

**AMENDMENT TO H.R. 2, AS REPORTED**  
**OFFERED BY MR. DAVIDSON OF OHIO**

At the end of subtitle A of title IV, insert the following:

1 **Subtitle D—Nutrition Assistance**  
2 **Benefit Reform and Alignment**  
3 **Commission**

4 **SEC. 4301. SHORT TITLE.**

5 This title may be cited as the “Nutrition Assistance  
6 Benefit Reform and Alignment Commission (NABRAC)  
7 Act”.

8 **SEC. 4302. PURPOSE.**

9 The purpose of this title is to structure means-tested  
10 nutrition assistance programs such that—

11 (1) the receipt of means-tested nutrition assist-  
12 ance program aid by a beneficiary is temporary, that  
13 over time there is a reduction in the number of such  
14 programs in which an individual beneficiary or  
15 household is participating, and that over time the  
16 total number of recipients receiving such aid is re-  
17 duced; and

18 (2) means-tested nutrition assistance programs  
19 increase employment, encourage healthy marriages

1 and further educational attainment so that house-  
2 holds maintain an income above the poverty level  
3 without services and benefits from the Federal Gov-  
4 ernment.

5 **SEC. 4303. DEFINITION OF MEANS-TESTED NUTRITION AS-**  
6 **SISTANCE PROGRAM.**

7 In this title, the term “means-tested nutrition assist-  
8 ance program”—

9 (1) means any Federal nutrition assistance pro-  
10 gram that is carried out under the Food and Nutri-  
11 tion Act of 2008 (7 U.S.C. 2011 et seq.); and

12 (2) does not include such a program if the pro-  
13 gram—

14 (A) is based on earned eligibility;

15 (B) is not need-based;

16 (C) provides to an individual benefits  
17 under title 38, United States Code, or other  
18 provisions of law administered by the Secretary  
19 of Veterans Affairs; or

20 (D) offers universal or near universal eligi-  
21 bility to the working population and their de-  
22 pendants.

1 **SEC. 4304. ESTABLISHMENT OF NUTRITION ASSISTANCE**  
2 **BENEFIT REFORM AND ALIGNMENT COMMIS-**  
3 **SION.**

4 (a) **ESTABLISHMENT.**—There is established in the  
5 legislative branch a commission to be known as the “Nu-  
6 trition Assistance Benefit Reform and Alignment Commis-  
7 sion” (hereafter referred to as the “Commission”).

8 (b) **DUTIES.**—

9 (1) **IN GENERAL.**—The Commission—

10 (A) shall review all means-tested nutrition  
11 assistance programs within the Federal Govern-  
12 ment to—

13 (i) identify changes in law (which may  
14 include ways to streamline functions and  
15 increase efficiency within agencies or pro-  
16 grams) that will achieve the purposes set  
17 forth in section 4302;

18 (ii) evaluate whether each means-test-  
19 ed nutrition assistance program could be  
20 consolidated with another means-tested nu-  
21 trition assistance program, or a program  
22 subject to the availability of discretionary  
23 appropriations with similar goals, and  
24 make recommendations for consolidating  
25 the programs that are identified;

1 (iii) evaluate the potential benefits of  
2 eliminating any means-tested nutrition as-  
3 sistance program that does not have prov-  
4 en beneficial outcomes that assist in  
5 achieving purposes set forth in section  
6 4302 and make recommendations regard-  
7 ing eliminating means-tested nutrition as-  
8 sistance programs that are identified;

9 (iv) identify opportunities and make  
10 recommendations regarding ways for the  
11 Federal Government to reduce the cost or  
12 increase the efficiency of means-tested nu-  
13 trition assistance program by contracting  
14 with private entities, or delegating author-  
15 ity to States, to perform activities relating  
16 to the program;

17 (v) identify means-tested nutrition as-  
18 sistance programs and entitlement authori-  
19 ties that should be modified to be carried  
20 out subject to the availability of discre-  
21 tionary appropriations; and

22 (vi) identify other ways to achieve the  
23 purposes set forth in section 4302 as de-  
24 termined by the Commission;

1 (B) may review the offsetting receipts and  
2 discretionary appropriations of the Federal  
3 Government, as determined appropriate by the  
4 Commission; and

5 (C) may develop the criteria for achieving  
6 the purposes set forth in section 4302.

7 (2) CONSULTATION AND WORKING GROUPS.—

8 (A) IN GENERAL.—In carrying out the re-  
9 view under paragraph (1)(A), the Commission  
10 shall—

11 (i) consult with experts in company  
12 restructuring, reorganizing, and cost cut-  
13 ting; and

14 (ii) establish working groups for  
15 means-tested nutrition assistance pro-  
16 grams, as determined appropriate by the  
17 Commission, to provide recommendations  
18 to the Commission.

19 (B) MEMBERS OF WORKING GROUPS.—The  
20 individuals serving on a working group estab-  
21 lished under subparagraph (A)(ii) shall be em-  
22 ployees or contractors of the Commission with  
23 expertise in a program reviewed by the working  
24 group.

1           (3) REPORT.—Not later than 6 months after  
2           the date on which all members of the Commission  
3           are appointed, and upon an affirmative vote of a  
4           majority of the members of the Commission, the  
5           Commission shall submit to Congress and make pub-  
6           licly available a report containing—

7                   (A) a detailed statement of the findings,  
8                   conclusions, and recommendations of the Com-  
9                   mission; and

10                   (B) the assumptions, scenarios, and alter-  
11                   natives considered in reaching such findings,  
12                   conclusions, and recommendations.

13           (4) LEGISLATION TO CARRY OUT CHANGES IN  
14           LAW TO ACHIEVE PURPOSES.—The Commission  
15           shall—

16                   (A) identify changes in law that will result  
17                   in the consolidation and realignment in pro-  
18                   grams and outlays that will achieve the pur-  
19                   poses set forth in section 4302;

20                   (B) include in the report submitted under  
21                   paragraph (3) a bill consisting of proposed leg-  
22                   islative language to carry out the changes in  
23                   law identified under subparagraph (A) (here-  
24                   after in this title referred to as the “Commis-  
25                   sion bill”), except that the bill may not include

1 provisions creating a new program or agency,  
2 unless such program or agency is the result of  
3 a consolidation or realignment of existing pro-  
4 grams and agencies which will have the pre-  
5 dicted outcome of achieving the purposes of sec-  
6 tion 4302; and

7 (C) include in such report an estimate of  
8 the savings in outlays that will be achieved by  
9 the enactment of the Commission bill, as devel-  
10 oped in conjunction with the Director of the  
11 Congressional Budget Office and the Director  
12 of the Office of Management and Budget.

13 (5) INFORMATION TO MEMBERS OF CON-  
14 GRESS.—After submission of the Commission bill  
15 under paragraph (4), the Commission shall promptly  
16 provide, upon request, to any Member of Congress  
17 information used by the Commission in making its  
18 recommendations.

19 (c) MEMBERSHIP.—

20 (1) IN GENERAL.—The Commission shall be  
21 composed of 8 members, appointed as follows:

22 (A) The majority leader of the Senate shall  
23 appoint 2 members.

24 (B) The minority leader of the Senate shall  
25 appoint 2 members.

1 (C) The Speaker of the House of Rep-  
2 resentatives shall appoint 2 members.

3 (D) The minority leader of the House of  
4 Representatives shall appoint 2 members.

5 (2) DISQUALIFICATIONS.—An individual may  
6 not be appointed as a member of the Commission if  
7 the individual—

8 (A) was an officer or employee of any es-  
9 tablishment in the Federal Government at any  
10 time during the 5-year period ending on the  
11 date of the appointment; or

12 (B) was registered as a lobbyist under the  
13 Lobbying Disclosure Act of 1995 (2 U.S.C.  
14 1601 et seq.) at any time during the 5-year pe-  
15 riod ending on the date of the appointment.

16 (3) CHAIRPERSON.—The members of the Com-  
17 mission shall select a Chairperson from among the  
18 members of the Commission.

19 (4) DATE.—Not later than 1 month after the  
20 date of enactment of this title, all members of the  
21 Commission shall be appointed.

22 (5) PERIOD OF DESIGNATION.—Members shall  
23 be appointed for the life of the Commission. Any va-  
24 cancy in the Commission shall not affect its powers,  
25 but shall be filled not later than 14 days after the



1 date on which the vacancy occurs in the same man-  
2 ner as the original appointment.

3 (6) COMPENSATION.—

4 (A) IN GENERAL.—Each member of the  
5 Commission shall be compensated at a rate  
6 equal to the daily equivalent of the annual rate  
7 of basic pay prescribed for a position at level IV  
8 of the Executive Schedule under section 5314  
9 of title 5, United States Code, for each day (in-  
10 cluding travel time) during which such member  
11 is engaged in the performance of the duties of  
12 the Commission.

13 (B) TRAVEL EXPENSES.—Members may be  
14 allowed travel expenses, including per diem in  
15 lieu of subsistence, in accordance with sections  
16 5702 and 5703 of title 5, United States Code,  
17 while away from their homes or regular places  
18 of business in performance of services for the  
19 Commission.

20 (d) POWERS OF THE COMMISSION.—

21 (1) HEARINGS.—The Commission may, for the  
22 purpose of carrying out this title—

23 (A) hold such hearings, sit and act at such  
24 times and places, take such testimony, receive  
25 such evidence, and administer such oaths as the

1 Commission considers advisable to carry out its  
2 duties; and

3 (B) require, by subpoena or otherwise, the  
4 attendance and testimony of such witnesses and  
5 the production of such books, records, cor-  
6 respondence, memoranda, papers, documents,  
7 tapes, and materials as the Commission con-  
8 siders advisable to carry out its duties.

9 (2) INFORMATION FROM FEDERAL AGENCIES.—

10 The Commission may request directly, or require, by  
11 subpoena or otherwise, from any Federal agency  
12 such information as the Commission considers nec-  
13 essary to carry out its duties. Upon a request of the  
14 Chairperson of the Commission, the head of a Fed-  
15 eral agency shall furnish such information to the  
16 Commission.

17 (3) ISSUANCE AND ENFORCEMENT OF SUB-  
18 POENAS.—

19 (A) ISSUANCE.—Subpoenas issued under  
20 paragraph (1) or (2) shall bear the signature of  
21 the Chairperson of the Commission and shall be  
22 served by any person or class of persons des-  
23 ignated by the Chairperson for that purpose.

24 (B) ENFORCEMENT.—In the case of contu-  
25 macy or failure to obey a subpoena issued

1 under paragraph (1) or (2), the United States  
2 district court for the judicial district in which  
3 the subpoenaed person resides, is served, or  
4 may be found may issue an order requiring  
5 such person to appear at any designated place  
6 to testify or to produce documentary or other  
7 evidence. Any failure to obey the order of the  
8 court may be punished by the court as a con-  
9 tempt of that court.

10 (4) WITNESS ALLOWANCES AND FEES.—Section  
11 1821 of title 28, United States Code, shall apply to  
12 witnesses requested or subpoenaed to appear at any  
13 hearing of the Commission. The per diem and mile-  
14 age allowances for witnesses shall be paid from  
15 funds available to pay the expenses of the Commis-  
16 sion.

17 (5) INFORMATION FROM THE CONGRESSIONAL  
18 BUDGET OFFICE AND OFFICE OF MANAGEMENT AND  
19 BUDGET.—The Commission may secure directly  
20 from the Congressional Budget Office and Office of  
21 Management and Budget such information, includ-  
22 ing estimates and analysis, as the Commission con-  
23 siders advisable to carry out its duties. Upon request  
24 of the Chairperson of the Commission, the Director  
25 of the Congressional Budget Office or Office of

1 Management and Budget shall furnish such informa-  
2 tion, including estimates and analysis, to the Com-  
3 mission.

4 (6) INFORMATION FROM THE LIBRARY OF CON-  
5 GRESS.—Upon the request of the Commission, the  
6 Librarian of Congress shall provide to the Commis-  
7 sion, on a reimbursable basis, administrative support  
8 services, research services, and research staff nec-  
9 essary for the Commission to carry out its respon-  
10 sibilities under this title.

11 (e) STAFF OF THE COMMISSION.—

12 (1) APPOINTMENT AND COMPENSATION OF  
13 STAFF.—The Chairperson may appoint and fix the  
14 compensation of a staff director and such other em-  
15 ployees as may be necessary to enable the Commis-  
16 sion to carry out its functions, without regard to the  
17 provisions of title 5, United States Code, governing  
18 appointments in the competitive service, but at rates  
19 not to exceed the annual rate of basic pay prescribed  
20 for a position at level V of the Executive Schedule  
21 under section 5316 of title 5 of the United States  
22 Code.

23 (2) AGENCY ASSISTANCE.—Upon the request of  
24 the Chairperson, the head of any agency may detail  
25 an employee of the agency to the Commission with-

1 out reimbursement, and such detail shall be without  
2 interruption or loss of civil service status or privi-  
3 lege.

4 (f) CONSULTANT, TEMPORARY, AND INTERMITTENT  
5 SERVICES.—The Chairperson of the Commission is au-  
6 thorized to procure the services of experts and consultants  
7 and temporary and intermittent services in accordance  
8 with section 3109 of title 5, United States Code, but at  
9 rates not to exceed the daily rate paid a person occupying  
10 a position at level V of the Executive Schedule under sec-  
11 tion 5316 of title 5, United States Code, for each day dur-  
12 ing which such consultant or expert is engaged in the per-  
13 formance of the duties of the Commission.

14 (g) CONSIDERATION OF SUGGESTIONS FROM THE  
15 PUBLIC THROUGH WEB SITE.—In carrying out its duties  
16 under this title, the Commission shall—

17 (1) establish a Web site for the purpose of al-  
18 lowing any member of the public to submit sugges-  
19 tions to the Commission for its consideration; and

20 (2) consider each such suggestion submitted  
21 through the Web site.

22 (h) FEDERAL ADVISORY COMMITTEE ACT.—The  
23 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
24 apply to the Commission.

1 (i) TERMINATION.—The Commission shall terminate  
2 on the day after the earlier of—

3 (1) the date on which the Commission bill is en-  
4 acted into law; or

5 (2) the last day of the Congress during which  
6 the Commission bill is introduced in the Senate or  
7 the House under section 5(a).

8 **SEC. 4305. EXPEDITED PROCEDURES.**

9 (a) INTRODUCTION OF COMMISSION BILL.—The  
10 Commission bill—

11 (1) shall be introduced in the Senate (by re-  
12 quest), with any technical changes necessary to  
13 carry out the intent of the bill, by the majority lead-  
14 er of the Senate or by a Member of the Senate des-  
15 ignated by the majority leader of the Senate not  
16 later than 5 legislative days after the date on which  
17 the bill is submitted to Congress under section  
18 4304(b)(4); and

19 (2) shall be introduced in the House of Rep-  
20 resentatives (by request), with any technical changes  
21 necessary to carry out the intent of the bill, by the  
22 Speaker of the House of Representatives or by a  
23 Member of the House of Representatives designated  
24 by the Speaker of the House of Representatives not  
25 later than 5 legislative days after the date on which

1 the bill is submitted to Congress under section  
2 4304(b)(4).

3 (b) EXPEDITED CONSIDERATION IN HOUSE OF REP-  
4 RESENTATIVES.—

5 (1) PLACEMENT ON CALENDAR.—Upon intro-  
6 duction in the House of Representatives, the Com-  
7 mission bill shall be placed immediately on the ap-  
8 propriate calendar.

9 (2) PROCEEDING TO CONSIDERATION.—

10 (A) IN GENERAL.—It shall be in order, not  
11 later than 30 legislative days after the date the  
12 Commission bill is introduced in the House of  
13 Representatives, to move to proceed to consider  
14 the Commission bill in the House of Represent-  
15 atives.

16 (B) PROCEDURE.—For a motion to pro-  
17 ceed to consider the Commission bill—

18 (i) all points of order against the mo-  
19 tion are waived;

20 (ii) such a motion shall not be in  
21 order after the House of Representatives  
22 has disposed of a motion to proceed on the  
23 Commission bill;

1 (iii) the previous question shall be  
2 considered as ordered on the motion to its  
3 adoption without intervening motion;

4 (iv) the motion shall not be debatable;  
5 and

6 (v) a motion to reconsider the vote by  
7 which the motion is disposed of shall not  
8 be in order.

9 (3) CONSIDERATION.—When the House of Rep-  
10 resentatives proceeds to consideration of the Com-  
11 mission bill—

12 (A) the Commission bill shall be considered  
13 as read;

14 (B) all points of order against the Com-  
15 mission bill and against its consideration are  
16 waived;

17 (C) the previous question shall be consid-  
18 ered as ordered on the Commission bill to its  
19 passage without intervening motion except 10  
20 hours of debate equally divided and controlled  
21 by the proponent and an opponent;

22 (D) an amendment to the Commission bill  
23 shall not be in order; and



1           (E) a motion to reconsider the vote on pas-  
2           sage of the Commission bill shall not be in  
3           order.

4           (4) VOTE ON PASSAGE.—In the House of Rep-  
5           resentatives, the Commission bill shall be agreed to  
6           upon a vote of a majority of the Members present  
7           and voting, a quorum being present.

8           (c) EXPEDITED CONSIDERATION IN SENATE.—

9           (1) PLACEMENT ON CALENDAR.—Upon intro-  
10          duction in the Senate, the Commission bill shall be  
11          placed immediately on the calendar.

12          (2) PROCEEDING TO CONSIDERATION.—

13               (A) IN GENERAL.—Notwithstanding rule  
14               XXII of the Standing Rules of the Senate, it is  
15               in order, not later than 30 legislative days after  
16               the date the Commission bill is introduced in  
17               the Senate (even though a previous motion to  
18               the same effect has been disagreed to) to move  
19               to proceed to the consideration of the Commis-  
20               sion bill.

21               (B) PROCEDURE.—For a motion to pro-  
22               ceed to the consideration of the Commission  
23               bill—

24                       (i) all points of order against the mo-  
25                       tion are waived;

- 1 (ii) the motion is not debatable;
- 2 (iii) the motion is not subject to a mo-
- 3 tion to postpone;
- 4 (iv) a motion to reconsider the vote by
- 5 which the motion is agreed to or disagreed
- 6 to shall not be in order; and
- 7 (v) if the motion is agreed to, the
- 8 Commission bill shall remain the unfin-
- 9 ished business until disposed of.

10 (3) FLOOR CONSIDERATION.—

11 (A) IN GENERAL.—If the Senate proceeds  
12 to consideration of the Commission bill—

13 (i) all points of order against the  
14 Commission bill (and against consideration  
15 of the Commission bill) are waived;

16 (ii) consideration of the Commission  
17 bill, and all debatable motions and appeals  
18 in connection therewith, shall be limited to  
19 not more than 30 hours, which shall be di-  
20 vided equally between the majority and mi-  
21 nority leaders or their designees;

22 (iii) a motion further to limit debate  
23 is in order and not debatable;

1 (iv) an amendment to, a motion to  
2 postpone, or a motion to commit the Com-  
3 mission bill is not in order; and

4 (v) a motion to proceed to the consid-  
5 eration of other business is not in order.

6 (B) VOTE ON PASSAGE.—In the Senate—

7 (i) the vote on passage shall occur im-  
8 mediately following the conclusion of the  
9 consideration of the Commission bill, and a  
10 single quorum call at the conclusion of the  
11 debate if requested in accordance with the  
12 rules of the Senate; and

13 (ii) the Commission bill shall be  
14 agreed to upon a vote of a majority of the  
15 Members present and voting, a quorum  
16 being present.

17 (C) RULINGS OF THE CHAIR ON PROCE-  
18 DURE.—Appeals from the decisions of the Chair  
19 relating to the application of this subsection or  
20 the rules of the Senate, as the case may be, to  
21 the procedure relating to the Commission bill  
22 shall be decided without debate.

23 (d) RULES RELATING TO SENATE AND HOUSE OF  
24 REPRESENTATIVES.—

1           (1) COORDINATION WITH ACTION BY OTHER  
2 HOUSE.—If, before the passage by one House of the  
3 Commission bill of that House, that House receives  
4 from the other House the Commission bill—

5           (A) the Commission bill of the other House  
6 shall not be referred to a committee; and

7           (B) with respect to the Commission bill of  
8 the House receiving the resolution—

9           (i) the procedure in that House shall  
10 be the same as if no Commission bill had  
11 been received from the other House; and

12           (ii) the vote on passage shall be on  
13 the Commission bill of the other House.

14           (2) TREATMENT OF COMMISSION BILL OF  
15 OTHER HOUSE.—If one House fails to introduce or  
16 consider the Commission bill under this section, the  
17 Commission bill of the other House shall be entitled  
18 to expedited floor procedures under this section.

19           (3) TREATMENT OF COMPANION MEASURES.—  
20 If, following passage of the Commission bill in the  
21 Senate, the Senate receives the companion measure  
22 from the House of Representatives, the companion  
23 measure shall not be debatable.

24           (4) VETOES.—If the President vetoes the Com-  
25 mission bill, consideration of a veto message in the

1 Senate under this section shall be not more than 10  
2 hours equally divided between the majority and mi-  
3 nority leaders or their designees.

4 (e) RULES OF HOUSE OF REPRESENTATIVES AND  
5 SENATE.—This section is enacted by Congress—

6 (1) as an exercise of the rulemaking power of  
7 the Senate and House of Representatives, respec-  
8 tively, and as such is deemed a part of the rules of  
9 each House, respectively, but applicable only with re-  
10 spect to the procedure to be followed in that House  
11 in the case of the Commission bill, and supersede  
12 other rules only to the extent that it is inconsistent  
13 with such rules; and

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

