

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6072

To establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2008

Mr. FORBES 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

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## A BILL

To establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation.

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 “Interagency Coopera-  
5        tion Commission Act”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

1           (1) FEDERAL DEPARTMENT.—The term “Fed-  
2           eral department” means any department, agency, or  
3           office that the President designates from time to  
4           time as a cabinet-level department and the Office of  
5           the Director of National Intelligence.

6           (2) INTERAGENCY COOPERATION.—The term  
7           “interagency cooperation” means the coordination,  
8           oversight, and implementation of policy and oper-  
9           ations between individual Federal departments.

10 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

11           There is established a commission to be known as the  
12 “Interagency Cooperation Commission” (hereinafter re-  
13 ferred to in this Act as the “Commission”).

14 **SEC. 4. DUTIES OF THE COMMISSION.**

15           (a) IN GENERAL.—The Commission shall examine  
16 the long-term global challenges facing the United States  
17 and develop legislative and administrative proposals to im-  
18 prove interagency cooperation.

19           (b) ISSUES TO BE ADDRESSED.—In developing such  
20 proposals, the Commission shall—

21                   (1) address the role and impact in facilitating  
22                   or impeding interagency cooperation of—

23                           (A) tasking and resource authority within  
24                           interagency organizations or programs, includ-

1 ing personnel and acquisition decisions and the  
2 accountability for such decisions;

3 (B) the annual Federal budget process and  
4 execution of budgetary authority, including the  
5 specific process for interagency organizations or  
6 programs;

7 (C) strategic planning, vision, values,  
8 goals, policies, and procedures within each Fed-  
9 eral department;

10 (D) human resources policies and proce-  
11 dures, including recruitment, training, exer-  
12 cises, education, assignments, and career and  
13 leadership development;

14 (E) interoperability of equipment, and in  
15 particular, communications and information  
16 technology assets;

17 (F) Federal acquisition processes and reg-  
18 ulations; and

19 (G) congressional oversight and budgeting  
20 for interagency government organizations or  
21 programs; and

22 (2) examine the interdepartmental cooperation  
23 within the Department of Defense, including the  
24 common organizational structures, reference mate-  
25 rials, and budget processes, and examine the value

1 of such structures as models for broader government  
2 commonality.

3 (c) ASSESSMENTS TO INCLUDE.—In addressing the  
4 issues in subsection (b), the Commission shall conduct a  
5 review and assessment of—

6 (1) past challenges of government operations  
7 that were significantly impacted by a lack of inter-  
8 agency cooperation;

9 (2) past successful government operations that  
10 have resulted, in part, from a high level of inter-  
11 agency cooperation;

12 (3) the impact of the Goldwater-Nichols Act  
13 (Public Law 99–433) within the Department of De-  
14 fense and which recommended reforms, if any, could  
15 be replicated to facilitate more effective interagency  
16 cooperation;

17 (4) the effectiveness of current interagency  
18 structures and processes to engage in strategic plan-  
19 ning, oversee and implement long-term United  
20 States policy in global affairs, such as an evaluation  
21 of joint interagency coordination groups, the Na-  
22 tional Counterterrorism Center, United States em-  
23 bassies, and unified combatant commands;

24 (5) simulation-based assessments of global sce-  
25 narios the United States may face in the long-term,

1 and recommendations based on such Assessments to  
2 reform interagency processes to effectively exploit fu-  
3 ture opportunities and threats; and

4 (6) the legal decision-making authority and re-  
5 sources needed in each Federal department and at  
6 the highest levels of government to execute reforms  
7 proposed in the Commission’s legislative and admin-  
8 istrative proposals.

9 (d) POLICY SOLUTIONS.—Legislative and adminis-  
10 trative proposals developed to address the issues described  
11 in paragraph (b) may include reforms to—

12 (1) interagency policy coordination structures  
13 and processes, including the long-term interagency  
14 strategic planning capabilities and processes within  
15 the United States Government that support the Na-  
16 tional Security Strategy and other Presidential level  
17 policy guidance;

18 (2) interagency policy implementation and over-  
19 sight structures and processes, including but not  
20 limited to the process for establishing decision-mak-  
21 ing authority, including resources and personnel ac-  
22 tions;

23 (3) the annual Federal budgeting process, in-  
24 cluding executive planning activities, legislative au-  
25 thorization and appropriation activities, and execu-

1       tion activities, and specifically reforms that promote  
2       or provide incentives for interagency planning;

3           (4) common standards and references utilized  
4       by Federal departments, including using the same  
5       divisions of global regions when creating intra-de-  
6       partmental structures;

7           (5) strategic planning, vision, values, goals,  
8       policies, and procedures within each Federal depart-  
9       ment;

10          (6) human resources policies and procedures,  
11       including recruitment, training, exercises, education,  
12       assignments, and career and leadership development;

13          (7) acquisition processes and regulations that  
14       reduce unnecessary duplication of effort or improve  
15       interoperability;

16          (8) the visibility of capabilities, information,  
17       and expertise across the Federal government;

18          (9) Congressional oversight of interagency orga-  
19       nizations and programs; and

20          (10) any other reforms designed to address the  
21       issues described in paragraph (b).

22 **SEC. 5. HEARINGS.**

23       (a) IN GENERAL.—The Commission shall hold at  
24       least 1 hearing for each Federal department and the Na-

1 tional Security Council, and shall, to the extent feasible,  
2 ensure that there is broad participation in such hearings.

3 (b) HEARING FORMAT.—During each hearing, the  
4 Commission shall make a presentation to employees, hear  
5 testimony from appropriate officials and employees, and  
6 generate comments and suggestions regarding the issues  
7 described in section 4, policies designed to address such  
8 issues, and tradeoffs between such policies.

9 **SEC. 6. REPORT.**

10 The Commission shall, not later than 1 year after the  
11 date of the enactment of this Act, submit a report to the  
12 Congress and the President containing—

13 (1) a detailed description of the activities of the  
14 Commission;

15 (2) a summary of comments and suggestions  
16 generated from the hearings;

17 (3) a detailed description of the institutional  
18 interagency problems faced by the United States and  
19 the consequences of not addressing those problems;

20 (4) a list of policy options for addressing those  
21 problems; and

22 (5) criteria for the legislative and administra-  
23 tive proposals to be developed by the Commission.

24 **SEC. 7. LEGISLATIVE AND ADMINISTRATIVE PROPOSALS.**

25 (a) LEGISLATIVE PROPOSAL.—

1           (1) IN GENERAL.—Not later than 60 days after  
2 the date on which the report is submitted under sec-  
3 tion 6, and by a unanimous vote of the members, the  
4 Commission shall submit a legislative proposal to the  
5 Congress and the President addressing the issues  
6 described in section 4.

7           (2) PROPOSAL REQUIREMENTS.—The proposal  
8 shall, to the extent feasible, be designed to—

9                   (A) improve the coordination and effective-  
10                   ness of Federal departments in order to better  
11                   serve the Nation and protect United States in-  
12                   terests;

13                   (B) meet the criteria set forth in the Com-  
14                   mission report described in section 6;

15                   (C) be presented in two separate reports,  
16                   with—

17                           (i) one report that includes all legisla-  
18                           tive recommendations that do not affect  
19                           Congressional oversight or budgeting; and

20                           (ii) one report that includes changes  
21                           to the Congressional oversight and budg-  
22                           eting process;

23                   (D) ensure that the resulting legislation  
24                   will not be implemented before January 21,  
25                   2009; and

1           (E) allow the Commission, by majority  
2           vote, to include supplemental recommendations  
3           that are not in contravention of the original two  
4           reports submitted under this subsection.

5           (3) INCLUSION OF COST ESTIMATE.—The Com-  
6           mission shall submit with the legislative proposal a  
7           long-term cost estimate prepared by the Congres-  
8           sional Budget Office.

9           (b) ADMINISTRATIVE PROPOSAL.—

10           (1) IN GENERAL.—Not later than 60 days after  
11           the date on which the report is submitted under sec-  
12           tion 6, and by a unanimous vote of the members, the  
13           Commission shall submit an administrative proposal  
14           to the Congress, the President, and the head of each  
15           Federal department addressing the issues described  
16           in section 4.

17           (2) PROPOSAL REQUIREMENTS.—The proposal  
18           shall, to the extent feasible, be designed to—

19           (A) improve the coordination and effective-  
20           ness of Federal departments in order to better  
21           serve the Nation and protect United States in-  
22           terests;

23           (B) meet the criteria set forth in the Com-  
24           mission report described in section 6; and

1 (C) allow the Commission, by majority  
2 vote, to include supplemental recommendations  
3 that are not in contravention of the original re-  
4 port submitted under this subsection.

5 **SEC. 8. MEMBERSHIP.**

6 (a) IN GENERAL.—The Commission shall be com-  
7 posed of eight voting members appointed pursuant to  
8 paragraph (1) and two nonvoting members described in  
9 paragraph (2).

10 (1) VOTING MEMBERS.—The Commission shall  
11 be composed of eight voting members, of whom—

12 (A) two shall be appointed by the Presi-  
13 dent, at least one of which shall be a represent-  
14 ative from the National Security Council;

15 (B) two shall be appointed by the Speaker  
16 of the House of Representatives;

17 (C) one shall be appointed by the minority  
18 leader of the House of Representatives;

19 (D) two shall be appointed by the majority  
20 leader of the Senate; and

21 (E) one shall be appointed by the minority  
22 leader of the Senate.

23 (2) NONVOTING MEMBERS.—The Comptroller  
24 General of the United States and the Director of the  
25 Congressional Budget Office shall each be nonvoting

1 members of the Commission and shall advise and as-  
2 sist at the request of the Commission.

3 (3) CO-CHAIRPERSONS.—The President shall  
4 designate two co-chairpersons of the Commission  
5 from the members appointed under paragraph (1),  
6 one of whom must be a Republican and one of whom  
7 must be a Democrat.

8 (b) QUALIFICATIONS.—

9 (1) IN GENERAL.—The members should have  
10 knowledge and expertise in matters to be studied by  
11 the Commission.

12 (2) FORMER AFFILIATIONS.—Members should  
13 have—

14 (A) executive branch or legislative branch  
15 experience relating to two or more Federal de-  
16 partments;

17 (B) experience working in the National Se-  
18 curity Council; or

19 (C) served under Presidents from two dif-  
20 ferent political parties.

21 (c) LIMITATIONS ON MEMBERS OF CONGRESS.—

22 (1) MEMBERS OF CONGRESS ON COMMISSION.—

23 Each appointing authority described in subsection

24 (a)(1) who is a Member of Congress may not ap-

1 point more than 1 Member of Congress to the Com-  
2 mission.

3 (2) CONTINUATION OF VOTING MEMBERSHIP.—

4 In the case of an individual appointed pursuant to  
5 subsection (a)(1) who was appointed while a Member  
6 of Congress, if such individual ceases to be a Mem-  
7 ber of Congress, that individual shall cease to be a  
8 member of the Commission.

9 (d) DATE FOR ORIGINAL APPOINTMENT.—The ap-  
10 pointing authorities described in subsection (a)(1) shall  
11 appoint the initial members of the Commission not later  
12 than 30 days after the date of the enactment of this Act.

13 (e) TERM.—

14 (1) IN GENERAL.—The term of each member is  
15 for the life of the Commission.

16 (2) VACANCIES.—A vacancy in the Commission  
17 shall be filled not later than 30 days after such va-  
18 cancy occurs and in the manner in which the origi-  
19 nal appointment was made.

20 (f) COMPENSATION.—

21 (1) COMPENSATION NOT PERMITTED.—Except  
22 as provided in paragraph (2), a member of the Com-  
23 mission may not receive pay, allowances, or benefits  
24 by reason of their service on the Commission.

1           (2) TRAVEL EXPENSES.—Each member of the  
2           Commission shall receive travel expenses, including  
3           per diem in lieu of subsistence, at rates authorized  
4           for an employee of an agency under subchapter I of  
5           chapter 57 of title 5, United States Code, while  
6           away from their homes or regular place of business  
7           in the performance of their duties on behalf of the  
8           Commission.

9 **SEC. 9. MEETINGS.**

10          (a) IN GENERAL.—The Commission shall meet upon  
11          the call of either of the co-chairpersons or a majority of  
12          its voting members.

13          (b) QUORUM.—Six voting members of the Commis-  
14          sion shall constitute a quorum.

15 **SEC. 10. DIRECTOR AND STAFF OF THE COMMISSION.**

16          (a) DIRECTOR.—

17                 (1) IN GENERAL.—Subject to subsection (c)  
18                 and to the extent provided in advance in appropria-  
19                 tion Acts, the Commission shall appoint and fix the  
20                 pay of a Director.

21                 (2) DUTIES.—The Director of the Commission  
22                 shall be responsible for the administration and co-  
23                 ordination of the duties of the Commission and shall  
24                 perform other such duties as the Commission may  
25                 direct.

1 (b) STAFF.—In accordance with rules agreed upon  
2 by the Commission, subject to subsection (c), and to the  
3 extent provided in advance in appropriation Acts, the Di-  
4 rector may appoint and fix the pay of additional personnel.

5 (c) NON-APPLICABILITY OF CERTAIN CIVIL SERVICE  
6 LAWS.—The Director and staff of the Commission may  
7 be appointed without regard to the provisions of title 5,  
8 United States Code, governing appointments in the com-  
9 petitive service and may be paid without regard to the pro-  
10 visions of chapter 51 and subchapter III of chapter 53  
11 of such title relating to classification and General Schedule  
12 pay rates, except that pay fixed under subsection (a) may  
13 not exceed \$150,000 per year and pay fixed under sub-  
14 section (b) may not exceed the rate payable for level V  
15 of the Executive Schedule under section 5316 of such title.

16 (d) DETAILEES.—Any Federal Government employee  
17 may be detailed to the Commission without reimbursement  
18 from the Commission, and such detailee shall retain the  
19 rights, status, and privileges of their regular employment  
20 without interruption.

21 (e) EXPERTS AND CONSULTANTS.—In accordance  
22 with rules agreed upon by the Commission and to the ex-  
23 tent provided in advance in appropriation Acts, the Direc-  
24 tor may procure the services of experts and consultants  
25 under section 3109(b) of title 5, United States Code, but

1 at rates not to exceed the daily equivalent of the annual  
2 rate of basic pay for level V of the Executive Schedule  
3 under section 5316 of title 5, United States Code.

4 **SEC. 11. POWERS OF THE COMMISSION.**

5 (a) HEARINGS AND EVIDENCE.—The Commission  
6 may, for the purpose of carrying out this Act, hold such  
7 hearings (in addition to the hearings described in section  
8 5), sit and act at such times and places, take such testi-  
9 mony, and receive such evidence as the Commission con-  
10 sider appropriate. The Commission may administer oaths  
11 or affirmations to witnesses appearing before it.

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

16 (c) MAILS.—The Commission may use the United  
17 States mails in the same manner and under the same con-  
18 ditions as other agencies and departments of the United  
19 States.

20 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
21 the request of the Commission, the Administrator of the  
22 General Services Administration shall provide to the Com-  
23 mission, on a reimbursable basis, the administrative sup-  
24 port services necessary for the Commission to carry out  
25 its responsibilities under this Act.

1 (e) CONTRACT AUTHORITY.—To the extent provided  
2 in advance in appropriation Acts, the Commission may  
3 enter into contracts to enable the Commission to discharge  
4 its duties under this Act.

5 (f) GIFTS.—The Commission may accept, use, and  
6 dispose of gifts or donations of services or property.

7 **SEC. 12. TERMINATION.**

8 The Commission shall terminate 30 days after the  
9 submission of both the legislative and administrative pro-  
10 posals described in section 7.

11 **SEC. 13. ALTERNATIVE LEGISLATIVE PROPOSAL OF THE**  
12 **PRESIDENT.**

13 The President may, not later than 90 calendar days  
14 after the Commission submits its legislative proposal, sub-  
15 mit to the Congress an alternative to the legislative pro-  
16 posal submitted by the Commission.

17 **SEC. 14. CONSIDERATION OF LEGISLATION.**

18 (a) INTRODUCTION OF LEGISLATION.—Not later  
19 than the fifth legislative day after the Commission submits  
20 its legislative proposal, the majority leader of each House  
21 of the Congress, or his designee, shall introduce (by re-  
22 quest) legislation containing the legislative proposal sub-  
23 mitted by the Commission.

24 (b) IN THE HOUSE OF REPRESENTATIVES.—

1           (1) PRIVILEGED CONSIDERATION.—In the  
2 House of Representatives, the legislation described  
3 in subsection (a) shall be referred sequentially  
4 through each committee of jurisdiction, and if after  
5 a period of 25 legislative days the committee has not  
6 reported the legislation, then—

7           (A) that committee shall be discharged  
8 from consideration of the legislation;

9           (B) the legislation shall be referred to the  
10 next committee or jurisdiction, or, if it were dis-  
11 charged from the last committee of referral, the  
12 legislation will be placed on the appropriate cal-  
13 endar; and

14           (C) a motion to proceed to the consider-  
15 ation of the legislation shall be highly privileged  
16 and shall not be debatable, and a motion to re-  
17 consider the vote by which the motion is dis-  
18 posed of shall not be in order.

19           (2) CONSIDERATION.—The procedures set forth  
20 in paragraphs (1), (2), (5), and (6) of section 305(a)  
21 of the Congressional Budget Act of 1974 pertaining  
22 to a concurrent resolution on the budget shall apply  
23 to the legislation described in subsection (a) to the  
24 extent not inconsistent with this Act.

25           (c) IN THE SENATE.—

1           (1) PRIVILEGED CONSIDERATION.—In the Sen-  
2           ate, the legislation described in subsection (a) shall  
3           be referred sequentially through each committee of  
4           jurisdiction, and if after a period of 25 legislative  
5           days the committee has not reported the legislation,  
6           then—

7                   (A) that committee shall be discharged  
8                   from consideration of the legislation;

9                   (B) the legislation shall be referred to the  
10                  next committee or jurisdiction, or, if it were dis-  
11                  charged from the last committee of referral, the  
12                  legislation will be placed on the appropriate cal-  
13                  endar; and

14                  (C) a motion to proceed to the consider-  
15                  ation of the legislation is highly privileged and  
16                  shall not debatable.

17           (2) CONSIDERATION.—The procedures set forth  
18           in paragraphs (1), (2), (5), and (6) of section 305(b)  
19           of the Congressional Budget Act of 1974 pertaining  
20           to a concurrent resolution on the budget shall apply  
21           to the legislation described in subsection (a) to the  
22           extent not inconsistent with this Act.

23           (d) RULEMAKING POWER.—The provisions of this  
24           section are enacted by the Congress—

1           (1) as an exercise of the rulemaking power of  
2           the Senate and the House of Representatives, re-  
3           spectively, and is deemed to be part of the rules of  
4           each House, respectively, but applicable only with re-  
5           spect to the procedure to be followed in that House  
6           in the case of a bill introduced pursuant to this sec-  
7           tion, and it supersedes other rules only to the extent  
8           that it is inconsistent with such rules; and

9           (2) with full recognition of the constitutional  
10          right of either House to change the rules (so far as  
11          they relate to the procedure of that House) at any  
12          time, in the same manner, and to the same extent  
13          as in the case of any other rule of that House.

14 **SEC. 15. CONSTITUTIONAL AUTHORITY.**

15          The Constitutional authority for this Act is the power  
16          of Congress to make all laws which shall be necessary and  
17          proper as enumerated in article I, section 8 of the United  
18          States Constitution.

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