

113TH CONGRESS
2^D SESSION

H. R. 3874

To provide for the periodic review of the efficiency and public need for Federal agencies, to establish a commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2014

Mr. HUDSON introduced the following bill; which was referred to the
Committee on Oversight and Government Reform

A BILL

To provide for the periodic review of the efficiency and public need for Federal agencies, to establish a commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Sunset Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Review and abolishment of Federal agencies.
- Sec. 3. Establishment of Commission.
- Sec. 4. Review of efficiency and need for Federal agencies.
- Sec. 5. Criteria for review.
- Sec. 6. Commission oversight.
- Sec. 7. Rulemaking authority.
- Sec. 8. Relocation of Federal employees.
- Sec. 9. Program inventory.
- Sec. 10. Definition of agency.
- Sec. 11. Offset of amounts appropriated.

1 **SEC. 2. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-**
 2 **CIES.**

3 (a) SCHEDULE FOR REVIEW.—Not later than one
 4 year after the date of the enactment of this Act, the Fed-
 5 eral Agency Sunset Commission established under section
 6 3 (in this Act referred to as the “Commission”) shall sub-
 7 mit to Congress a schedule for review by the Commission,
 8 at least once every 12 years (or less, if determined appro-
 9 priate by Congress), of the abolishment or reorganization
 10 of each agency.

11 (b) REVIEW OF AGENCIES PERFORMING RELATED
 12 FUNCTIONS.—In determining the schedule for review of
 13 agencies under subsection (a), the Commission shall pro-
 14 vide that agencies that perform similar or related func-
 15 tions be reviewed concurrently to promote efficiency and
 16 consolidation.

17 (c) ABOLISHMENT OF AGENCIES.—

18 (1) IN GENERAL.—Each agency shall—

19 (A) be reviewed according to the schedule
 20 created pursuant to this section; and

1 (B) be abolished not later than one year
2 after the date that the Commission completes
3 its review of the agency pursuant to such sched-
4 ule, unless the agency is reauthorized by the
5 Congress.

6 (2) EXTENSION.—The deadline for abolishing
7 an agency may be extended for an additional two
8 years after the date described in paragraph (1)(B)
9 if the Congress enacts legislation extending such
10 deadline by a vote of a super majority of the House
11 of Representatives and the Senate.

12 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

13 (a) ESTABLISHMENT.—There is established a com-
14 mission to be known as the “Federal Agency Sunset Com-
15 mission”.

16 (b) COMPOSITION.—The Commission shall be com-
17 posed of 12 members (in this Act referred to as the “mem-
18 bers”) who shall be appointed as follows:

19 (1) Six members shall be appointed by the
20 Speaker of the House of Representatives, one of
21 whom may include the Speaker of the House of Rep-
22 resentatives, with minority members appointed with
23 the consent of the minority leader of the House of
24 Representatives.

1 (2) Six members shall be appointed by the ma-
2 jority leader of the Senate, one of whom may include
3 the majority leader of the Senate, with minority
4 members appointed with the consent of the minority
5 leader of the Senate.

6 (c) QUALIFICATIONS OF MEMBERS.—

7 (1) IN GENERAL.—(A) Of the members ap-
8 pointed under subsection (b)(1), four shall be mem-
9 bers of the House of Representatives (not more than
10 two of whom may be of the same political party),
11 and two shall be an individual described in subpara-
12 graph (C).

13 (B) Of the members appointed under subsection
14 (b)(2), four shall be members of the Senate (not
15 more than two of whom may be of the same political
16 party) and two shall be an individual described in
17 subparagraph (C).

18 (C) An individual under this subparagraph is
19 an individual—

20 (i) who is not a member of Congress; and

21 (ii) with expertise in the operation and ad-
22 ministration of Government programs.

23 (2) CONTINUATION OF MEMBERSHIP.—If a
24 member was appointed to the Commission as a
25 Member of Congress and the member ceases to be

1 a Member of Congress, that member shall cease to
2 be a member of the Commission. The validity of any
3 action of the Commission shall not be affected as a
4 result of a member becoming ineligible to serve as
5 a member for the reasons described in this para-
6 graph.

7 (d) INITIAL APPOINTMENTS.—All initial appoint-
8 ments to the Commission shall be made not later than 90
9 days after the date of the enactment of this Act.

10 (e) CHAIRMAN; VICE CHAIRMAN.—

11 (1) INITIAL CHAIRMAN.—An individual shall be
12 designated by the Speaker of the House of Rep-
13 resentatives from among the members initially ap-
14 pointed under subsection (b)(1) to serve as chairman
15 of the Commission for a period of 2 years.

16 (2) INITIAL VICE-CHAIRMAN.—An individual
17 shall be designated by the majority leader of the
18 Senate from among the individuals initially ap-
19 pointed under subsection (b)(2) to serve as vice-
20 chairman of the Commission for a period of two
21 years.

22 (3) ALTERNATE APPOINTMENTS OF CHAIRMEN
23 AND VICE-CHAIRMEN.—Following the termination of
24 the two-year period described in paragraphs (1) and
25 (2), the Speaker and the majority leader shall alter-

1 nate every two years in appointing the chairman and
2 vice-chairman of the Commission.

3 (f) TERMS OF MEMBERS.—

4 (1) MEMBERS OF CONGRESS.—Each member
5 appointed to the Commission who is a member of
6 Congress shall serve for a term of six years, except
7 that, of the members first appointed under para-
8 graphs (1) and (2) of subsection (b), 2 members
9 shall be appointed to serve a term of three years
10 under each such paragraph.

11 (2) OTHER MEMBERS.—Each member of the
12 Commission who is not a member of Congress shall
13 serve for a term of three years.

14 (3) TERM LIMIT.—(A) A member of the Com-
15 mission who is a member of Congress and who
16 serves more than three years of a term may not be
17 appointed to another term as a member.

18 (B) A member of the Commission who is not a
19 member of Congress and who serves as a member of
20 the Commission for more than 56 months may not
21 be appointed to another term as a member.

22 (g) POWERS OF COMMISSION.—

23 (1) HEARINGS AND SESSIONS.—The Commis-
24 sion may, for the purpose of carrying out this Act,
25 hold such hearings, sit and act at such times and

1 places, take such testimony, and receive such evi-
2 dence as the Commission considers appropriate. The
3 Commission may administer oaths to witnesses ap-
4 pearing before it.

5 (2) OBTAINING INFORMATION.—The Commis-
6 sion may secure directly from any department or
7 agency of the United States information necessary
8 to enable it to carry out its duties under this Act.
9 Upon request of the Chairman, the head of that de-
10 partment or agency shall furnish that information to
11 the Commission in a full and timely manner.

12 (3) SUBPOENA POWER.—(A) The Commission
13 may issue a subpoena to require the attendance and
14 testimony of witnesses and the production of evi-
15 dence relating to any matter under investigation by
16 the Commission.

17 (B) If a person refuses to obey an order or sub-
18 poena of the Commission that is issued in connection
19 with a Commission proceeding, the Commission may
20 apply to the United States district court in the judi-
21 cial district in which the proceeding is held for an
22 order requiring the person to comply with the sub-
23 poena or order.

24 (4) IMMUNITY.—The Commission is an agency
25 of the United States for purposes of part V of title

1 18, United States Code (relating to immunity of wit-
2 nesses).

3 (5) CONTRACT AUTHORITY.—The Commission
4 may contract with and compensate government and
5 private agencies or persons for services without re-
6 gard to section 3709 of the Revised Statutes (41
7 U.S.C. 5).

8 (h) COMMISSION PROCEDURES.—

9 (1) MEETINGS.—The Commission shall meet at
10 the call of the Chairman.

11 (2) QUORUM.—Seven members of the Commis-
12 sion shall constitute a quorum but a lesser number
13 may hold hearings.

14 (i) PERSONNEL MATTERS.—

15 (1) COMPENSATION.—Members shall not be
16 paid by reason of their service as members.

17 (2) TRAVEL EXPENSES.—Each member shall
18 receive travel expenses, including per diem in lieu of
19 subsistence, in accordance with sections 5702 and
20 5703 of title 5, United States Code.

21 (3) DIRECTOR.—The Commission shall have a
22 Director who shall be appointed by the Chairman.
23 The Director shall be paid at a rate not to exceed
24 the maximum rate of basic pay payable for GS–15
25 of the General Schedule.

1 (4) STAFF.—The Director may appoint and fix
2 the pay of additional personnel as the Director con-
3 siders appropriate.

4 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
5 LAWS.—The Director and staff of the Commission
6 shall be appointed subject to the provisions of title
7 5, United States Code, governing appointments in
8 the competitive service, and shall be paid in accord-
9 ance with the provisions of chapter 51 and sub-
10 chapter III of chapter 53 of that title relating to
11 classification and General Schedule pay rates.

12 (j) OTHER ADMINISTRATIVE MATTERS.—

13 (1) POSTAL AND PRINTING SERVICES.—The
14 Commission may use the United States mails and
15 obtain printing and binding services in the same
16 manner and under the same conditions as other de-
17 partments and agencies of the United States.

18 (2) ADMINISTRATIVE SUPPORT SERVICES.—
19 Upon the request of the Commission, the Adminis-
20 trator of General Services shall provide to the Com-
21 mission, on a reimbursable basis, the administrative
22 support services necessary for the Commission to
23 carry out its duties under this Act.

24 (3) EXPERTS AND CONSULTANTS.—The Com-
25 mission may procure temporary and intermittent

1 services under section 3109(b) of title 5, United
2 States Code.

3 (k) SUNSET OF COMMISSION.—The Commission shall
4 terminate on December 31, 2033, unless reauthorized by
5 Congress.

6 **SEC. 4. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**
7 **AGENCIES.**

8 (a) IN GENERAL.—The Commission shall review the
9 efficiency and public need for each agency in accordance
10 with the criteria described in section 5.

11 (b) RECOMMENDATIONS; REPORT TO CONGRESS.—
12 The Commission shall submit to Congress and the Presi-
13 dent not later than September 1 of each year a report
14 containing—

15 (1) an analysis of the efficiency of operation
16 and public need for each agency to be reviewed in
17 the year in which the report is submitted pursuant
18 to the schedule submitted to Congress under section
19 2;

20 (2) recommendations on whether each such
21 agency should be abolished or reorganized;

22 (3) recommendations on whether the functions
23 of any other agencies should be consolidated, trans-
24 ferred, or reorganized in an agency to be reviewed
25 in the year in which the report is submitted pursu-

1 ant to the schedule submitted to Congress under
2 section 2; and

3 (4) recommendations for administrative and
4 legislative action with respect to each such agency,
5 but not including recommendations for appropriation
6 levels.

7 (c) DRAFT LEGISLATION.—The Commission shall
8 submit to Congress and the President not later than Sep-
9 tember 1 of each year a draft of legislation to carry out
10 the recommendations of the Commission under subsection
11 (b).

12 (d) INFORMATION GATHERING.—The Commission
13 shall—

14 (1) conduct public hearings on the abolishment
15 of each agency reviewed under subsection (b);

16 (2) provide an opportunity for public comment
17 on the abolishment of each such agency;

18 (3) require the agency to provide information to
19 the Commission as appropriate; and

20 (4) consult with the General Accounting Office,
21 the Office of Management and Budget, the Comp-
22 troller General, and the chairman and ranking mi-
23 nority members of the committees of Congress with
24 oversight responsibility for the agency being re-
25 viewed regarding the operation of the agency.

1 (e) USE OF PROGRAM INVENTORY.—The Commis-
2 sion shall use the program inventory prepared under sec-
3 tion 9 in reviewing the efficiency and public need for each
4 agency under subsection (a).

5 **SEC. 5. CRITERIA FOR REVIEW.**

6 The Commission shall evaluate the efficiency and
7 public need for each agency pursuant to section 4 using
8 the following criteria:

9 (1) The effectiveness, and the efficiency of the
10 operation of, the programs carried out by each such
11 agency.

12 (2) Whether the programs carried out by the
13 agency are cost-effective.

14 (3) Whether the agency has acted outside the
15 scope of its original authority, and whether the origi-
16 nal objectives of the agency have been achieved.

17 (4) Whether less restrictive or alternative meth-
18 ods exist to carry out the functions of the agency.

19 (5) The extent to which the jurisdiction of, and
20 the programs administered by, the agency duplicate
21 or conflict with the jurisdiction and programs of
22 other agencies.

23 (6) The potential benefits of consolidating pro-
24 grams administered by the agency with similar or

1 duplicative programs of other agencies, and the po-
2 tential for consolidating such programs.

3 (7) The number and types of beneficiaries or
4 persons served by programs carried out by the agen-
5 cy.

6 (8) The extent to which any trends, develop-
7 ments, and emerging conditions that are likely to af-
8 fect the future nature and extent of the problems or
9 needs that the programs carried out by the agency
10 are intended to address.

11 (9) The extent to which the agency has com-
12 plied with the provisions contained in the Govern-
13 ment Performance and Results Act of 1993 (Public
14 Law 103–62; 107 Stat. 285).

15 (10) The promptness and effectiveness with
16 which the agency seeks public input and input from
17 State and local governments on the efficiency and ef-
18 fectiveness of the performance of the functions of
19 the agency.

20 (11) Whether the agency has worked to enact
21 changes in the law that are intended to benefit the
22 public as a whole rather than the specific business,
23 institution, or individuals that the agency regulates.

24 (12) The extent to which the agency has en-
25 couraged participation by the public as a whole in

1 making its rules and decisions rather than encour-
2 aging participation solely by those it regulates.

3 (13) The extent to which the public participa-
4 tion in rulemaking and decisionmaking of the agency
5 has resulted in rules and decisions compatible with
6 the objectives of the agency.

7 (14) The extent to which the agency complies
8 with section 552 of title 5, United States Code (com-
9 monly known as the “Freedom of Information Act”).

10 (15) The extent to which the agency complies
11 with equal employment opportunity requirements re-
12 garding equal employment opportunity.

13 (16) The extent of the regulatory, privacy, and
14 paperwork impacts of the programs carried out by
15 the agency.

16 (17) The extent to which the agency has coordi-
17 nated with State and local governments in per-
18 forming the functions of the agency.

19 (18) The potential effects of abolishing the
20 agency on State and local governments.

21 (19) The extent to which changes are necessary
22 in the authorizing statutes of the agency in order
23 that the functions of the agency can be performed
24 in the most efficient and effective manner.

1 **SEC. 6. COMMISSION OVERSIGHT.**

2 (a) MONITORING OF IMPLEMENTATION OF REC-
3 OMMENDATIONS.—The Commission shall monitor imple-
4 mentation of laws enacting provisions that incorporate rec-
5 ommendations of the Commission with respect to abolish-
6 ment or reorganization of agencies.

7 (b) MONITORING OF OTHER RELEVANT LEGISLA-
8 TION.—

9 (1) IN GENERAL.—The Commission shall review
10 and report to Congress on all legislation introduced
11 in either house of Congress that would establish—

12 (A) a new agency; or

13 (B) a new program to be carried out by an
14 existing agency.

15 (2) REPORT TO CONGRESS.—The Commission
16 shall include in each report submitted to Congress
17 under paragraph (1) an analysis of whether—

18 (A) the functions of the proposed agency
19 or program could be carried out by one or more
20 existing agencies;

21 (B) the functions of the proposed agency
22 or program could be carried out in a less re-
23 strictive manner than the manner proposed in
24 the legislation; and

1 (C) the legislation provides for public input
2 regarding the performance of functions by the
3 proposed agency or program.

4 **SEC. 7. RULEMAKING AUTHORITY.**

5 The Commission may promulgate such rules as nec-
6 essary to carry out this Act.

7 **SEC. 8. RELOCATION OF FEDERAL EMPLOYEES.**

8 If the position of an employee of an agency is elimi-
9 nated as a result of the abolishment of an agency in ac-
10 cordance with this Act, there shall be a reasonable effort
11 to relocate such employee to a position within another
12 agency.

13 **SEC. 9. PROGRAM INVENTORY.**

14 (a) PREPARATION.—The Comptroller General and
15 the Director of the Congressional Budget Office, in co-
16 operation with the Director of the Congressional Research
17 Service, shall prepare an inventory of Federal programs
18 (in this Act referred to as the “program inventory”) with-
19 in each agency.

20 (b) PURPOSE.—The purpose of the program inven-
21 tory is to advise and assist the Congress and the Commis-
22 sion in carrying out the requirements of this Act. Such
23 inventory shall not in any way bind the committees of the
24 Senate or the House of Representatives with respect to
25 their responsibilities under this Act and shall not infringe

1 on the legislative and oversight responsibilities of such
2 committees. The Comptroller General shall compile and
3 maintain the inventory and the Director of the Congres-
4 sional Budget Office shall provide budgetary information
5 for inclusion in the inventory.

6 (c) INVENTORY CONTENT.—The program inventory
7 shall set forth for each program each of the following mat-
8 ters:

9 (1) The specific provision or provisions of law
10 authorizing the program.

11 (2) The committees of the Senate and the
12 House of Representatives which have legislative or
13 oversight jurisdiction over the program.

14 (3) A brief statement of the purpose or pur-
15 poses to be achieved by the program.

16 (4) The committees which have jurisdiction over
17 legislation providing new budget authority for the
18 program, including the appropriate subcommittees of
19 the Committees on Appropriations of the Senate and
20 the House of Representatives.

21 (5) The agency and, if applicable, the subdivi-
22 sion thereof responsible for administering the pro-
23 gram.

24 (6) The grants-in-aid, if any, provided by such
25 program to State and local governments.

1 (7) The next reauthorization date for the pro-
2 gram.

3 (8) A unique identification number which links
4 the program and functional category structure.

5 (9) The year in which the program was origi-
6 nally established and, where applicable, the year in
7 which the program expires.

8 (10) Where applicable, the year in which new
9 budget authority for the program was last author-
10 ized and the year in which current authorizations of
11 new budget authority expire.

12 (d) BUDGET AUTHORITY.—The report also shall set
13 forth for each program whether the new budget authority
14 provided for such programs is—

15 (1) authorized for a definite period of time;

16 (2) authorized in a specific dollar amount but
17 without limit of time;

18 (3) authorized without limit of time or dollar
19 amounts;

20 (4) not specifically authorized; or

21 (5) permanently provided,

22 as determined by the Director of the Congressional Budg-
23 et Office.

24 (e) CBO INFORMATION.—For each program or group
25 of programs, the program inventory also shall include in-

1 formation prepared by the Director of the Congressional
2 Budget Office indicating each of the following matters:

3 (1) The amounts of new budget authority au-
4 thorized and provided for the program for each of
5 the preceding four fiscal years and, where applicable,
6 the four succeeding fiscal years.

7 (2) The functional and subfunctional category
8 in which the program is presently classified and was
9 classified under the fiscal year 2014 budget.

10 (3) The identification code and title of the ap-
11 propriation account in which budget authority is
12 provided for the program.

13 (f) MUTUAL EXCHANGE OF INFORMATION.—The
14 General Accounting Office, the Congressional Research
15 Service, and the Congressional Budget Office shall permit
16 the mutual exchange of available information in their pos-
17 session which would aid in the compilation of the program
18 inventory.

19 (g) ASSISTANCE BY EXECUTIVE BRANCH.—The Of-
20 fice of Management and Budget, and the Executive agen-
21 cies and the subdivisions thereof shall, to the extent nec-
22 essary and possible, provide the General Accounting Office
23 with assistance requested by the Comptroller General in
24 the compilation of the program inventory.

1 **SEC. 10. DEFINITION OF AGENCY.**

2 As used in this Act, the term “agency” has the mean-
3 ing given that term by section 105 of title 5, United States
4 Code, except that such term includes an advisory com-
5 mittee as that term is defined in section 102(2) of the
6 Federal Advisory Committee Act.

7 **SEC. 11. OFFSET OF AMOUNTS APPROPRIATED.**

8 Amounts appropriated to carry out this Act shall be
9 offset by a reduction in amounts appropriated to carry out
10 programs of other Federal agencies.

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