



Legislative Bulletin.....July 27, 2006

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H.R. 5766—The Government Efficiency Act

H.R. 5766—The Government Efficiency Act—*as reported* (Tiahrt, R-KS)

Order of Business: The bill is scheduled to be considered on Thursday, July 27th, likely subject to a structured rule.

Summary: H.R. 5766 creates a process whereby federal review commissions could be established to review and recommend ways to improve the effectiveness and efficiency with respect to “a specific aspect of federal programs and agencies.” Each review commission would be established either by an executive order by the President or a joint resolution initiated by Congress (and signed by the President) that describes the programs and agencies to be reviewed.

A review commission would be composed of seven members appointed by the President. In making four of the appointments, the President would consult the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, respectively. The other three appointees would not require consultation with any other public official. In addition, the President could select four nonvoting ex officio Members of Congress to sit on a commission. H.R. 5766 requires that each appointee have expertise and experience in the programmatic area being reviewed.

A commission would study whether the programs and agencies are being carried out effectively and whether they should be consolidated, reorganized, abolished, or expanded. Upon completion, it would submit its assessment, accompanied by a legislative proposal (presumably draft bill text) to the President, and 90 days thereafter, the commission would dissolve. The President would then submit the assessment and proposal to Congress within 30 days, along with any recommendations.

H.R. 5766 requires the majority leader of each chamber to, within five days, introduce the transmitted legislative proposal as a joint resolution. In the House, the joint resolution

would then be referred to the committee of jurisdiction, which would have 30 days to consider it before a motion to discharge the resolution from committee ripens. If the committee reported the joint resolution *favorably without amendment*, or the resolution was discharged, the bill would then be considered (a motion to proceed to the resolution will be in order) by the full House for up to 10 hours. However, there is no provision in the legislation that precludes the joint resolution from being amended on the House floor, as there is with other forms of expedited procedures. If the committee reported the resolution unfavorably or amended it, further expedited consideration would not be provided. **Note:** H.R. 5766 is silent on the expedited procedures that would be provided for Senate consideration.

In addition, the bill requires the President to submit to Congress a schedule under which federal review commissions would be established to review all federal agencies and programs. This provision would ensure that all agencies and programs are reviewed at some point by a review commission.

H.R. 5766 provides that if a federal agency is abolished, a reasonable effort would be made to relocate federal employees to another agency. In addition, the bill provides that any spending resulting from enactment of a commission's legislative proposal would be dedicated only for deficit reduction and not be used to offset other spending increases.

Committee Action: On July 12, 2006, H.R. 5766 was referred to the House Government Reform, which reported the bill on July 24th, for consideration by the full House of Representatives.

Cost to Taxpayers: H.R. 5766 authorizes such sums as are necessary to be appropriated for the activities of each federal review commission. According to its cost estimate, CBO "expects that complying with the bill's provisions would increase costs that are subject to the availability of appropriations. CBO has no basis to estimate the number of commissions that might be established under H.R. 5766.... Thus, such costs could total at least a few million dollars a year, and possibly significantly more if the President and the Congress make extensive use of such review commissions." The bill does not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill is designed as a tool for Congress and the President to reduce the size and scope of the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Government Reform Committee, in House Report 109-594, cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to make laws that are "necessary and proper for carrying into Execution the foregoing Powers"). The committee fails to cite a foregoing power to which this clause refers. House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a

statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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