

Union Calendar No. 344

109TH CONGRESS
2^D SESSION

H. R. 5766

[Report No. 109-594, Part I]

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

JULY 24, 2006

Additional sponsors: Mr. MCKEON, Mr. CAMP of Michigan, Mr. BOEHNER, Mr. OTTER, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. MCCOTTER, Mr. HEFLEY, Mr. RADANOVICH, Mr. BRADY of Texas, Mr. HENSARLING, Mr. REICHERT, Mr. CRENSHAW, Mr. PENCE, Mr. CALVERT, Mr. HERGER, Mr. SESSIONS, Mr. CULBERSON, Ms. HART, Ms. HARRIS, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. WELDON of Florida, Mr. BILBRAY, Mr. GERLACH, Mr. HAYWORTH, Mr. ISTOOK, Mr. STEARNS, Mr. RENZI, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. HAYES, Miss MCMORRIS, Mr. DAVIS of Kentucky, Mr. CAMPBELL of California, Mr. LATHAM, Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. ROHRABACHER, Mr. FEENEY, Mr. FORTENBERRY, Mrs. MYRICK, Mr. KING of Iowa, Mr. COLE of Oklahoma, Mr. PRICE of Georgia, Mr. TERRY, Ms. GRANGER, Mrs. CUBIN, Mr. FORTUÑO, Mr.

1 **“CHAPTER 10—FEDERAL REVIEW**
 2 **COMMISSIONS**

“Sec.

“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.*

3 **“§ 1001. Establishment of Federal Review Commis-**
 4 **sions**

5 “(a) *IN GENERAL.—A Federal Review Commission*
 6 *may be established in accordance with this section with re-*
 7 *spect to a specific aspect of Federal programs and agencies*
 8 *for purposes of reviewing and making recommendations on*
 9 *how to improve the operations, effectiveness, and efficiency*
 10 *of such Federal programs and agencies in order to deter-*
 11 *mine whether a reorganization, consolidation, abolishment,*
 12 *expansion, or transfer of existing Federal programs and*
 13 *agencies is necessary to carry out any policy set forth in*
 14 *section 901(a) of this title.*

15 “(b) *METHOD OF ESTABLISHMENT.—A Federal Re-*
 16 *view Commission may be established under subsection (a)*
 17 *only through the issuance of an executive order or the enact-*
 18 *ment of a joint resolution that—*

19 “(1) *describes the Federal programs and agencies*
 20 *to be reviewed by the Commission; and*

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

4 “(c) COMMENCEMENT OF OPERATIONS.—Each Federal
5 Review Commission shall commence operations within 1
6 month after the establishment of the Commission under sub-
7 section (a).

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

9 “(1) REVIEW OF PROGRAMS AND AGENCIES.—In
10 reviewing Federal programs and agencies, a Federal
11 Review Commission established under this section
12 shall consider—

13 “(A) whether the missions and goals of the
14 programs and agencies studied by the Commis-
15 sion are being carried out as effectively and effi-
16 ciently as possible;

17 “(B) the extent to which the programs or
18 agencies duplicate or conflict with other Federal
19 agencies, State or local government, or the pri-
20 vate sector;

21 “(C) whether a reorganization, consolida-
22 tion, abolishment, expansion, or transfer of the
23 programs and agencies reviewed by the Federal
24 Review Commission would better enable the Fed-

1 *eral government to accomplish its missions and*
2 *goals;*

3 *“(D) with respect to existing rules promul-*
4 *gated by the agencies to carry out the pro-*
5 *grams—*

6 *“(i) whether the agency has specific*
7 *legislative authority to promulgate the rules*
8 *and carry out the programs.*

9 *“(ii) whether the rules are being car-*
10 *ried out as efficiently as possible; and*

11 *“(iii) the extent to which the rules du-*
12 *plicate or conflict with rules promulgated*
13 *by other Federal agencies; and*

14 *“(E) whether the agency or program has op-*
15 *erated or was authorized outside of an enumer-*
16 *ated power under Article I of the Constitution of*
17 *the United States or in any manner violates the*
18 *separation of powers under the Constitution.*

19 *“(2) SUBMISSION TO PRESIDENT OF ASSESSMENT*
20 *AND LEGISLATIVE PROPOSAL.—Not later than 1 year*
21 *after the establishment of a Federal Review Commis-*
22 *sion under this section, the Commission shall submit*
23 *to the President—*

24 *“(A) the Commission’s assessment of the op-*
25 *erations, effectiveness, and efficiency of the Fed-*

1 *eral programs and agencies reviewed by the*
2 *Commission; and*

3 “(B) *a legislative proposal, if appropriate,*
4 *to reorganize, consolidate, abolish, expand, or*
5 *transfer the Federal programs and agencies re-*
6 *viewed by the Commission.*

7 “(e) *TRANSMISSION TO CONGRESS OF ASSESSMENT*
8 *AND LEGISLATIVE PROPOSAL.—Not later than 30 days*
9 *after submission to the President of an assessment and legis-*
10 *lative proposal (if any) by a Federal Review Commission,*
11 *the President shall transmit to Congress the assessment and*
12 *any legislative proposal, along with the President’s rec-*
13 *ommendations regarding the assessment and proposal.*

14 “(f) *MEMBERSHIP.—*

15 “(1) *NUMBER AND APPOINTMENT.—*

16 “(A) *IN GENERAL.—Each Federal Review*
17 *Commission shall be composed of 7 members ap-*
18 *pointed by the President as follows:*

19 “(i) *One in consultation with the*
20 *Speaker of the House of Representatives.*

21 “(ii) *One in consultation with the mi-*
22 *nority leader of the House of Representa-*
23 *tives.*

24 “(iii) *One in consultation with the*
25 *majority leader of the Senate.*

1 “(iv) *One in consultation with the mi-*
2 *nority leader of the Senate.*

3 “(v) *Three other members.*

4 “(B) *EX OFFICIO MEMBERS.—The President*
5 *may appoint up to four Members of Congress*
6 *(up to 2 from each House) as nonvoting ex offi-*
7 *cio members of a Federal Review Commission.*

8 “(2) *QUALIFICATIONS.—All members appointed*
9 *by the President to serve on a Federal Review Com-*
10 *mission shall have expertise and experience in the*
11 *particular programmatic area that the Federal Re-*
12 *view Commission is established to review.*

13 “(3) *TERMS.—*

14 “(A) *IN GENERAL.—Each member of a Fed-*
15 *eral Review Commission shall be appointed for*
16 *the life of the Commission.*

17 “(B) *VACANCIES.—Any vacancy on a Fed-*
18 *eral Review Commission shall be filled in the*
19 *same manner as the original appointment.*

20 “(4) *BASIC PAY.—*

21 “(A) *RATES OF PAY.—Members of a Federal*
22 *Review Commission shall serve without pay.*

23 “(B) *TRAVEL EXPENSES.—Each member of*
24 *a Federal Review Commission shall receive trav-*
25 *el expenses, including per diem in lieu of subsist-*

1 *ence, in accordance with applicable provisions*
2 *under subchapter I of chapter 57 of title 5,*
3 *United States Code.*

4 “(5) *QUORUM.*—*Four members of a Federal Re-*
5 *view Commission shall constitute a quorum but a*
6 *lesser number may hold hearings.*

7 “(6) *CHAIRMAN AND VICE CHAIRMAN.*—*The*
8 *President shall designate one member of each Federal*
9 *Review Commission to serve as Chairman and one as*
10 *Vice Chairman.*

11 “(g) *DIRECTOR AND STAFF.*—

12 “(1) *DIRECTOR.*—*Each Federal Review Commis-*
13 *sion shall have a Director who shall be appointed by*
14 *the Chairman without regard to the provisions of title*
15 *5, United States Code, governing appointments in the*
16 *competitive service. The Director shall be paid at a*
17 *rate not to exceed the rate of basic pay for level II*
18 *of the Executive Schedule.*

19 “(2) *STAFF.*—*The Director of a Federal Review*
20 *Commission may appoint and fix the pay of addi-*
21 *tional personnel as the Director considers appro-*
22 *priate, in accordance with section 3161 of title 5,*
23 *United States Code.*

24 “(3) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
25 *LAWS.*—*The Director and any staff of each Federal*

1 *Review Commission shall be employees under section*
2 *2105 of title 5, United States Code, for purposes of*
3 *chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that*
4 *title.*

5 “(4) *PROCUREMENT OF TEMPORARY AND INTER-*
6 *MITTENT SERVICES.—The Chairman of each Federal*
7 *Review Commission may procure temporary and*
8 *intermittent services under section 3109(b) of title 5,*
9 *United States Code, at rates for individuals which do*
10 *not exceed the daily equivalent of the annual rate of*
11 *basic pay for Level II of the Executive Schedule.*

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

18 “(h) *POWERS OF COMMISSION.—*

19 “(1) *HEARINGS AND SESSIONS.—Each Federal*
20 *Review Commission may, for the purpose of carrying*
21 *out its duties, hold hearings, sit and act at times and*
22 *places, take testimony, and receive evidence as the*
23 *Commission considers appropriate.*

24 “(2) *OBTAINING OFFICIAL DATA.—Each Federal*
25 *Review Commission may secure directly from any*

1 *Federal department or agency information necessary*
2 *to enable it to carry out its duties. Upon request of*
3 *the Chairman of a Commission, the head of that de-*
4 *partment or agency shall furnish that information to*
5 *the Commission.*

6 “(3) *POSTAL AND PRINTING SERVICES.—Each*
7 *Federal Review Commission may use the United*
8 *States mail and obtain printing and binding services*
9 *in the same manner and under the same conditions*
10 *as other Federal departments and agencies.*

11 “(4) *ADMINISTRATIVE SUPPORT SERVICES.—*
12 *Upon the request of a Federal Review Commission,*
13 *the Administrator of General Services shall provide to*
14 *the Federal Review Commission, on a reimbursable*
15 *basis, the administrative support services necessary*
16 *for the Federal Review Commission to carry out its*
17 *duties.*

18 “(i) *AUTHORIZATION OF APPROPRIATIONS.—Such*
19 *sums as may be necessary are authorized to be appropriated*
20 *for the purposes of carrying out the duties of each Federal*
21 *Review Commission. Such funds shall remain available*
22 *until expended.*

23 “(j) *TERMINATION.—Each Federal Review Commis-*
24 *sion shall terminate 90 days after the date on which the*

1 *Commission submits the assessment and legislative proposal*
2 *(if any) under subsection (d)*

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

5 “§ 1002. ***Expedited Congressional consideration of***
6 ***Federal Review Commission recommenda-***
7 ***tions***

8 “(a) *INTRODUCTION OF RESOLUTION.—The majority*
9 *leader of each House or his designee shall introduce a joint*
10 *resolution as defined in subsection (d) not later than the*
11 *fifth day of session of that House after the date of receipt*
12 *of a legislative proposal transmitted from the President to*
13 *Congress under section 1001(e) of this title.*

14 “(b) *CONSIDERATION IN THE HOUSE OF REPRESENTA-*
15 *TIVES.—*

16 “(1) *REFERRAL AND REPORTING.—Any com-*
17 *mittee of the House of Representatives to which a*
18 *joint resolution is referred shall report it to the House*
19 *not later than 30 legislative days after the date of its*
20 *introduction. If a committee fails to report the joint*
21 *resolution within that period, it shall be in order to*
22 *move that the House discharge the committee from*
23 *further consideration of the joint resolution. Such a*
24 *motion shall be in order only at a time designated by*
25 *the Speaker in the legislative schedule within two leg-*

1 *islative days after the day on which the proponent*
2 *announces his intention to offer the motion. Notice of*
3 *such intention may not be given on an anticipatory*
4 *basis. Such a motion shall not be in order after the*
5 *last committee authorized to consider the joint resolu-*
6 *tion reports it to the House or after the House has*
7 *disposed of a motion to discharge a joint resolution.*
8 *The previous question shall be considered as ordered*
9 *on the motion to its adoption without intervening mo-*
10 *tion except 20 minutes of debate equally divided and*
11 *controlled by the proponent and an opponent. A mo-*
12 *tion to reconsider the vote by which the motion is dis-*
13 *posed of shall not be in order.*

14 *“(2) PROCEEDING TO CONSIDERATION.—After*
15 *each committee authorized to consider a joint resolu-*
16 *tion favorably reports it to the House without amend-*
17 *ment or has been discharged from its consideration,*
18 *it shall be in order to move to proceed to consider the*
19 *joint resolution in the House. Such a motion shall be*
20 *in order only at a time designated by the Speaker in*
21 *the legislative schedule within two legislative days*
22 *after the day on which the proponent announces his*
23 *intention to offer the motion. Notice of such intention*
24 *may not be given on an anticipatory basis. Such a*
25 *motion shall not be in order after the House has dis-*

1 *posed of a motion to proceed on the joint resolution.*
2 *The previous question shall be considered as ordered*
3 *on the motion to its adoption without intervening mo-*
4 *tion. A motion to reconsider the vote by which the*
5 *motion is disposed of shall not be in order.*

6 *“(3) CONSIDERATION.—The joint resolution shall*
7 *be considered as read. All points of order against the*
8 *joint resolution and against its consideration are*
9 *waived. The previous question shall be considered as*
10 *ordered on the joint resolution to its passage without*
11 *intervening motion except ten hours of debate equally*
12 *divided and controlled by the proponent and an oppo-*
13 *nent and one motion to limit debate on the joint reso-*
14 *lution. The joint resolution shall not be subject to*
15 *amendment. A motion to reconsider the vote on pas-*
16 *sage of the joint resolution shall not be in order.*

17 *“(c) CONSIDERATION IN THE SENATE.—**[**Language to*
18 *be provided.**]***

19 *“(d) DEFINITION.—In this section the term ‘joint reso-*
20 *lution’ means only a joint resolution—*

21 *“(1) which does not have a preamble;*

22 *“(2) the title of which is as follows: ‘Joint resolu-*
23 *tion relating to the legislative proposal prepared by*
24 *the Federal Review Commission established on*

1 _____, 20____.’, the blank spaces being filled in
2 with the appropriate date;

3 “(3) the matter after the resolving clause of
4 which is as follows: ‘That Congress approves the legis-
5 lative proposal prepared by a Federal Review Com-
6 mission and transmitted to Congress by the President
7 on _____, 20____.’, the blank spaces being filled in
8 with the appropriate date; and

9 “(4) the remaining text of which consists of the
10 legislative proposal prepared by the Federal Review
11 Commission concerned and transmitted to Congress
12 by the President.

13 “(e) *RULES OF SENATE AND HOUSE OF REPRESENTA-*
14 *TIVES ON FEDERAL REVIEW COMMISSION RECOMMENDA-*
15 *TIONS.—This section is enacted by Congress—*

16 “(1) as an exercise of the rulemaking power of
17 the Senate and the House of Representatives, respec-
18 tively, and as such they are deemed a part of the rules
19 of each House, respectively, but applicable only with
20 respect to the procedure to be followed in that House
21 in the case of resolutions with respect to any legisla-
22 tive proposal transmitted to Congress (in accordance
23 with section 1001) after the date of enactment of this
24 section; and they supersede other rules only to the ex-
25 tent that they are inconsistent therewith; and

1 “(2) *with full recognition of the constitutional*
2 *right of either House to change the rules (so far as re-*
3 *lating to the procedure of that House) at any time,*
4 *in the same manner and to the same extent as in the*
5 *case of any other rule of that House.*

6 **“§ 1003. Schedule for review of all Federal agencies**
7 **and programs**

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

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

20 **“§ 1004. Administrative matters**

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

1 *a reasonable effort to relocate such employee to a position*
2 *within another agency.*

3 “(b) *DEFICIT REDUCTION.*—

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

10 “(2) *ADJUSTMENTS TO COMMITTEE ALLOCA-*
11 *TIONS.*—*Not later than 5 days after the enactment of*
12 *legislation pursuant to this chapter, the chairmen of*
13 *the Committees on the Budget of the Senate and the*
14 *House of Representatives shall revise levels under sec-*
15 *tion 311(a) of the Congressional Budget Act of 1974*
16 *and adjust the committee allocations under section*
17 *302(a) of the Congressional Budget Act of 1974 to re-*
18 *fect the reduction in discretionary budget authority*
19 *or direct spending, and the appropriate committees*
20 *shall report revised allocations pursuant to section*
21 *302(b) of the Congressional Budget Act of 1974, as*
22 *appropriate.*

23 “(3) *ADJUSTMENTS TO CAPS.*—*After the enact-*
24 *ment of legislation pursuant to this chapter, the Di-*
25 *rector of the Office of Management and Budget shall*

1 *revise applicable limits under the Balanced Budget*
2 *and Emergency Deficit Control Act, as appropriate.”.*

3 *(b) CONFORMING AMENDMENT.—The table of chapters*
4 *for part I of title 5, United States Code, is amended by*
5 *inserting after the item relating to chapter 9 the following:*

“10. Federal Review Commissions 1001”.

Union Calendar No. 344

109TH CONGRESS
2^D SESSION

H. R. 5766

[Report No. 109-594, Part I]

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.

JULY 24, 2006

Committees on Rules and the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed