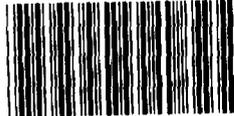




COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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November 13, 1979

The Honorable Abraham A. Ribicoff
Chairman, Committee on
Governmental Affairs
United States Senate

SEN 06600

Thank K
Charles A.

Dear Mr. Chairman:

This letter is in response to your joint request, along with Senators Percy and Javits, for my comments on Senate Amendment No. 517 to S. 2 which you introduced on October 12. This amendment would require the Congress to set its agenda for selective comprehensive reexamination and reauthorization of programs as part of the first concurrent resolution on the budget in the second session of each Congress. The amendment also provides expedited procedures for considering sunset reauthorization bills.

In commenting on the amendment, I would like to reiterate the point I made in my July 12, 1979, testimony before your committee.

"A basic requirement of oversight reform legislation is a workable review process. On the one hand, the review process established by the legislation must be sufficiently disciplined to assure that information and analysis on programs is developed and presented to the Congress so that it can act responsibly on legislation to continue, modify, or terminate programs. On the other hand, the review process must be sufficiently flexible to permit the Congress to focus its limited review resources, particularly the limited time of its Members, where review efforts are likely to be most productive."

The amendment, by limiting the application of the "sunset action forcing" requirements in Section 101(c) of S. 2 to only those programs included in the "sunset" agenda, would add considerable flexibility. This additional flexibility should permit the Congress to focus its limited review resources, and also should reduce the possibility that the sunset process would create logjams of sunset reauthorization bills, which, in turn, could force the Congress to make "pro forma" reviews and reauthorizations of programs.

Levin, Carl H.
Sen.

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This would be accomplished by eliminating the requirement in Title I that committees periodically make some type of review of all programs under their jurisdiction. Specifically the amendment would delete the requirements for committees to (1) periodically make a reauthorization review of each program subject to reauthorization (Section 102(a)), (2) include statements of program objectives in the reports accompanying reauthorization bills for all programs (Subsection 102(a)(3)), and (3) periodically review and report on each program exempted from the reauthorization requirements (Subsection 102(c)). However, the amendment, by requiring that programs selected for review also be reauthorized, that is subjected to automatic termination, could very well create a disincentive to authorizing committees to select certain programs (e.g., controversial programs that are currently permanently authorized) for review.

As you know, I strongly believe that oversight improvement can be achieved by better oversight planning and greater attention at the front end of the legislation process. We would like to see the inclusion of a requirement that would encourage the Congress, when authorizing new programs or reauthorizing existing programs, to state its objectives and expectations for such programs as clearly as is feasible, and to include statutory requirements which are as specific as possible for systematic monitoring and evaluation of the programs by the administering departments or agencies. This could be in the form of a requirement on authorizing and conference committees to develop such statements and requirements when reporting bills, similar to the requirements in Section 101 of S. 1304 and Subsections 102(a) and 102(b) of S. 2. I understand that Senator Levin is planning to introduce an amendment along these lines.

Because the amendment provides for selective rather than universal review coverage, it would also be useful if a requirement were included providing for committees to identify, at least tentatively, in the reports accompanying their proposed sunset agendas, the programs they expect to select for reexamination in future Congresses. Such a requirement would provide advance notice to the executive and the congressional support agencies needed for planning and carrying out quality fact finding and analytical efforts.

These two additional requirements would go a long way toward adding the discipline I believe is essential for assuring that information and analysis on programs is developed and presented to the Congress so that it can act responsibly on proposals to continue, modify, or terminate programs and the legislation authorizing programs.

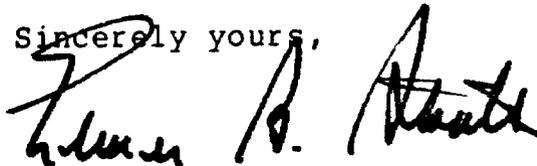
I also suggest that you consider revising Title II of S. 2, which provides for the development of a program inventory. In our opinion, the requirements in this title have become too burdensome and unnecessarily technical, and should be improved. We would be happy to assist you in developing language which would accomplish this.

In the final analysis, the key element to oversight reform is congressional commitment to better oversight. The law cannot create this commitment. The law can only create mechanisms and procedures which will permit the commitment to be translated into action as efficiently and systematically as possible. I believe this commitment exists, and that the amendment, coupled with the additional requirements we have suggested, would create the kind of mechanisms and procedures needed to permit this commitment to be translated into improved congressional oversight.

I have been advised that the House Rules Committee is developing a bill that has much the same basic purposes you are considering. I am very pleased to see this matter getting such serious attention in both Houses.

I am providing Senator Levin a copy of this letter also.

Sincerely yours,



Comptroller General
of the United States

Identical Letter sent to:

The Honorable Jacob K. Javits
Committee on Governmental Affairs
United States Senate

The Honorable Charles H. Percy
Committee on Governmental Affairs
United States Senate