



AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish the National Commission on Defense Reform.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

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By

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AMENDMENT intended to be proposed by Mr. KAINE *for himself*
and MR. WARNER

Viz:

1 At the end of title IX, add the following:

2 **Subtitle F—National Commission**
3 **on Defense Reform**

4 **SEC. 981. NATIONAL COMMISSION ON DEFENSE REFORM.**

5 (a) ESTABLISHMENT.—There is established in the ex-
6 ecutive branch an independent commission to be known
7 as the National Commission on Defense Reform (in this
8 subtitle referred to as the “Commission”). The Commis-
9 sion shall be considered an independent establishment of
10 the Federal Government as defined by section 104 of title

1 5, United States Code, and a temporary organization
2 under section 3161 of such title.

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Commission shall be
5 composed of 9 members, of whom—

6 (A) one shall be appointed by the Presi-
7 dent;

8 (B) two shall be appointed by the Majority
9 Leader of the Senate, in consultation with the
10 Chairman of the Committee on Armed Services
11 of the Senate;

12 (C) two shall be appointed by the Minority
13 Leader of the Senate, in consultation with the
14 Ranking Member of the Committee on Armed
15 Services of the Senate;

16 (D) two shall be appointed by the Speaker
17 of the House of Representatives, in consultation
18 with the Chairman of the Committee on Armed
19 Services of the House of Representatives; and

20 (E) two shall be appointed by the Minority
21 Leader of the House of Representatives, in con-
22 sultation with the Ranking Member of the Com-
23 mittee on Armed Services of the House of Rep-
24 resentatives.

1 (2) APPOINTMENT DATE.—The appointments of
2 the members of the Commission shall be made not
3 later than 90 days after the date of the enactment
4 of this Act (which deadline shall be referred to in
5 this subtitle as the “Commission establishment
6 date”).

7 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
8 POINTMENT DATE.—If an appointment or appoint-
9 ments under a subparagraph of paragraph (1) is not
10 made by the appointment date specified in para-
11 graph (2), the authority to make an appointment or
12 appointments under such subparagraph shall expire,
13 and the number of members of the Commission shall
14 be reduced by the number equal to the number oth-
15 erwise appointable under such subparagraph.

16 (4) EXPERTISE.—In making appointments
17 under this subsection, consideration should be given
18 to individuals with expertise in national and inter-
19 national security policy and strategy, military forces
20 capability, force structure design and employment,
21 and improving the effectiveness of large organiza-
22 tions.

23 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
24 bers shall be appointed for the life of the Commission. Any
25 vacancy in the Commission shall not affect its powers, but

1 shall be filled in the same manner as the original appoint-
2 ment.

3 (d) CHAIR AND VICE CHAIR.—The Commission shall
4 select a Chair and Vice Chair from among its members.

5 (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-
6 standing section 2105 of title 5, United States Code, in-
7 cluding the supervision required under subsection (a)(3)
8 of such section, the members of the Commission shall be
9 deemed to be Federal employees.

10 (f) INITIAL MEETING.—The Commission shall hold
11 its first meeting not later than 30 days after the Commis-
12 sion establishment date.

13 (g) MEETINGS.—The Commission shall meet at the
14 call of the Chair.

15 (h) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum, but a lesser num-
17 ber of members may hold hearings.

18 **SEC. 982. PURPOSE AND SCOPE OF THE COMMISSION.**

19 (a) PURPOSE.—The purpose of the Commission is to
20 undertake a comprehensive review of the organization and
21 operations of the Department of Defense, in order to make
22 recommendations for reform.

23 (b) SCOPE OF REVIEW.—In undertaking the review
24 required by subsection (a), the Commission shall give con-
25 sideration to the following:

1 (1) The structure and organization of the De-
2 partment of Defense, including the Office of the Sec-
3 retary of Defense, the Office of the Chairman of the
4 Joint Chiefs of Staff, the Joint Staff, and the head-
5 quarters of the Armed Forces.

6 (2) The responsibilities and authorities of the
7 geographic and functional combatant commands.

8 (3) The organization, responsibilities, and inter-
9 action of the combatant commands, subordinate
10 commands, and Joint Task Forces with the Joint
11 Staff and the Office of the Secretary of Defense, in-
12 cluding overlap in such matters.

13 (4) The responsibilities and authorities of the
14 Secretary of Defense and the Chairman of the Joint
15 Chiefs of Staff.

16 (5) The development and structure of the de-
17 fense budget.

18 (6) The development and promulgation of the
19 Unified Command Plan, military strategy and con-
20 tingency planning.

21 (7) The professional education and development
22 of military and civilian defense leaders.

23 (8) Cost-management and business practices.

24 (9) Interaction between the Department and in-
25 dustry.

1 (10) Interaction, including planning and coordi-
2 nation authorities, between the Department of De-
3 fense and other departments and agencies of the
4 Federal Government with equities in national secu-
5 rity.

6 (11) Reforms and reorganizations undertaken
7 by the Secretary of Defense, including those directed
8 by this Act.

9 (c) PRINCIPLES.—The recommendations of the Com-
10 mission shall sustain and strengthen the following endur-
11 ing principles:

12 (1) Preservation of civilian control of the mili-
13 tary.

14 (2) Maximization of the effectiveness of military
15 operations.

16 (3) Availability of appropriate numbers of mem-
17 bers of the Armed Forces for required operations.

18 (4) Efficient and effective management of the
19 defense establishment.

20 (5) Maintenance of the all-volunteer joint force.

21 (6) Innovation and accountability in defense ac-
22 quisition.

23 (7) Maintenance of the focus of the activities of
24 the Department on support of the warfighter.

1 (8) Adequacy and sufficiency in the develop-
2 ment of defense policy, strategy, and plans.

3 **SEC. 983. DUTIES OF THE COMMISSION.**

4 (a) SECRETARY OF DEFENSE RECOMMENDATIONS.—

5 (1) DEADLINE.—Not later than six months
6 after the Commission establishment date, the Sec-
7 retary of Defense shall transmit to the Commission
8 the recommendations of the Secretary for reform of
9 the organization and operations of the Department
10 of Defense. The Secretary shall concurrently trans-
11 mit the recommendations to the Committees on
12 Armed Services of the Senate and the House of Rep-
13 resentatives.

14 (2) JUSTIFICATION.—The Secretary shall in-
15 clude with the recommendations under paragraph
16 (1) the justification of the Secretary for each rec-
17 ommendation.

18 (3) AVAILABILITY OF INFORMATION.—The Sec-
19 retary shall make available to the Commission and
20 to the Committees on Armed Services of the Senate
21 and the House of Representatives the information
22 used by the Secretary to prepare the recommenda-
23 tions of the Secretary under paragraph (1).

24 (b) INDEPENDENT EFFICIENCY REVIEW.—

1 (1) IN GENERAL.—The Commission shall work
2 with an appropriate entity outside the Department
3 of Defense to conduct a review of the current struc-
4 ture, organization, and operations of the Depart-
5 ment and to make recommendations to reduce frag-
6 mentation, overlap, or duplication in such structure,
7 organization, and operations.

8 (2) ENTITY TO PERFORM REVIEW.—The entity
9 performing the review under paragraph (1) shall
10 have—

11 (A) a depth of experience in management
12 best practices in the private sector; and

13 (B) familiarity with the unique require-
14 ments of the defense enterprise.

15 (3) PURPOSE AND SCOPE.—The review under
16 paragraph (1) shall address the following:

17 (A) Areas of fragmentation, overlap, or du-
18 plication in the structure, organization, and op-
19 erations of the Department.

20 (B) Opportunities for integrating, stream-
21 lining, or otherwise enhancing the efficiency of
22 the structure, organization, and operations of
23 the Department.

24 (C) Private sector best practices that could
25 be implemented by the Department to improve

1 efficiency and reduce costs within the Depart-
2 ment.

3 (4) PRINCIPLES.—Any recommendations devel-
4 oped pursuant to the review under paragraph (1)
5 shall adhere to the principles specified in section
6 982(c).

7 (5) REPORT.—The entity under paragraph (1)
8 shall submit to the Commission and the congres-
9 sional defense committees a report on the review
10 under paragraph (1) not later than one year after
11 the date of the enactment of this Act.

12 (c) INTERIM REPORTS.—The Commission may sub-
13 mit to the President and Congress interim reports con-
14 taining such findings, conclusions, and recommendations
15 as have been agreed to be a majority of Commission mem-
16 bers. Such interim reports may include alternate or dis-
17 senting views from Commission members.

18 (d) FINAL REPORT.—Within one year of the date of
19 the first meeting of the Commission, the Commission shall
20 submit to the President and Congress a final report con-
21 taining a detailed statement of such findings, conclusions,
22 and recommendations for legislative and administrative
23 actions as have been agreed to by a majority of the Com-
24 mission members. The final report may include alternate
25 or dissenting views from Commission members.

1 **SEC. 984. POWERS OF THE COMMISSION AND RELATED AD-**
2 **MINISTRATIVE MATTERS.**

3 (a) **POWERS.—**

4 (1) **HEARINGS.—**The Commission may hold
5 such hearings, sit and act at such times and places,
6 take such testimony, and receive such evidence as
7 the Commission considers advisable to carry out its
8 duties under this subtitle.

9 (2) **INFORMATION FROM FEDERAL AGENCIES.—**

10 The Commission may secure directly from any Fed-
11 eral department or agency such information as the
12 Commission considers necessary to carry out its du-
13 ties. Upon request of the Chair of the Commission,
14 the head of such department or agency shall furnish
15 such information to the Commission.

16 (3) **POSTAL SERVICES.—**The Commission may
17 use the United States mails in the same manner and
18 under the same conditions as other departments and
19 agencies of the Federal Government.

20 (b) **SPACE FOR USE OF COMMISSION.—**Not later
21 than 90 days after the date of the enactment of this Act,
22 the Administrator of General Services shall, in consulta-
23 tion with the Secretary of Defense, identify and make
24 available suitable excess space within the Federal space
25 inventory to house the operations of the Commission. If
26 the Administrator is not able to make such suitable excess

1 space available within such 90-day period, the Commission
2 may lease space to the extent the funds are available.

3 (c) CONTRACTING AUTHORITY.—The Commission
4 may acquire administrative supplies and equipment for
5 Commission use to the extent funds are available.

6 **SEC. 985. COMMISSION PERSONNEL MATTERS.**

7 (a) COMPENSATION.—

8 (1) IN GENERAL.—Each member, other than
9 the Chair, of the Commission shall be paid at a rate
10 equal to the daily equivalent of the annual rate of
11 basic pay payable for level IV of the Executive
12 Schedule under section 5315 of title 5, United
13 States Code, for each day (including travel time)
14 during which the member is engaged in the actual
15 performance of duties of the Commission. All mem-
16 bers of the Commission who are officers or employ-
17 ees of the United States shall serve without com-
18 pensation in addition to that received for their serv-
19 ices as officers or employees of the United States.

20 (2) CHAIR.—The Chair of the Commission shall
21 be paid at a rate equal to the daily equivalent of the
22 annual rate of basic pay payable for Level III of the
23 Executive Schedule under section 5314 of title 5,
24 United States Code, for each day (including travel

1 time) during which the member is engaged in the ac-
2 tual performance of duties of the Commission.

3 (b) TRAVEL EXPENSES.—The members of the Com-
4 mission shall be allowed travel expenses, including per
5 diem in lieu of subsistence, at rates authorized for employ-
6 ees of agencies under subchapter I of chapter 57 of title
7 5, United States Code, while away from their homes or
8 regular places of business in the performance of services
9 for the Commission.

10 (c) STAFF.—

11 (1) IN GENERAL.—The Chair of the Commis-
12 sion may, without regard to the civil service laws
13 and regulations, appoint and terminate an executive
14 director and such additional personnel as may be
15 necessary to enable the Commission to perform its
16 duties. The employment of an executive director
17 shall be subject to confirmation by the Commission.

18 (2) COMPENSATION.—The Chair of the Com-
19 mission may fix the compensation of the executive
20 director and other personnel without regard to chap-
21 ter 51 and subchapter III of chapter 53 of title 5,
22 United States Code, relating to classification of posi-
23 tions and General Schedule pay rates, except that
24 the rate of pay for the executive director and other
25 personnel may not exceed the rate payable for level

1 V of the Executive Schedule under section 5316 of
2 such title.

3 (d) DETAIL OF GOVERNMENT EMPLOYEE.—Any
4 Federal Government employee may be detailed to the
5 Commission without reimbursement, and such detail shall
6 be without interruption or loss of civil service status or
7 privilege.

8 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
9 TENT SERVICES.—The Chair of the Commission may pro-
10 cure for the Commission temporary and intermittent serv-
11 ices under section 3109(b) of title 5, United States Code,
12 at rates for individuals which do not exceed the daily
13 equivalent of the annual rate of basic pay prescribed for
14 level V of the Executive Schedule under section 5316 of
15 such title.

16 **SEC. 986. TERMINATION OF THE COMMISSION.**

17 The Commission shall terminate 90 days after the
18 date on which the Commission submits its final report
19 under section 983(d).

20 **SEC. 987. FUNDING.**

21 Amounts for the activities of the Commission under
22 this subtitle shall be derived from amounts authorized to
23 be appropriated for fiscal year 2017 for the Department
24 of Defense by section 301 and available for operation and

- 1 maintenance, Defense-wide, as specified in the funding
- 2 table in section 4301.