shall not be in order. If a motion to proceed to
7 the consideration of the implementation bill is
8 agreed to, the implementation bill shall remain the
9 unfinished business of the respective House until
10 disposed of.

11 (2) AMENDMENTS.—An implementation bill
12 may not be amended in the Senate or the House of
13 Representatives.

14 (3) DEBATE.—Debate on the implementation
15 bill, and on all debatable motions and appeals in
16 connection therewith, shall be limited to not more
17 than 10 hours, which shall be divided equally be-
18 tween those favoring and those opposing the bill. A
19 motion further to limit debate is in order and not
20 debatable. An amendment to, or a motion to post-
21 pone, or a motion to proceed to the consideration of
22 other business, or a motion to recommit the imple-
23 mentation bill is not in order. A motion to reconsider
24 the vote by which the implementation bill is agreed
25 to or disagreed to is not in order.

1 (4) VOTE ON FINAL PASSAGE.—Immediately
2 following the conclusion of the debate on an imple-
3 mentation bill, and a single quorum call at the con-
4 clusion of the debate if requested in accordance with
5 the rules of the appropriate House, the vote on final
6 passage of the implementation bill shall occur.

7 (5) RULINGS OF THE CHAIR ON PROCEDURE.—
8 Appeals from the decisions of the Chair relating to
9 the application of the rules of the Senate or the
10 House of Representatives, as the case may be, to the
11 procedure relating to an implementation bill shall be
12 decided without debate.

13 (c) COORDINATION WITH ACTION BY OTHER
14 HOUSE.—If, before the passage by one House of an imple-
15 mentation bill of that House, that House receives from
16 the other House an implementation bill, then the following
17 procedures shall apply:

18 (1) NONREFERRAL.—The implementation bill
19 of the other House shall not be referred to a com-
20 mittee.

21 (2) VOTE ON BILL OF OTHER HOUSE.—With
22 respect to an implementation bill of the House re-
23 ceiving the implementation bill—

1 (A) the procedure in that House shall be
2 the same as if no implementation bill had been
3 received from the other House; but

4 (B) the vote on final passage shall be on
5 the implementation bill of the other House.

6 (d) RULES OF THE SENATE AND THE HOUSE OF
7 REPRESENTATIVES.—This section is enacted by Con-
8 gress—

9 (1) as an exercise of the rulemaking power of
10 the Senate and House of Representatives, respec-
11 tively, and as such it is deemed a part of the rules
12 of each House, respectively, but applicable only with
13 respect to the procedure to be followed in that
14 House in the case of an implementation bill, and it
15 supersedes other rules only to the extent that it is
16 inconsistent with such rules; and

17 (2) with full recognition of the constitutional
18 right of either House to change the rules (so far as
19 relating to the procedure of that House) at any time,
20 in the same manner, and to the same extent as in
21 the case of any other rule of that House.

22 **SEC. 10. TERMINATION.**

23 The Commission shall terminate on the date that is
24 one day after the date on which it submits its third final
25 report under section 8(b).

1 **SEC. 11. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) **CALENDAR DAY.**—The term “calendar day”
4 means a calendar day other than one on which ei-
5 ther House is not in session because of an adjourn-
6 ment of more than 3 days to a date certain.

7 (2) **COMMISSION.**—The term “Commission”
8 means the Grace Commission II established by sec-
9 tion 2.

10 (3) **IMPLEMENTATION BILL.**—The term “imple-
11 mentation bill” means only a bill that is introduced
12 as provided under section 9(a), and contains the
13 proposed legislation described in section 8(b)(2),
14 without modification.

15 (4) **MEMBER.**—The term “member” means a
16 member of the Commission appointed under section
17 4(a)(1).

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