

109TH CONGRESS
2^D SESSION

H. R. 5766

To provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2006

Mr. TIAHRT (for himself, Mr. TOM DAVIS of Virginia, Mr. PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. DOOLITTLE, Mr. GINGREY, Mrs. JO ANN DAVIS of Virginia, Mr. CASE, Mr. CARTER, Mr. CONAWAY, Mr. MACK, Mr. NORWOOD, Mr. INGLIS of South Carolina, Mr. RYUN of Kansas, Mr. AKIN, Mr. NEUGEBAUER, Mr. OXLEY, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Rules and the Budget, 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 provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Government Efficiency
3 Act of 2006”.

4 **SEC. 2. ESTABLISHMENT OF FEDERAL REVIEW COMMIS-**
5 **SIONS.**

6 (a) IN GENERAL.—Part I of title 5, United States
7 Code, is amended by adding at the end the following new
8 chapter:

9 **“CHAPTER 10—FEDERAL REVIEW**
10 **COMMISSIONS**

“1001. Establishment of Federal Review Commissions

“1002. Expedited Congressional consideration of Federal Review Commission
recommendations

“1003. Schedule for review of all Federal agencies and programs

“1004. Administrative matters

11 **“§ 1001. Establishment of Federal Review Commis-**
12 **sions**

13 “(a) IN GENERAL.—A Federal Review Commission
14 may be established in accordance with this section with
15 respect to a specific aspect of Federal programs and agen-
16 cies for purposes of reviewing and making recommenda-
17 tions on how to improve the operations, effectiveness, and
18 efficiency of such Federal programs and agencies in order
19 to determine whether a reorganization, consolidation, abol-
20 ishment, expansion, or transfer of existing Federal pro-
21 grams and agencies is necessary to carry out any policy
22 set forth in section 901(a) of this title.

1 “(b) METHOD OF ESTABLISHMENT.—A Federal Re-
2 view Commission may be established under subsection (a)
3 only through the issuance of an executive order or the en-
4 actment of a joint resolution that—

5 “(1) describes the Federal programs and agen-
6 cies to be reviewed by the Commission; and

7 “(2) provides that the Commission shall be sub-
8 ject to the requirements of, and have the powers and
9 authorities under, this section.

10 “(c) COMMENCEMENT OF OPERATIONS.—Each Fed-
11 eral Review Commission shall commence operations within
12 1 month after the establishment of the Commission under
13 subsection (a).

14 “(d) DUTIES OF FEDERAL REVIEW COMMISSIONS.—

15 “(1) REVIEW OF PROGRAMS AND AGENCIES.—

16 In reviewing Federal programs and agencies, a Fed-
17 eral Review Commission established under this sec-
18 tion shall consider—

19 “(A) whether the missions and goals of the
20 programs and agencies studied by the Commis-
21 sion are being carried out as effectively and ef-
22 ficiently as possible;

23 “(B) the extent to which the programs or
24 agencies duplicate or conflict with other Federal

1 agencies, State or local government, or the pri-
2 vate sector; and

3 “(C) whether a reorganization, consolida-
4 tion, abolishment, expansion, or transfer of the
5 programs and agencies reviewed by the Federal
6 Review Commission would better enable the
7 Federal government to accomplish its missions
8 and goals.

9 “(2) SUBMISSION TO PRESIDENT OF ASSESS-
10 MENT AND LEGISLATIVE PROPOSAL.—Not later than
11 1 year after the establishment of a Federal Review
12 Commission under this section, the Commission shall
13 submit to the President—

14 “(A) the Commission’s assessment of the
15 operations, effectiveness, and efficiency of the
16 Federal programs and agencies reviewed by the
17 Commission; and

18 “(B) a legislative proposal, if appropriate,
19 to reorganize, consolidate, abolish, expand, or
20 transfer the Federal programs and agencies re-
21 viewed by the Commission.

22 “(e) TRANSMISSION TO CONGRESS OF ASSESSMENT
23 AND LEGISLATIVE PROPOSAL.—Not later than 30 days
24 after submission to the President of an assessment and
25 legislative proposal (if any) by a Federal Review Commis-

1 sion, the President shall transmit to Congress the assess-
2 ment and any legislative proposal, along with the Presi-
3 dent's recommendations regarding the assessment and
4 proposal.

5 “(f) MEMBERSHIP.—

6 “(1) NUMBER AND APPOINTMENT.—

7 “(A) IN GENERAL.—Each Federal Review
8 Commission shall be composed of 7 members
9 appointed by the President as follows:

10 “(i) One in consultation with the
11 Speaker of the House of Representatives.

12 “(ii) One in consultation with the mi-
13 nority leader of the House of Representa-
14 tives.

15 “(iii) One in consultation with the
16 majority leader of the Senate.

17 “(iv) One in consultation with the mi-
18 nority leader of the Senate.

19 “(v) Three other members.

20 “(B) EX OFFICIO MEMBERS.—The Presi-
21 dent may appoint up to four Members of Con-
22 gress (up to 2 from each House) as nonvoting
23 ex officio members of a Federal Review Com-
24 mission.

1 “(2) QUALIFICATIONS.—All members appointed
2 by the President to serve on a Federal Review Com-
3 mission shall have expertise and experience in the
4 particular programmatic area that the Federal Re-
5 view Commission is established to review.

6 “(3) TERMS.—

7 “(A) IN GENERAL.—Each member of a
8 Federal Review Commission shall be appointed
9 for the life of the Commission.

10 “(B) VACANCIES.—Any vacancy on a Fed-
11 eral Review Commission shall be filled in the
12 same manner as the original appointment.

13 “(4) BASIC PAY.—

14 “(A) RATES OF PAY.—Members of a Fed-
15 eral Review Commission shall serve without
16 pay.

17 “(B) TRAVEL EXPENSES.—Each member
18 of a Federal Review Commission shall receive
19 travel expenses, including per diem in lieu of
20 subsistence, in accordance with applicable provi-
21 sions under subchapter I of chapter 57 of title
22 5, United States Code.

23 “(5) QUORUM.—Four members of a Federal
24 Review Commission shall constitute a quorum but a
25 lesser number may hold hearings.

1 “(6) CHAIRMAN AND VICE CHAIRMAN.—The
2 President shall designate one member of each Fed-
3 eral Review Commission to serve as Chairman and
4 one as Vice Chairman.

5 “(g) DIRECTOR AND STAFF.—

6 “(1) DIRECTOR.—Each Federal Review Com-
7 mission shall have a Director who shall be appointed
8 by the Chairman without regard to the provisions of
9 title 5, United States Code, governing appointments
10 in the competitive service. The Director shall be paid
11 at a rate not to exceed the rate of basic pay for level
12 II of the Executive Schedule.

13 “(2) STAFF.—The Director of a Federal Review
14 Commission may appoint and fix the pay of addi-
15 tional personnel as the Director considers appro-
16 priate, in accordance with section 3161 of title 5,
17 United States Code.

18 “(3) APPLICABILITY OF CERTAIN CIVIL SERV-
19 ICE LAWS.—The Director and any staff of each Fed-
20 eral Review Commission shall be employees under
21 section 2105 of title 5, United States Code, for pur-
22 poses of chapters 63, 81, 83, 84, 85, 87, 89, and 90
23 of that title.

24 “(4) PROCUREMENT OF TEMPORARY AND
25 INTERMITTENT SERVICES.—The Chairman of each

1 Federal Review Commission may procure temporary
2 and intermittent services under section 3109(b) of
3 title 5, United States Code, at rates for individuals
4 which do not exceed the daily equivalent of the an-
5 nual rate of basic pay for Level II of the Executive
6 Schedule.

7 “(5) STAFF OF FEDERAL AGENCIES.—Upon re-
8 quest of the Chairman of a Federal Review Commis-
9 sion, the head of any Federal department or agency
10 may detail, on reimbursable basis, any of the per-
11 sonnel of that department or agency to the Commis-
12 sion to assist it in carrying out its duties.

13 “(h) POWERS OF COMMISSION.—

14 “(1) HEARINGS AND SESSIONS.—Each Federal
15 Review Commission may, for the purpose of carrying
16 out its duties, hold hearings, sit and act at times
17 and places, take testimony, and receive evidence as
18 the Commission considers appropriate.

19 “(2) OBTAINING OFFICIAL DATA.—Each Fed-
20 eral Review Commission may secure directly from
21 any Federal department or agency information nec-
22 essary to enable it to carry out its duties. Upon re-
23 quest of the Chairman of a Commission, the head of
24 that department or agency shall furnish that infor-
25 mation to the Commission.

1 “(3) POSTAL AND PRINTING SERVICES.—Each
2 Federal Review Commission may use the United
3 States mail and obtain printing and binding services
4 in the same manner and under the same conditions
5 as other Federal departments and agencies.

6 “(4) ADMINISTRATIVE SUPPORT SERVICES.—
7 Upon the request of a Federal Review Commission,
8 the Administrator of General Services shall provide
9 to the Federal Review Commission, on a reimburs-
10 able basis, the administrative support services nec-
11 essary for the Federal Review Commission to carry
12 out its duties.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—Such
14 sums as may be necessary are authorized to be appro-
15 priated for the purposes of carrying out the duties of each
16 Federal Review Commission. Such funds shall remain
17 available until expended.

18 “(j) TERMINATION.—Each Federal Review Commis-
19 sion shall terminate 90 days after the date on which the
20 Commission submits the assessment and legislative pro-
21 posal (if any) under subsection (d)

22 “(k) DEFINITION.—In this section, the term ‘agency’
23 has the meaning provided in section 902(1) of this title.

1 **“§ 1002. Expedited Congressional consideration of**
2 **Federal Review Commission rec-**
3 **ommendations**

4 “(a) INTRODUCTION OF RESOLUTION.—Not later
5 than the fifth legislative day after the date of receipt of
6 a legislative proposal transmitted from the President to
7 Congress under section 1001(e) of this title, the majority
8 leader of each House or his designee shall introduce a joint
9 resolution as defined in subsection (d).

10 “(b) CONSIDERATION IN THE HOUSE OF REP-
11 RESENTATIVES.—

12 “(1) REFERRAL AND REPORTING.—If a com-
13 mittee fails to report a joint resolution within 30
14 legislative days, it shall be in order to move that the
15 House discharge the committee from further consid-
16 eration of the joint resolution. Such a motion shall
17 be in order only at a time designated by the Speaker
18 in the legislative schedule within two legislative days
19 after the day on which the proponent announces his
20 intention to offer the motion. Such a motion shall
21 not be in order after a committee has reported a
22 joint resolution with respect to that transmission or
23 after the House has disposed of a motion to dis-
24 charge with respect to that transmission. The pre-
25 vious question shall be considered as ordered on the
26 motion to its adoption without intervening motion

1 except 20 minutes of debate equally divided and con-
2 trolled by the proponent and an opponent. A motion
3 to reconsider the vote by which the motion is dis-
4 posed of shall not be in order.

5 “(2) PROCEEDING TO CONSIDERATION.—After
6 a joint resolution is reported favorably without
7 amendment by a committee or a committee has been
8 discharged from further consideration, it shall be in
9 order to move to proceed to consider the joint reso-
10 lution in the House. Such a motion shall be in order
11 only at a time designated by the Speaker in the leg-
12 islative schedule within two legislative days after the
13 day on which the proponent announces his intention
14 to offer the motion. Such a motion shall not be in
15 order after the House has disposed of a motion to
16 proceed with respect to that transmission. The pre-
17 vious question shall be considered as ordered on the
18 motion to its adoption without intervening motion. A
19 motion to reconsider the vote by which the motion
20 is disposed of shall not be in order.

21 “(3) CONSIDERATION.—The joint resolution
22 shall be considered as read. All points of order
23 against the joint resolution and against its consider-
24 ation are waived. The previous question shall be con-
25 sidered as ordered on the joint resolution to its pas-

1 sage without intervening motion except ten hours of
2 debate equally divided and controlled by the pro-
3 ponent and an opponent and one motion to limit de-
4 bate on the joint resolution. A motion to reconsider
5 the vote on passage of the joint resolution shall not
6 be in order.

7 “(4) SENATE BILL.—A joint resolution received
8 from the Senate shall not be referred to committee.

9 “(c) CONSIDERATION IN THE SENATE.—[Language
10 to be provided.]

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘joint resolution’ means only a
13 joint resolution—

14 “(A) which does not have a preamble;

15 “(B) the title of which is as follows: ‘Joint
16 resolution relating to the legislative proposal
17 prepared by the Federal Review Commission es-
18 tablished on _____, 20____.’, the blank spaces
19 being filled in with the appropriate date;

20 “(C) the matter after the resolving clause
21 of which is as follows: ‘That Congress approves
22 the legislative proposal prepared by a Federal
23 Review Commission and transmitted to Con-
24 gress by the President on _____, 20____.’,

1 the blank spaces being filled in with the appro-
2 priate date; and

3 “(D) the remaining text of which consists
4 of the legislative proposal prepared by the Fed-
5 eral Review Commission concerned and trans-
6 mitted to Congress by the President.

7 “(2) The term ‘legislative day’ refers to any day
8 on which either House of Congress is in session.

9 “(e) RULES OF SENATE AND HOUSE OF REPRESENT-
10 ATIVES ON FEDERAL REVIEW COMMISSION REC-
11 OMMENDATIONS.—This section is enacted by Congress—

12 “(1) as an exercise of the rulemaking power of
13 the Senate and the House of Representatives, re-
14 spectively, and as such they are deemed a part of
15 the rules of each House, respectively, but applicable
16 only with respect to the procedure to be followed in
17 that House in the case of resolutions with respect to
18 any legislative proposal transmitted to Congress (in
19 accordance with section 1001) after the date of en-
20 actment of this section; and they supersede other
21 rules only to the extent that they are inconsistent
22 therewith; and

23 “(2) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 relating to the procedure of that House) at any time,

1 in the same manner and to the same extent as in
2 the case of any other rule of that House.

3 **“§ 1003. Schedule for review of all Federal agencies**
4 **and programs**

5 “(a) SCHEDULE FOR REVIEW.—Not later than one
6 year after the date of the enactment of this chapter, the
7 President shall submit to Congress a schedule under which
8 Federal Review Commissions shall be established to review
9 all Federal agencies and programs in order to accomplish
10 the goals of the policy set forth in section 901(a) of this
11 title.

12 “(b) REVIEW OF AGENCIES PERFORMING RELATED
13 FUNCTIONS.—In developing a schedule pursuant to sub-
14 section (a), the President shall provide that agencies that
15 perform similar or related functions be reviewed at or near
16 the same time.

17 **“§ 1004. Administrative matters**

18 “(a) RELOCATION OF FEDERAL EMPLOYEES.—If the
19 position of an employee of an agency is eliminated as a
20 result of a reorganization, consolidation, abolishment, ex-
21 pansion, or transfer of existing Federal programs or agen-
22 cies pursuant to this chapter, the affected agency shall
23 make a reasonable effort to relocate such employee to a
24 position within another agency.

25 “(b) DEFICIT REDUCTION.—

1 “(1) DEFICIT REDUCTION.—Any reduction in
2 amounts of discretionary budget authority or direct
3 spending resulting from enactment of legislation
4 pursuant to this chapter shall be dedicated only to
5 deficit reduction and shall not be used as an offset
6 for other spending increases.

7 “(2) ADJUSTMENTS TO COMMITTEE ALLOCA-
8 TIONS.—Not later than 5 days after the enactment
9 of legislation pursuant to this chapter, the chairmen
10 of the Committees on the Budget of the Senate and
11 the House of Representatives shall revise levels
12 under section 311(a) of the Congressional Budget
13 Act of 1974 and adjust the committee allocations
14 under section 302(a) of the Congressional Budget
15 Act of 1974 to reflect the reduction in discretionary
16 budget authority or direct spending, and the appro-
17 priate committees shall report revised allocations
18 pursuant to section 302(b) of the Congressional
19 Budget Act of 1974, as appropriate.

20 “(3) ADJUSTMENTS TO CAPS.—After the enact-
21 ment of legislation pursuant to this chapter, the Di-
22 rector of the Office of Management and Budget
23 shall revise applicable limits under the Balanced
24 Budget and Emergency Deficit Control Act, as ap-
25 propriate.”.

1 (b) CONFORMING AMENDMENT.—The table of chap-
2 ters for title 5, United States Code, is amended by insert-
3 ing after the items relating to chapter 9 the following:

“CHAPTER 10—FEDERAL REVIEW COMMISSIONS

“1001. Establishment of Federal Review Commissions

“1002. Congressional consideration of Federal Review Commission recommenda-
tions

“1003. Schedule for review of all Federal agencies and programs

“1004. Administrative matters”.

