

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5766
OFFERED BY MR. TOM DAVIS OF VIRGINIA**

Strike all after the enacting clause and insert the following:

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**

“Sec. 1001. Establishment of Federal Review Commissions.

“Sec. 1002. Expedited Congressional consideration of Federal Review Commission recommendations.

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

“Sec. 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-

1 cies for purposes of reviewing and making recommenda-
2 tions on how to improve the operations, effectiveness, and
3 efficiency of such Federal programs and agencies in order
4 to determine whether a reorganization, consolidation, abol-
5 ishment, expansion, or transfer of existing Federal pro-
6 grams and agencies is necessary to carry out any policy
7 set forth in section 901(a) of this title.

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

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

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

17 “(c) COMMENCEMENT OF OPERATIONS.—Each Fed-
18 eral Review Commission shall commence operations within
19 1 month after the establishment of the Commission under
20 subsection (a).

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

22 “(1) REVIEW OF PROGRAMS AND AGENCIES.—
23 In reviewing Federal programs and agencies, a Fed-
24 eral Review Commission established under this sec-
25 tion shall consider—

1 “(A) whether the missions and goals of the
2 programs and agencies studied by the Commis-
3 sion are being carried out as effectively and ef-
4 ficiently as possible;

5 “(B) the extent to which the programs or
6 agencies duplicate or conflict with other Federal
7 agencies, State or local government, or the pri-
8 vate sector;

9 “(C) whether a reorganization, consolida-
10 tion, abolishment, expansion, or transfer of the
11 programs and agencies reviewed by the Federal
12 Review Commission would better enable the
13 Federal government to accomplish its missions
14 and goals;

15 “(D) with respect to existing rules promul-
16 gated by the agencies to carry out the pro-
17 grams—

18 “(i) whether the agency has specific
19 legislative authority to promulgate the
20 rules and carry out the programs.

21 “(ii) whether the rules are being car-
22 ried out as efficiently as possible; and

23 “(iii) the extent to which the rules du-
24 plicate or conflict with rules promulgated
25 by other Federal agencies; and

1 “(E) whether the agency or program has
2 operated or was authorized outside of an enu-
3 merated power under Article I of the Constitu-
4 tion of the United States or in any manner vio-
5 lates the separation of powers under the Con-
6 stitution.

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

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

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

20 “(e) TRANSMISSION TO CONGRESS OF ASSESSMENT
21 AND LEGISLATIVE PROPOSAL.—Not later than 30 days
22 after submission to the President of an assessment and
23 legislative proposal (if any) by a Federal Review Commis-
24 sion, the President shall transmit to Congress the assess-
25 ment and any legislative proposal, along with the Presi-

1 dent's recommendations regarding the assessment and
2 proposal.

3 “(f) MEMBERSHIP.—

4 “(1) NUMBER AND APPOINTMENT.—

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

8 “(i) One in consultation with the
9 Speaker of the House of Representatives.

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

13 “(iii) One in consultation with the
14 majority leader of the Senate.

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

17 “(v) Three other members.

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

23 “(2) QUALIFICATIONS.—All members appointed
24 by the President to serve on a Federal Review Com-
25 mission shall have expertise and experience in the

1 particular programmatic area that the Federal Re-
2 view Commission is established to review.

3 “(3) TERMS.—

4 “(A) IN GENERAL.—Each member of a
5 Federal Review Commission shall be appointed
6 for the life of the Commission.

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

10 “(4) BASIC PAY.—

11 “(A) RATES OF PAY.—Members of a Fed-
12 eral Review Commission shall serve without
13 pay.

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

20 “(5) QUORUM.—Four members of a Federal
21 Review Commission shall constitute a quorum but a
22 lesser number may hold hearings.

23 “(6) CHAIRMAN AND VICE CHAIRMAN.—The
24 President shall designate one member of each Fed-

1 eral Review Commission to serve as Chairman and
2 one as Vice Chairman.

3 “(g) DIRECTOR AND STAFF.—

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

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

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

22 “(4) PROCUREMENT OF TEMPORARY AND
23 INTERMITTENT SERVICES.—The Chairman of each
24 Federal Review Commission may procure temporary
25 and intermittent services under section 3109(b) of

1 title 5, United States Code, at rates for individuals
2 which do not exceed the daily equivalent of the an-
3 nual rate of basic pay for Level II of the Executive
4 Schedule.

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

11 “(h) POWERS OF COMMISSION.—

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

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

24 “(3) POSTAL AND PRINTING SERVICES.—Each
25 Federal Review Commission may use the United

1 States mail and obtain printing and binding services
2 in the same manner and under the same conditions
3 as other Federal departments and agencies.

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

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

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

20 “(k) DEFINITION.—In this section, the term ‘agency’
21 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.—The majority
5 leader of each House or his designee shall introduce a joint
6 resolution as defined in subsection (d) not later than the
7 fifth day of session of that House after the date of receipt
8 of a legislative proposal transmitted from the President
9 to Congress under section 1001(e) of this title.

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

12 “(1) REFERRAL AND REPORTING.—Any com-
13 mittee of the House of Representatives to which a
14 joint resolution is referred shall report it to the
15 House not later than 30 legislative days after the
16 date of its introduction. If a committee fails to re-
17 port the joint resolution within that period, it shall
18 be in order to move that the House discharge the
19 committee from further consideration of the joint
20 resolution. Such a motion shall be in order only at
21 a time designated by the Speaker in the legislative
22 schedule within two legislative days after the day on
23 which the proponent announces his intention to offer
24 the motion. Notice of such intention may not be
25 given on an anticipatory basis. Such a motion shall
26 not be in order after the last committee authorized

1 to consider the joint resolution reports it to the
2 House or after the House has disposed of a motion
3 to discharge a joint resolution. The previous ques-
4 tion shall be considered as ordered on the motion to
5 its adoption without intervening motion except 20
6 minutes of debate equally divided and controlled by
7 the proponent and an opponent. A motion to recon-
8 sider the vote by which the motion is disposed of
9 shall not be in order.

10 “(2) PROCEEDING TO CONSIDERATION.—After
11 each committee authorized to consider a joint resolu-
12 tion favorably reports it to the House without
13 amendment or has been discharged from its consid-
14 eration, it shall be in order to move to proceed to
15 consider the joint resolution in the House. Such a
16 motion shall be in order only at a time designated
17 by the Speaker in the legislative schedule within two
18 legislative days after the day on which the proponent
19 announces his intention to offer the motion. Notice
20 of such intention may not be given on an antici-
21 patory basis. Such a motion shall not be in order
22 after the House has disposed of a motion to proceed
23 on the joint resolution. The previous question shall
24 be considered as ordered on the motion to its adop-
25 tion without intervening motion. A motion to recon-

1 sider the vote by which the motion is disposed of
2 shall not be in order.

3 “(3) CONSIDERATION.—The joint resolution
4 shall be considered as read. All points of order
5 against the joint resolution and against its consider-
6 ation are waived. The previous question shall be con-
7 sidered as ordered on the joint resolution to its pas-
8 sage without intervening motion except ten hours of
9 debate equally divided and controlled by the pro-
10 ponent and an opponent and one motion to limit de-
11 bate on the joint resolution. The joint resolution
12 shall not be subject to amendment. A motion to re-
13 consider the vote on passage of the joint resolution
14 shall not be in order.

15 “(c) CONSIDERATION IN THE SENATE.—【Language
16 to be provided.】

17 “(d) DEFINITION.—In this section the term ‘joint
18 resolution’ means only a joint resolution—

19 “(1) which does not have a preamble;

20 “(2) the title of which is as follows: ‘Joint reso-
21 lution relating to the legislative proposal prepared by
22 the Federal Review Commission established on
23 _____, 20____.’, the blank spaces being filled in
24 with the appropriate date;

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

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

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

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

1 “(2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to the procedure of that House) at any time,
4 in the same manner and to the same extent as in
5 the 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

1 make a reasonable effort to relocate such employee to a
2 position 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
7 pursuant to this chapter shall be dedicated only to
8 deficit reduction and shall not be used as an offset
9 for other spending increases.

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

1 shall revise applicable limits under the Balanced
2 Budget and Emergency Deficit Control Act, as ap-
3 propriate.”.

4 (b) CONFORMING AMENDMENT.—The table of chap-
5 ters for title 5, United States Code, is amended by insert-
6 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 rec-
ommendations.

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

“1004. Administrative matters.”.