109TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPT. 109–594 Part 1

GOVERNMENT EFFICIENCY ACT OF 2006

JULY 24, 2006.—Ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5766]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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49–006

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Efficiency Act of 2006".

SEC. 2. ESTABLISHMENT OF FEDERAL REVIEW COMMISSIONS.

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

"CHAPTER 10—FEDERAL REVIEW 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.

"§ 1001. Establishment of Federal Review Commissions

"(a) IN GENERAL.—A Federal Review Commission may be established in accordance with this section with respect to a specific aspect of Federal programs and agencies for purposes of reviewing and making recommendations on how to improve the operations, effectiveness, and efficiency of such Federal programs and agencies in order to determine whether a reorganization, consolidation, abolishment, expansion, or transfer of existing Federal programs and agencies is necessary to carry out any policy set forth in section 901(a) of this title.

"(b) METHOD OF ESTABLISHMENT.—A Federal Review Commission may be established under subsection (a) only through the issuance of an executive order or the enactment of a joint resolution that—

"(1) describes the Federal programs and agencies to be reviewed by the Commission; and

"(2) provides that the Commission shall be subject to the requirements of, and have the powers and authorities under, this section.

"(c) COMMENCEMENT OF OPERATIONS.—Each Federal Review Commission shall commence operations within 1 month after the establishment of the Commission under subsection (a).

"(d) DUTIES OF FEDERAL REVIEW COMMISSIONS.—

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

"(A) whether the missions and goals of the programs and agencies studied by the Commission are being carried out as effectively and efficiently as possible;

"(B) the extent to which the programs or agencies duplicate or conflict with other Federal agencies, State or local government, or the private sector;

"(C) whether a reorganization, consolidation, abolishment, expansion, or transfer of the programs and agencies reviewed by the Federal Review Commission would better enable the Federal government to accomplish its missions and goals;

"(D) with respect to existing rules promulgated by the agencies to carry out the programs—

"(i) whether the agency has specific legislative authority to promulgate the rules and carry out the programs;

"(ii) whether the rules are being carried out as efficiently as possible; and

"(iii) the extent to which the rules duplicate or conflict with rules promulgated by other Federal agencies; and

"(E) whether the agency or program has operated or was authorized outside of an enumerated power under Article I of the Constitution of the United States or in any manner violates the separation of powers under the Constitution.

"(2) SUBMISSION TO PRESIDENT OF ASSESSMENT AND LEGISLATIVE PROPOSAL.—Not later than 1 year after the establishment of a Federal Review Commission under this section, the Commission shall submit to the President—

"(A) the Commission's assessment of the operations, effectiveness, and efficiency of the Federal programs and agencies reviewed by the Commission; and

"(B) a legislative proposal, if appropriate, to reorganize, consolidate, abolish, expand, or transfer the Federal programs and agencies reviewed by the Commission.

"(e) TRANSMISSION TO CONGRESS OF ASSESSMENT AND LEGISLATIVE PROPOSAL.—Not later than 30 days after submission to the President of an assessment and legislative proposal (if any) by a Federal Review Commission, the President shall transmit to Congress the assessment and any legislative proposal, along with the President's recommendations regarding the assessment and proposal.

"(f) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—

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

"(i) One in consultation with the Speaker of the House of Representatives.

"(ii) One in consultation with the minority leader of the House of Representatives.

"(iii) One in consultation with the majority leader of the Senate.

"(iv) One in consultation with the minority leader of the Senate.

"(v) Three other members.

"(B) EX OFFICIO MEMBERS.—The President may appoint up to four Members of Congress (up to 2 from each House) as nonvoting ex officio members of a Federal Review Commission.

"(2) QUALIFICATIONS.—All members appointed by the President to serve on a Federal Review Commission shall have expertise and experience in the particular programmatic area that the Federal Review Commission is established to review.

"(3) TERMS.—

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

"(B) VACANCIES.—Any vacancy on a Federal Review Commission shall be filled in the same manner as the original appointment.

"(4) BASIC PAY.—

"(A) RATES OF PAY.—Members of a Federal Review Commission shall serve without pay.

"(B) TRAVEL EXPENSES.—Each member of a Federal Review Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

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

"(6) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate one member of each Federal Review Commission to serve as Chairman and one as Vice Chairman.

"(g) DIRECTOR AND STAFF.—

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

"(2) STAFF.—The Director of a Federal Review Commission may appoint and fix the pay of additional personnel as the Director considers appropriate, in accordance with section 3161 of title 5, United States Code.

"(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and any staff of each Federal Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

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

"(5) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairman of a Federal Review Commission, the head of any Federal department or agency may detail, on reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties.

"(h) POWERS OF COMMISSION.—

"(1) HEARINGS AND SESSIONS.—Each Federal Review Commission may, for the purpose of carrying out its duties, hold hearings, sit and act at times and

places, take testimony, and receive evidence as the Commission considers appropriate.

"(2) OBTAINING OFFICIAL DATA.—Each Federal Review Commission may secure directly from any Federal department or agency information necessary to enable it to carry out its duties. Upon request of the Chairman of a Commission, the head of that department or agency shall furnish that information to the Commission.

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

"(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of a Federal Review Commission, the Administrator of General Services shall provide to the Federal Review Commission, on a reimbursable basis, the administrative support services necessary for the Federal Review Commission to carry out its duties.

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

"(j) TERMINATION.—Each Federal Review Commission shall terminate 90 days after the date on which the Commission submits the assessment and legislative proposal (if any) under subsection (d).

"(k) DEFINITION.—In this section, the term 'agency' has the meaning provided in section 902(1) of this title.

"§ 1002. Expedited Congressional consideration of Federal Review Commission recommendations

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

"(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(1) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 30 legislative days after the date of its introduction. If a committee fails to report the joint resolution within that period, it shall be in order to move that the House discharge the committee from further consideration of the joint resolution. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Notice of such intention may not be given on an anticipatory basis. Such a motion shall not be in order after the last committee authorized to consider the joint resolution reports it to the House or after the House has disposed of a motion to discharge a joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(2) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution favorably reports it to the House without amendment or has been discharged from its consideration, it shall be in order to move to proceed to consider the joint resolution in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Notice of such intention may not be given on an anticipatory basis. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except ten hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the joint resolution. The joint resolution shall not be subject to amendment. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

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

"(d) DEFINITION.—In this section the term 'joint resolution' means only a joint resolution—

"(1) which does not have a preamble;

"(2) the title of which is as follows: 'Joint resolution relating to the legislative proposal prepared by the Federal Review Commission established on _____, 20____.', the blank spaces being filled in with the appropriate date;

"(3) the matter after the resolving clause of which is as follows: 'That Congress approves the legislative proposal prepared by a Federal Review Commission and transmitted to Congress by the President on _____, 20____ .', the blank spaces being filled in with the appropriate date; and

"(4) the remaining text of which consists of the legislative proposal prepared by the Federal Review Commission concerned and transmitted to Congress by the President.

"(e) RULES OF SENATE AND HOUSE OF REPRESENTATIVES ON FEDERAL REVIEW COMMISSION RECOMMENDATIONS.—This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions with respect to any legislative proposal transmitted to Congress (in accordance with section 1001) after the date of enactment of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"§ 1003. Schedule for review of all Federal agencies and programs

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

"(b) REVIEW OF AGENCIES PERFORMING RELATED FUNCTIONS.—In developing a schedule pursuant to subsection (a), the President shall provide that agencies that perform similar or related functions be reviewed at or near the same time.

"§ 1004. Administrative matters

"(a) RELOCATION OF FEDERAL EMPLOYEES.—If the position of an employee of an agency is eliminated as a result of a reorganization, consolidation, abolishment, expansion, or transfer of existing Federal programs or agencies pursuant to this chapter, the affected agency shall make a reasonable effort to relocate such employee to a position within another agency.

"(b) DEFICIT REDUCTION.—

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

"(2) ADJUSTMENTS TO COMMITTEE ALLOCATIONS.—Not later than 5 days after the enactment of legislation pursuant to this chapter, the chairmen of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 to reflect the reduction in discretionary budget authority or direct spending, and the appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, as appropriate.

"(3) ADJUSTMENTS TO CAPS.—After the enactment of legislation pursuant to this chapter, the Director of the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.".

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

"10. Federal Review Commissions ..... 1001".

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

On July 12, 2006, Rep. Todd Tiahrt (R–KS) introduced 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.

The legislation would authorize the establishment of a bipartisan "Federal Review Commission" to study whether a specific aspect of federal government operations would function more efficiently and effectively if some or all of the relevant federal programs and agencies were reorganized, consolidated, abolished, expanded, or transferred. Legislative proposals drafted by the bipartisan commissions would then be considered in Congress pursuant to expedited procedures.

BACKGROUND AND NEED FOR LEGISLATION

The Committee on Government Reform has conducted eight hearings since Rep. Tom Davis took over as Chairman in 2003 to discuss the need for a legislative tool that would authorize limited reorganizations of the executive branch intended to improve the operations and effectiveness of the federal government. Four hearings have been held to discuss the need for legislation to address overlap and duplication governmentwide, and four "case study" hearings have been held to assess the extent of overlap and duplication in specific areas of federal operations. A list of the hearings follows:

July 19, 2006: Full Committee hearing entitled "Cutting Out the Waste: An Overview of H.R. 5766, the Government Efficiency Act, and H.R. 3282, The Abolishment of Obsolete Agencies and Federal Sunset Act of 2005". Witnesses included bill sponsors Reps. Todd Tiahrt and Kevin Brady, James Horney from the Center on Budget and Policy Priorities, and Charles Loveless from the American Federation of State, County, and Municipal Employees.

September 27, 2005: Federal Workforce and Agency Organization Subcommittee hearing entitled "It's Time to REACT—Reauthorizing Executive Authority to Consolidate Task: Establishing Results and Sunset Commissions." Witnesses included Clay Johnson from the Office of Management and Budget, Paul Light from New York University, Tom Schatz from the Citizens Against Government Waste, Maurice McTigue from the Mercatus Center, and Robert Shull from OMB Watch.

May 17, 2005: Federal Workforce and Agency Organization Subcommittee hearing entitled "Question: What's More Scrambled than an Egg? Answer: The Federal Food Inspection System." Witnesses included Robert Robinson from the Government Accountability Office, Robert Brackett from the Food and Drug Administration, Merle Pierson from the Department of Agriculture, Susan Hazen from the Environmental Protection Agency, and Richard Cano from the National Oceanic and Atmospheric Administration.

August 3, 2004: Full Committee hearing entitled "Moving from a 'Need to Know' to a 'Need to Share': A Review of the 9/11 Commission's Recommendations." Witnesses included Bob Kerrey and

John Lehman from the 9/11 Commission, David Walker from the Government Accountability Office, and Paul Light from the Brookings Institute, and other witnesses.

March 30, 2004: Federal Workforce and Agency Organization Subcommittee hearing entitled "A System Rued: Inspecting Food." Witnesses included Lawrence Dyckman from the Government Accountability Office, Robert Brackett from the Food and Drug Administration, Merle Pierson from the Department of Agriculture, Dan Glickman formerly from the Department of Agriculture, and Caroline Smith DeWaal from the Center for Science in the Public Interest.

May 20, 2003: Full Committee hearing entitled "Redundancy and Duplication in Child Welfare Programs: A Case Study on the Need for Executive Reorganization Authority." Witnesses included Rep. Tom DeLay, Wade Horn from the Department of Health and Human Services, Robert Flores from the Department of Justice, and Colien Hefferan from the Department of Agriculture.

April 3, 2003: Full Committee hearing entitled "Toward a Logical Governing Structure: Restoring Executive Reorganization Authority." Witnesses included Rep. Tom DeLay, David Walker from the Government Accountability Office, Nancy Dorn from the Office of Management and Budget, Dwight Ink from the Institute of Public Administration, Paul Light from the Brookings Institute, Colleen Kelley from the National Treasury Employees Union, and Mark Roth from the American Federation of Government Employees.

March 6, 2003: Full Committee hearing entitled "From Reorganization to Recruitment: Bring the Federal Government into the 21st Century." Witnesses included Paul Volcker, Frank Carlucci, and Donna Shalala from the National Commission on the Public Service.

H.R. 5766, the Government Efficiency Act, is the result of the investigation conducted by the Committee over the past three and a half years into the existence of overlap and duplication in the federal government. It is intended to be a tool to assist the Congress and the President in identifying solutions to streamlining government operations in order to make them as efficient and effective as possible.

Two important aspects of H.R. 5766 are important to bear in mind. First, each Federal Review Commission would be composed of a bipartisan group of commissioners, a majority of which would represent the interests of Congress. Specifically, a Commission would be composed of seven voting members, three chosen by the President and four based on recommendations made by the House and Senate majority and minority leaders. Additionally, up to four Members of Congress—two from each chamber—could serve as ex officio Members of a Commission. Second, H.R. 5766 would provide multiple opportunities for Congress to weigh in, reject, or revise a proposal submitted by a Federal Review Commission. In short, the Government Efficiency Act would force Members of Congress to debate proposals to realign government operations but Congress would retain control of the outcome of such proposal. These changes represent a significant shift away from prior proposals to establish review commissions to assist Congress determining how to most effectively improve the operations and efficiency of the federal government.

SECTION-BY-SECTION

Section 1. Short title

This section provides the short title of H.R. 5766 as the "Government Efficiency Act of 2006."

Section 2. Establishment of Federal Review Commissions

This section would amend Part I of title 5, United States Code, by adding the following new chapter 10, entitled "Federal Review Commissions":

Section 1001. Establishment of Federal Review Commissions

This section would authorize the establishment of Federal Review Commissions as follows:

Establishment of a Federal Review Commission. This legislation would authorize the President to issue an executive order or the Congress to pass a joint resolution to establish a Federal Review Commission to study whether a specific aspect of federal government operations would function more efficiently and effectively if some or all of the relevant federal programs and agencies were reorganized, consolidated, abolished, expanded, or transferred. A bipartisan Federal Review Commission would be composed of 7 Members, appointed by the President, 3 of which would be selected by the President, and 4 of which would be appointed after consultation with the majority and minority leadership of the House and Senate (one commissioner appointed after consultation with each congressional leader).

Proposal by Federal Review Commission. Within 1 year after establishment by executive order or joint resolution, the Federal Review Commission would submit to the President its assessment of the specific federal programs and agencies reviewed by the Commission as well as any legislation necessary to realign, continue, consolidate, terminate, or enhance the federal agencies and programs reviewed by the Commission. Within 30 days of receipt from the Commission, the President would transmit the assessment and proposal to Congress.

Section 1002. Expedited congressional consideration of Federal Review Commission recommendations

Introduction, Referral of Legislative Proposal. Upon transmission of legislation proposed by a Commission to Congress, the Majority Leader or his designee in the House and the Majority Leader or his designee in the Senate would introduce a resolution approving the legislation proposed by the Commission.

Congressional Committee Consideration. The committee of jurisdiction would have 30 legislative days within which to act on the resolution, with the following possible outcomes:

(1) Committee reports favorably without amendment. See expedited consideration below.

(2) Committee reports favorably with amendment. The resolution would be scheduled for floor consideration under regular order rather than expedited consideration.

(3) Committee reports unfavorably, with or without amendment, or reports without recommendation. The resolution would be sched-

uled for floor consideration under regular order rather than expedited consideration.

(4) Committee fails to report. See expedited consideration below.

Expedited Congressional Consideration. If the committee fails to report the resolution within 30 legislative days, a privileged motion would be in order to consider the resolution. The Speaker would be required to schedule consideration of the motion within two legislative days of the filing of the motion to proceed, except that the motion would no longer be in order if the House otherwise moves to dispose of the motion (e.g. the Rules Committee reports a rule to provide for consideration of the resolution that tables the motion). A conference could occur if the House and Senate pass different versions of the resolution.

Section 1003. Schedule of review of all Federal agencies and programs

Sunset Process and Schedule Requirement. Within one year of the date of enactment of this Act, the President would be required to submit to Congress a schedule under which Federal Review Commissions would be established to review all federal agencies. The President's review schedule would be considered pursuant to the congressional committee consideration and expedited congressional procedures below.

Section 1004. Administrative matters

Relocation of Federal Employees. If the position of an employee of an agency is eliminated as a result of the abolishment of an agency in accordance with this Act, there shall be a reasonable effort to relocate such employee to a position within another agency.

Deficit Reduction. Any savings that result from the elimination, consolidation, or reorganization of programs under this Act shall revert to the Treasury for the sole purpose of reducing the federal deficit.

EXPLANATION OF AMENDMENTS

The Committee accepted a substitute amendment offered by the Chairman, the provisions of which are explained in the descriptive portions of this report.

COMMITTEE CONSIDERATION

On Wednesday, July 19, 2006, the Committee held a hearing entitled "Cutting Out the Waste: An Overview of H.R. 5766, the Government Efficiency Act, and H.R. 3282, The Abolishment of Obsolete Agencies and Federal Sunset Act of 2005". The purpose of the hearing was to provide Members of the Committee on Government Reform an opportunity to discuss the proposals with their sponsors. Witnesses included bill sponsors Reps. Todd Tiahrt and Kevin Brady, James Horney from the Center on Budget and Policy Priorities, and Charles Loveless from the American Federation of State, County, and Municipal Employees.

On Thursday, July 20, 2006, the Committee met in open session and ordered reported favorably the bill, H.R. 5766, as amended, by a roll call vote of 15–12.

ROLLCALL VOTES
Final Passage
H.R. 5766
As amended
COMMITTEE ON GOVERNMENT REFORM
109TH CONGRESS – **2nd SESSION**
ROLL CALL SHEET

Representatives	Aye	No	Present	Dem.	Aye	No	Present
MR. DAVIS (VA) (CHAIRMAN)	X			MR. WAXMAN		X	
MR. SHAYS		X		MR. LANTOS			
MR. BURTON				MR. OWENS			
MS. ROS-LEHTINEN	X			MR. TOWNS		X	
MR. MCHUGH				MR. KANJORSKI		X	
MR. MICA	X			MR. SANDERS		X	
MR. GUTKNECHT	X			MRS. MALONEY		X	
MR. SOUDER	X			MR. CUMMINGS			
MR. LATOURETTE	X			MR. KUCINICH			
MR. PLATTS				MR. DAVIS (IL)			
MR. CANNON	X			MR. CLAY		X	
MR. DUNCAN	X			MS. WATSON			
MRS. MILLER (MI)	X			MR. LYNCH		X	
MR. TURNER (OH)	X			MR. VAN HOLLEN		X	
MR. ISSA				MS. SANCHEZ		X	
MR. PORTER	X			MR. RUPPERSBERGER		X	
MR. MARCHANT				MR. HIGGINS		X	
MR. WESTMORELAND	X			MS. NORTON			
MR. MCHENRY	X						
MR. DENT	X						
MRS. FOXX							
MRS. SCHMIDT							
MR. BILBRAY	X						

Totals: Ayes 15 Nays 12 Present ____

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill provides 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. As such this bill does not relate to employment or access to public services and accommodations.

Legislative branch employees and their families, to the extent that they are otherwise eligible for the benefits provided by this legislation, have equal access to its benefits.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 5766. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

Pursuant to 5 U.S.C. App., Section 5(b), the Committee finds that the legislation does not establish or authorize the establishment of an advisory committee whose functions could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The commissions authorized to be established pursuant to this legislation are explained in the descriptive portions of this report.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 5766. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 5766 from the Director of Congressional Budget Office:

JULY 24, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5766, the Government Efficiency Act of 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DONALD B. MARRON
Acting Director.

Enclosure.

H.R. 5766—Government Efficiency Act of 2006

H.R. 5766 would authorize the President (through executive orders) and the Congress (through joint resolutions) to create Federal Review Commissions to review the performance and effectiveness of federal programs and agencies. The bill also would provide fast-track legislative authority for Congressional action on any recommendations resulting from those reviews. The legislative recommendations could include the reorganization, consolidation, abolishment, expansion, or transfer of the programs and agencies reviewed. Each commission, consisting of seven voting members and up to four ex-officio members, would be appointed by the President in consultation with the Congress. Members would serve without pay but would be reimbursed for travel expenses. The commissions could hire staff or use personnel from other agencies. The commissions would terminate 90 days after submitting their final report and legislative recommendations.

The costs of creating review commissions would vary depending on the number of agencies and programs reviewed, the level of detail involved, and the depth of the analysis. CBO expects that complying with the bill's provisions would increase costs that are sub-

ject to the availability of appropriations. CBO has no basis to estimate the number of commissions that might be established under H.R. 5766. In recent years, the cost for commissions has ranged from $1 million for the President's Commission to Strengthen Social Security to about $12 million for the Base Realignment and Closure Commission. 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. Any budgetary impacts from implementing the commissions' recommendations would depend on enactment of future legislation.

Enacting the bill would not affect direct spending or revenues. H.R. 5766 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On July 11, 2006, CBO transmitted a cost estimate for S. 3521, the Stop Over Spending Act of 2006, as ordered reported by the Senate Committee on the Budget on June 22, 2006. On September 27, 2005, CBO transmitted a cost estimate for S. 1399, the Government Reorganization and Program Performance Improvement Act of 2005, as introduced on July 14, 2005. Those bills also dealt with the review of federal agencies and programs but have different provisions. CBO's cost estimates reflect those differences.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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U.S. House of Representatives

COMMITTEE ON THE BUDGET

Washington, DC 20515

July 19, 2006

The Honorable Tom Davis
Chairman
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I am writing to inform you that the Committee on the Budget has requested that it be discharged from the consideration of H.R. 5766, the Government Efficiency Act of 2006. The bill was referred respectively to the Committee on Government Reform, and in addition to the Committees on Rules and the Budget.

As introduced, the bill contains provisions that fall within the exclusive jurisdiction of the Committee on the Budget. In order to expedite the passage of this Act, the Committee has requested that it be discharged from consideration of the bill. Although the Committee does not intend to mark up this bill, it preserves its jurisdiction over 5 USC 1004(b) as proposed to be added by section 2 of the bill which pertains to deficit reduction, adjustments to committee allocations and adjustments to caps.

The Committee looks forward to the favorable consideration of this legislation.

Sincerely,

Jim Nussle
Chairman

(202) 226-7270 309 Cannon House Office Building e-mail: budget@mail.house.gov

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House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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BERNARD SANDERS, VERMONT,
INDEPENDENT

July 21, 2006

The Honorable Jim Nussle
Chairman
Committee on the Budget
309 Cannon House Office Building
Washington, DC 20515

Dear Mr. Chairman,

Thank you for your letter concerning H.R. 5766, the Government Efficiency Act of 2006, and your willingness to forego consideration of H.R. 5766 by the Committee on the Budget.

I concur that 5 USC 1004(b) as proposed to be added by section 2 of the bill which pertains to deficit reduction, adjustments to committee allocations and adjustment to the caps falls within the jurisdiction of the Committee on the Budget. The jurisdiction of the Committee will not be adversely affected by your decision to discharge consideration of this bill.

Finally I will include a copy of your letter and this response in our committee report on this bill as well as insert the letters into the *Congressional Record* should there be consideration of this bill on the floor.

Sincerely,

Tom Davis
Chairman

cc:
The Honorable J. Dennis Hastert, Speaker of the House of Representatives
The Honorable Henry Waxman, Ranking Member
John V. Sullivan, Parliamentarian of the House of Representatives

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * * * *

PART I—THE AGENCIES GENERALLY

Chapter	Sec.
1. Organization	101
* * * * * * *	
10. Federal Review Commissions	*1001*
* * * * * * *	

CHAPTER 10—FEDERAL REVIEW 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.

§ 1001. Establishment of Federal Review Commissions

(a) IN GENERAL.—A Federal Review Commission may be established in accordance with this section with respect to a specific aspect of Federal programs and agencies for purposes of reviewing and making recommendations on how to improve the operations, effectiveness, and efficiency of such Federal programs and agencies in order to determine whether a reorganization, consolidation, abolishment, expansion, or transfer of existing Federal programs and agencies is necessary to carry out any policy set forth in section 901(a) of this title.

(b) METHOD OF ESTABLISHMENT.—A Federal Review Commission may be established under subsection (a) only through the issuance of an executive order or the enactment of a joint resolution that—

(1) describes the Federal programs and agencies to be reviewed by the Commission; and

(2) provides that the Commission shall be subject to the requirements of, and have the powers and authorities under, this section.

(c) COMMENCEMENT OF OPERATIONS.—Each Federal Review Commission shall commence operations within 1 month after the establishment of the Commission under subsection (a).

(d) DUTIES OF FEDERAL REVIEW COMMISSIONS.—

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

(A) whether the missions and goals of the programs and agencies studied by the Commission are being carried out as effectively and efficiently as possible;

(B) the extent to which the programs or agencies duplicate or conflict with other Federal agencies, State or local government, or the private sector;

(C) whether a reorganization, consolidation, abolishment, expansion, or transfer of the programs and agencies reviewed by the Federal Review Commission would better enable the Federal government to accomplish its missions and goals;

(D) with respect to existing rules promulgated by the agencies to carry out the programs—

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

(ii) whether the rules are being carried out as efficiently as possible; and

(iii) the extent to which the rules duplicate or conflict with rules promulgated by other Federal agencies; and

(E) whether the agency or program has operated or was authorized outside of an enumerated power under Article I of the Constitution of the United States or in any manner violates the separation of powers under the Constitution.

(2) SUBMISSION TO PRESIDENT OF ASSESSMENT AND LEGISLATIVE PROPOSAL.—Not later than 1 year after the establishment of a Federal Review Commission under this section, the Commission shall submit to the President—

(A) the Commission's assessment of the operations, effectiveness, and efficiency of the Federal programs and agencies reviewed by the Commission; and

(B) a legislative proposal, if appropriate, to reorganize, consolidate, abolish, expand, or transfer the Federal programs and agencies reviewed by the Commission.

(e) TRANSMISSION TO CONGRESS OF ASSESSMENT AND LEGISLATIVE PROPOSAL.—Not later than 30 days after submission to the President of an assessment and legislative proposal (if any) by a Federal Review Commission, the President shall transmit to Congress the assessment and any legislative proposal, along with the President's recommendations regarding the assessment and proposal.

(f) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

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

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

(ii) One in consultation with the minority leader of the House of Representatives.

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

(iv) One in consultation with the minority leader of the Senate.

(v) Three other members.

(B) EX OFFICIO MEMBERS.—The President may appoint up to four Members of Congress (up to 2 from each House) as nonvoting ex officio members of a Federal Review Commission.

(2) QUALIFICATIONS.—All members appointed by the President to serve on a Federal Review Commission shall have expertise and experience in the particular programmatic area that the Federal Review Commission is established to review.

(3) TERMS.—

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

(B) VACANCIES.—Any vacancy on a Federal Review Commission shall be filled in the same manner as the original appointment.

(4) BASIC PAY.—

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

(B) TRAVEL EXPENSES.—Each member of a Federal Review Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

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

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

(g) DIRECTOR AND STAFF.—

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

(2) STAFF.—The Director of a Federal Review Commission may appoint and fix the pay of additional personnel as the Director considers appropriate, in accordance with section 3161 of title 5, United States Code.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and any staff of each Federal Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

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

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairman of a Federal Review Commission, the head of any Federal department or agency may detail, on reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties.

(h) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—Each Federal Review Commission may, for the purpose of carrying out its duties, hold hear-

ings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) OBTAINING OFFICIAL DATA.—Each Federal Review Commission may secure directly from any Federal department or agency information necessary to enable it to carry out its duties. Upon request of the Chairman of a Commission, the head of that department or agency shall furnish that information to the Commission.

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

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of a Federal Review Commission, the Administrator of General Services shall provide to the Federal Review Commission, on a reimbursable basis, the administrative support services necessary for the Federal Review Commission to carry out its duties.

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

(j) TERMINATION.—Each Federal Review Commission shall terminate 90 days after the date on which the Commission submits the assessment and legislative proposal (if any) under subsection (d)

(k) DEFINITION.—In this section, the term "agency" has the meaning provided in section 902(1) of this title.

§ 1002. Expedited Congressional consideration of Federal Review Commission recommendations

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

(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 30 legislative days after the date of its introduction. If a committee fails to report the joint resolution within that period, it shall be in order to move that the House discharge the committee from further consideration of the joint resolution. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Notice of such intention may not be given on an anticipatory basis. Such a motion shall not be in order after the last committee authorized to consider the joint resolution reports it to the House or after the House has disposed of a motion to discharge a joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(2) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution favorably reports it to the House without amendment or has been discharged from its consideration, it shall be in order to move to proceed to consider the joint resolution in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Notice of such intention may not be given on an anticipatory basis. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except ten hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the joint resolution. The joint resolution shall not be subject to amendment. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(c) CONSIDERATION IN THE SENATE.—Language to be provided.

(d) DEFINITION.—In this section the term "joint resolution" means only a joint resolution—

(1) which does not have a preamble;

(2) the title of which is as follows: "Joint resolution relating to the legislative proposal prepared by the Federal Review Commission established on _____, 20____.", the blank spaces being filled in with the appropriate date;

(3) the matter after the resolving clause of which is as follows: "That Congress approves the legislative proposal prepared by a Federal Review Commission and transmitted to Congress by the President on _____, 20____ .", the blank spaces being filled in with the appropriate date; and

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

(e) RULES OF SENATE AND HOUSE OF REPRESENTATIVES ON FEDERAL REVIEW COMMISSION RECOMMENDATIONS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions with respect to any legislative proposal transmitted to Congress (in accordance with section 1001) after the date of enactment of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure

of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

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

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

(b) REVIEW OF AGENCIES PERFORMING RELATED FUNCTIONS.—In developing a schedule pursuant to subsection (a), the President shall provide that agencies that perform similar or related functions be reviewed at or near the same time.

§ 1004. Administrative matters

(a) RELOCATION OF FEDERAL EMPLOYEES.—If the position of an employee of an agency is eliminated as a result of a reorganization, consolidation, abolishment, expansion, or transfer of existing Federal programs or agencies pursuant to this chapter, the affected agency shall make a reasonable effort to relocate such employee to a position within another agency.

(b) DEFICIT REDUCTION.—

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

(2) ADJUSTMENTS TO COMMITTEE ALLOCATIONS.—Not later than 5 days after the enactment of legislation pursuant to this chapter, the chairmen of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 to reflect the reduction in discretionary budget authority or direct spending, and the appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, as appropriate.

(3) ADJUSTMENTS TO CAPS.—After the enactment of legislation pursuant to this chapter, the Director of the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.

* * * * * * *

MINORITY VIEWS

We strongly oppose H.R. 5766. This bill would create partisan commissions empowered to propose eliminating or privatizing critical government programs and require that those proposals be considered by Congress under expedited procedures. This bill is a backdoor attack on important federal programs that support our most vulnerable citizens, including seniors, children, and the disabled. Under this bill, any program the President did not like could be put on the chopping block under fast-track procedures.

For example, the President has tried repeatedly to cut heating assistance for low-income families. The Tiahrt bill is the perfect vehicle for forcing such a change through Congress. The President has tried repeatedly to slash health care for veterans. Again, the Tiahrt bill is the perfect vehicle for these changes. Not even Social Security, Medicare, or Medicaid would be immune from attack under this bill.

Supporters of this bill talk about the importance of cutting government waste and eliminating unnecessary programs, but no one has done more to root out waste, fraud, and corruption in government than the Democratic members of the Government Reform Committee. At hearing after hearing, we have exposed billions in wasteful government spending. If the Republican leadership were serious about preventing waste, fraud, and abuse, they would join with us in demanding an end to Halliburton's billion-dollar contracts in Iraq, a prohibition on sweetheart no-bid contracts, and genuine oversight and accountability.

But this bill isn't really about oversight and accountability. What it does is create a legislative vehicle for undermining our nation's health and environmental laws and shrinks the social safety net.

Over the last five years, the White House has significantly encroached upon the power of Congress. H.R. 5766 would make this problem far worse. It would aggrandize the executive branch at the expense of the legislative branch.

It's this Committee's job to conduct oversight over the federal agencies. This bill gives this role to partisan commissions dominated by Presidential appointees. Then, to compound the problem, it empowers these executive branch commissions to send a limitless number of fast-track legislative proposals to Congress. In effect, this bill would let these Presidential commissions dictate our legislative priorities.

This bill is also eerily reminiscent of the Grace Commission established in the 1980s by President Reagan. One of the Grace Commission recommendations was an overhaul of the military and civil service retirement systems to make people work longer and, in effect, reduce benefits. Another proposal would have capped the growth of Medicare and Medicaid and converted them to private-

sector programs. Similar proposals could be sent to Congress under fast-track procedures under H.R. 5766.

Individuals representing corporate interests were placed on Grace Commission task forces to examine the very agencies that regulated their corporations. For example, virtually all of the 68 members on the panel studying the Environmental Protection Agency came from corporations that had been targets of that agency's enforcement efforts. Under H.R. 5766, we could again see such a blatant substitution of corporate interests for the public interest.

Supporters of this bill cite "government overlap" to justify the legislation. Overlaps in federal programs are real and should be reviewed by Congress. But executive branch oversight is a congressional responsibility that Congress has fundamentally failed to meet in recent years. These bills reflect further abdication of Congress' oversight duties. The last thing this President needs is another opportunity to usurp congressional authority and appoint favored cronies and corporate lobbyists to powerful commissions charged with overseeing our most important health and safety programs.

HENRY A. WAXMAN.
TOM LANTOS.
MAJOR R. OWENS.
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DENNIS J. KUCINICH.
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