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To enhance the congressional oversight process, committees of Congress, when reporting major authorizing legislation, should include an oversight requirements section in the legislation. The oversight requirements should specify congressional oversight issues and questions and provide for feedback of program performance information and other evaluation data on some kind of reasonable timetable in order to answer specified oversight questions. Findings/Conclusions: The oversight procedure, when applied by the Congress, would establish a disciplined process for agencies to follow in monitoring, evaluating, and reporting on their programs in order to answer congressional oversight questions. The oversight requirements in the authorizing legislation would spell out the Congress' intent to engage in oversight of the legislation and indicate, for any authorized program: what the Congress expects the program to accomplish, what general oversight questions the Congress expects the agency to answer as the program is implemented, and what committee or committees are responsible for oversight and assuring that the executive branch complies with congressional oversight requirements. In accordance with the applicable oversight requirements, the responsible executive branch agency would report to the Congress or designated committees its progress in implementing the program, including periodic reports on progress in developing, designing, establishing, and executing the programs. The oversight procedure would also require agencies to report the measures they intend to take in evaluating the program as well as the results of completed evaluation studies. (Author/SC)

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REPORT TO THE CONGRESS

*BY THE COMPTROLLER GENERAL
OF THE UNITED STATES*

Finding Out How Programs Are Working: Suggestions For Congressional Oversight

This report outlines a process for planning and carrying out congressional oversight of programs. This process could be used by congressional committees to keep track of programs as they are carried out or changed in response to legislation. GAO's suggested process is designed to avoid pitfalls common in making program evaluations.

If the Congress desires to enact sunset legislation, GAO believes this process would be compatible with and a useful adjunct to such legislation.



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

B-101740

To the President of the Senate and the
Speaker of the House of Representatives

This report describes an approach that could be used by the Congress to monitor systematically the effectiveness with which programs are carried out by the executive branch.

The report examines the feasibility of carrying out the requirements of Senate Resolution 307, 94th Congress, and describes a possible process for planning and carrying out congressional oversight. By presenting some conceptual tools and a possible oversight framework, we hope that this report will assist the Congress in its continual search for more effective oversight procedures.

We made our review and developed an oversight planning process in response to a request from Senator Leahy and in fulfillment of our responsibilities under title VII of the Congressional Budget Act to develop and recommend to the Congress methods for the review and evaluation of Government programs.

A handwritten signature in black ink that reads "Timor B. Steels".

Comptroller General
of the United States

D I G E S T

To enhance the congressional oversight process, GAO recommends that committees of the Congress, when reporting major authorizing legislation, include an oversight requirements section in the legislation.

The oversight requirements should specify congressional oversight issues and questions and provide for the feedback of program performance information and other evaluation data on some kind of reasonable timetable in order to answer the specified oversight questions.

This report outlines an approach that could be used by the Congress when it desires to establish oversight requirements in legislation in order to enhance its oversight of programs being carried out by the executive branch and to measure how effective such programs are in accomplishing their intended results.

WHY THE OVERSIGHT PROCEDURE
WAS DEVELOPED

The oversight procedure was developed by GAO in response to a request from Senator Leahy and in fulfillment of GAO's responsibilities under the Congressional Budget Act to develop and recommend to the Congress methods for the review and evaluation of Government programs.

WHAT THE OVERSIGHT
PROCEDURE WOULD REQUIRE

The oversight procedure, when applied by the Congress, would establish a disciplined process for agencies to follow in monitoring, evaluating, and reporting on their programs in order to answer congressional oversight questions.

This procedure is designed to avoid pitfalls common to program evaluation and to give the Congress several opportunities to communicate

and clarify its oversight concerns to the responsible executive agencies.

Under the procedure, the Congress would first establish its oversight requirements in authorizing legislation. The purpose of these requirements is to assure that the agencies know, as explicitly as possible at the time the legislation is enacted, what it is they are to report to the Congress, and when, about the implementation and evaluation of the program.

The required reporting about program implementation and evaluation following enactment would be aimed at establishing the basis for translating the general oversight concerns of the Congress into practical questions and evaluation criteria that fit the legislation or program under review.

The procedure provides several opportunities for discussion between committees and agencies on the oversight questions which are most important and on the evaluation measures which can satisfactorily answer those questions.

Thus, the oversight procedure, while establishing a disciplined review process, permits case-by-case flexibility for tailoring the type of evaluation to the nature of the program or legislation under review.

RATIONALE FOR THE SUGGESTED APPROACH TO OVERSIGHT

GAO believes that the Congress, before requiring an agency to conduct a detailed, time-consuming, and costly evaluation study should first assure that the following oversight questions are answered in a manner consistent with legislative intent:

- 1--Has the executive branch initiated implementation of the program?
- 2--Has the responsible executive agency developed, designed, and established the program?

3--Are specific program activities and operations being carried out at the field or operating level of the program?

4--Can the operating program be evaluated and can congressional oversight questions be answered using agreed-upon measurements and comparisons within acceptable limits of time, cost, and precision?

Conducting a costly evaluation study if the answer to any of the above questions is "no" would be unwarranted. No program evaluation will show an unimplemented or inappropriate program to be successful. Nor will an evaluation be useful in oversight if program performance is not defined and measured in a manner acceptable to the Congress.

Since the cost of answering each of the preceding questions increases as one proceeds down the list, GAO's suggested oversight process is designed to proceed in a systematic manner both during and after the enactment of authorizing legislation in order to answer these kinds of basic oversight questions first. In this way, it will be possible for committees and members to detect and resolve, as necessary, any problems which may arise in program implementation and program evaluation planning before an evaluation study of a program's outcomes, impacts, and/or performance is conducted.

SIX ELEMENTS IN THE OVERSIGHT PROCEDURE

GAO's suggested oversight procedure has been segmented into six elements to illustrate and highlight the six different sets of activities and information GAO believes should be included in a carefully planned, structured, and disciplined approach to congressional oversight.

The first of the six elements of GAO's suggested oversight procedure would occur at the time the Congress enacts legislation authorizing a program. Elements 2 through 6 would occur sequentially following enactment of the legislation.

ELEMENT 1--SETTING UP
OVERSIGHT REQUIREMENTS

The Congress, when enacting authorizing legislation, should spell out its oversight requirements. These requirements would spell out the Congress' intent to engage in oversight of the legislation and indicate, for any authorized program,

--what the Congress expects the program to accomplish,

--what general oversight questions the Congress expects the agency to answer as the program is implemented, and

--what committee or committees are responsible for oversight and assuring that the executive branch complies with congressional oversight requirements.

These requirements could be included in the statute itself (as a separate title or section) or in the supporting committee reports. Of course, if the oversight requirements were not included in the statute, they would not be legally binding but would have the advantage of allowing for additional flexibility in carrying out the oversight process under informal arrangements between the committee(s) and the agency. Statements of these requirements could be as simple as a statement of intent for the agency to carry out the major elements of the oversight process, with guidance that the agency report to the Congress any problems that are encountered and the results of the process.

ELEMENTS 2, 3, AND 4--
REPORTING OF AGENCY PROGRESS
IN PROGRAM IMPLEMENTATION

In accordance with the oversight requirements of the Congress, the responsible executive branch agency (or agencies) would report to the Congress or designated committees its progress in implementing the program. The focus of these elements would be on answering basic oversight questions before starting a detailed evaluation study.

This periodic reporting of program implementation progress (i.e., progress in developing, designing, establishing, and executing programs) would give committees and members the opportunity to

- review and comment on program implementation as it occurs in the executive branch;
- clarify, elaborate, and if necessary modify oversight concerns, questions, and priorities;
- meet with responsible executive agency personnel to resolve differences in the interpretation of legislative intent which may arise as a program is implemented; and
- develop amendments to the authorizing legislation, if considered necessary or desirable, in light of new information that becomes available during the design, establishment, and/or conduct of a program.

ELEMENTS 5 AND 6--
REPORTING OF PLANNED EVALUATION
MEASURES AND EVALUATION RESULTS

The final two elements of the oversight procedure would require agencies to report the measures they intend to take in evaluating a program (element 5) as well as the results of completed evaluation studies (element 6).

Development of planned evaluation measures would occur after a program, as established and operating, has been surveyed by agency evaluators to better understand (1) the feasibility of measuring the performance of actual program operations and (2) which oversight and evaluation questions are both important and answerable.

Reporting of intended evaluation measures to the Congress would give committees and members the opportunity to review, comment, and

interact with agency evaluators to assure that the evaluators understand congressional oversight concerns and priorities so that the studies, when completed, will

- address pertinent congressional oversight issues or questions,
- use feasible performance indicators or measures that are acceptable to congressional interests,
- develop findings of acceptable "proof" or measurement precision and validity, and
- be reported in a form that the Congress can understand.

The completed monitoring and evaluation study results would measure actual program performance in order to answer the particular oversight questions the Congress has specified.

For the sake of convenience and efficiency, of course, the Congress could compress the six elements of the suggested oversight procedure into fewer sequential reporting steps.

The process carries the potential for involving an oversight committee quite extensively in the administering agency's implementation of a program. The value of this involvement is that it reduces the chances of large amounts being invested in a program which is markedly off the track with respect to legislative intent. Major deviations from intent would usually be detected early in the process.

On the other hand, involvement of this sort can consume large portions of an oversight committee's time and attention. If carried too far, the involvement can represent an unwarranted intrusion into matters which should be primarily the responsibility of

the executive branch and can be an impediment to timely and effective implementation of a program.

The oversight committee, therefore, should judge carefully the extent to which it wishes to pursue the various elements of the process. If desired, elements of the oversight process can be left to agency officials, perhaps with guidance that the agency report any serious problems or delays which are encountered.

SENATE RESOLUTION 307

GAO's suggested procedure was developed as an alternative to Senator Leahy's proposed resolution (S. Res. 307) introduced in the 94th Congress. The resolution would have required GAO to assess, at the legislative drafting stage (element 1), whether the programs to be authorized in proposed legislation could be usefully evaluated.

Senator Leahy wanted to know if his resolution was workable, and if it wasn't, whether GAO could develop a proposal that would lead to improved congressional oversight.

After attempting to apply the resolution to selected pieces of legislation. GAO found that many hypothetical evaluations--each entailing varying costs, times to complete, and levels of measurement precision--seem both possible and plausible for any particular program proposed in authorizing legislation.

Thus, any program can be evaluated in some sense. The question is not whether it can be done theoretically, but how it can be done in a way which will provide results useful to the Congress. In order to narrow the list of possible evaluations to those that the Congress would find useful and worth the costs incurred, the Congress itself would have to communicate its oversight and evaluative information needs and priorities to those responsible for conducting the evaluation.

Consequently, GAO developed the sequential oversight procedure as an alternative means of enhancing the congressional oversight process. GAO's suggested approach is not a "cookbook," but rather a conceptual framework within which effective oversight can be planned.

GAO believes that the suggested approach would be compatible with, and a useful adjunct to, "sunset" legislation.

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CHAPTER 1

EVALUATION OF SENATE RESOLUTION 307

Senate Resolution 307, 94th Congress, would amend Rule XIV of the Standing Rules of the Senate by requiring that committee reports on bills or joint resolutions authorizing the enactment on new budget authority contain an assessment, prepared by the Comptroller General, of the language of the bill or joint resolution.

The assessments proposed for each piece of proposed legislation would

- determine whether the legislative language is sufficiently clear to enable useful evaluations to be made of the activities to be authorized by the bill;
- determine whether the problems or needs, the proposed activities, and the expected results of the bill are sufficiently well defined so as to be measurable and related in a manner clear enough to be tested; and
- report those legislative objectives and assumptions which can be tested through evaluation.

INTENT OF THE RESOLUTION

Senator Leahy, upon introducing the resolution, clarified its intent by stating:

"The aim of this resolution is to improve the precision of legislative intent. It will require Congress to ask: First, 'how much sense will this bill make in a few years, and will it do what it is intended to do?'; and second, 'will the Congress be able to judge its effectiveness when it comes up for appropriation or reauthorization?'

"These studies [by GAO] will not be economic assessments, such as those prepared by the Congressional Budget Office, but assessments of manageability."

PURPOSE OF OUR REVIEW

In response to a request from Senator Leahy, we agreed to conduct a "dry run" of the resolution to test the feasibility of applying the assessment procedures that would be established by the resolution.

The dry run was to gather data that would help answer the following questions posed by Senator Leahy:

1. Is it possible for us to perform the function mandated by the resolution?
2. If so, would the performance of the function insure that the resolution would do what it intended to do?
3. If not, why not and what would be required to fulfill the intent of the resolution?

SCOPE OF OUR REVIEW

Under the resolution we would be asked to prepare an assessment of the language of each bill before it was reported by a Senate committee. A set of protocols, consistent with the resolution, was developed.

Because the resolution refers only to the language of proposed legislation, it was determined that the dry run would assess actual legislative proposals on that basis only. That is, no detailed examinations would be made of existing programs similar to the ones proposed in the legislation, and no attempt would be made to get clarification from the staffs of the committees handling the bills. The actual assessments would be based solely on the language of proposed legislation.

Two measures were selected for intensive examination: S. 6, the Education for the Handicapped Act considered and passed in the 94th Congress (Public Law 94-142); and S. 426, the Toxic Substances Control Act considered in the 93d Congress. (A similar toxic substances bill was enacted during the 94th Congress (Public Law 94-469).) Several other legislative measures, research literature on program evaluation, and case studies of our own and congressional experience in developing evaluative information in support of legislative oversight were also surveyed to gain insights into the assessment process proposed in Senate Resolution 207.

Based on the results of our dry run and the insights gained in the process of attempting to make one-time assessments of the evaluability of proposed legislation we drew together from some of the oversight approaches presently used by congressional committees a process that would systematically address the language specification and oversight concerns of Senate Resolution 307.

RESULTS OF THE DRY RUN
OF THE RESOLUTION

Senate Resolution 307 would require us to determine the evaluability of activities to be established by proposed legislation. For a variety of reasons, we found it difficult to carry out the requirements of the resolution. This resulted primarily from a lack of knowledge at the time of legislative drafting concerning

- the manner in which a program would be specifically implemented by the executive branch;
- how the actual implementation could be measured;
- what types of program evaluation and what specific measurements the Congress would consider acceptable, sufficient, and useful in its oversight; and
- what types of evaluation studies would in fact be conducted subsequent to the enactment of the proposed legislation.

This lack of knowledge precluded making the kinds of definitive conclusions called for under the resolution.

Because of the difficulties involved in making such determinations, the results of the dry run did not produce an optimistic forecast that the resolution would do what it intended. In our view, requiring us to judge legislative language would not encourage committees to carefully consider the language of proposed legislation nor enhance the process of gathering evaluative information to support subsequent legislative review of the legislation's effectiveness.

Problems encountered in the
dry run

Many evaluations, each entailing different levels of cost, reliability, validity, and time, seem possible and plausible based on an examination of the language of a bill, taken alone. Determinations of which of the myriad evaluation possibilities can (and will) be performed so as to be acceptable and useful to the Congress, and worth the time, effort, and cost involved, are impossible to make on the basis of examining only the language of a bill.

How a program actually operates after the enactment of the legislation will affect whether the program and its

effectiveness can be observed and measured in a manner considered acceptable by the Congress. Knowledge of how the actual activities are being carried out is needed to determine what can be measured, what those measurements would be, how much they would cost, where they would be obtained, and how reliable and valid they would be in describing a program's activities, processes, outcomes, impacts, and effectiveness in meeting the legislative intent. Obviously, the insights of analysts experienced in evaluating similar programs could help in shedding light on many of these questions, but ultimately a program must be implemented before the answers to measurement feasibility questions can be determined unequivocally, as Senate Resolution 307 would have required.

We also encountered a problem of determining whether a bill's language was sufficiently clear to enable useful evaluations to be made. Even if measurement requirements were clearly understood at the legislative drafting stage, determinations of whether a bill's language is sufficiently clear to enable useful evaluations to be performed would be very difficult to support objectively. Such determinations would likely be both debatable and controversial, since to make them the analyst must predict whether evaluations to be performed after the program was established would be useful and acceptable to the Congress.

Different interests and committee members, for example, might not agree that a particular measurement or type of evaluation provides an acceptable indication of program effectiveness. What one group may determine to be a sufficient and acceptable evaluation or measurement may not suffice for another group with different interests and values.

Since most programs can be evaluated from a variety of perspectives and on the basis of an assortment of criteria, the approach spelled out in Senate Resolution 307 does not seem to be the answer, although it marks a clear beginning of an approach for enhancing congressional oversight. It appears that committees and Members of Congress need to be involved in the process of determining which of the many possible types of program evaluations need to be performed in order to be useful in congressional oversight and worth the costs incurred.

It would seem then, to alleviate the problems discovered in our dry run of the resolution, that analysts should assist with, rather than judge, the language of proposed legislation. Under the assistance approach, ultimate judgments regarding

the appropriate level of specificity and the appropriate type of evaluation and measurements are left to the committees and Members of Congress themselves.

The problems brought into focus during the dry run are consistent with our experience in reviewing programs and in providing other types of oversight assistance to the Congress. Senator Leahy's purpose in having us conduct a dry run was to manifest any problems with carrying out the assessment process of Senate Resclution 307 before it was legislatively mandated in order to identify more effective and workable approaches for meeting the intent of the resolution.

Summary of issues raised in making one-time assessments of legislative language

The results of the dry run examinations of proposed legislation raised several issues that are involved in making a one-time assessment of evaluability:

Passage of time--What is desirable is often altered, with the passage of time, by circumstances or the availability of additional information.

Specificity--The amount or level of specificity in a bill depends on the available knowledge base, the committee's strategy to obtain passage, and many other factors.

Dangers of overspecification--Early overspecification of program goals or measures for oversight questions may lead to (1) questions being asked that are simply unanswerable from inspection of the program as it actually operates, (2) expensive measurements of processes or outcomes that may later turn out to be irrelevant to the oversight process, (3) a lack of flexibility necessary for effective management of a program, and/or (4) misleading evaluations that focus on questions too narrow in scope.

Acceptability of measures--People and groups are often interested in and will accept only certain measures and comparisons. These may be of no interest and/or completely unacceptable to other people and groups.

Myriad evaluation possibilities--Based upon the language of bills alone, a wide range of oversight questions seem plausible. Selecting particularly useful questions would seem to require consideration of the program as it comes to be implemented (as well as the interests and needs of policy-makers) to assure that the questions are answerable from observations of program operations and results.

Costs and benefits of producing information--The time, personnel, and other costs of producing programmatic information, and this information's value in oversight are another criterion for determining appropriate oversight questions.

Other sources of feedback--In addition to program evaluation studies, the Congress generally has other sources of feedback for monitoring the effectiveness of legislation, such as constituent and interest group complaints and praise, press reports, or its own hearings and investigations. The perceived quality of these other sources of feedback will affect the Congress' demand for evaluation studies and its oversight strategy for a piece of legislation.

Causes of difficulty in the dry run

Most of the problems that surfaced during the dry run arose from two major causes--making the assessment at a single point in time, and making the assessment based on authorizing language. Making the assessment at a single point leads to unnecessary rigidity. The process should be sufficiently flexible to permit adjustment to additional information that becomes available over time as a program is implemented, and to the changing requirements of the Congress.

Making the assessment on authorizing language alone does not permit comparison with any standard other than the subjective judgment of the assessor. Since there are real differences in specificity as language is commonly used at the legislative, executive, agency, and operating levels of Government, it is always possible to increase the specificity of legislative language. But the analyst has no criterion for determining a precise cutoff point where the language becomes "sufficiently clear to enable useful evaluations to be made of the activities to be authorized" by a particular bill, as specified by Senate Resolution 307.

Table 1 on the following page illustrates several levels of Government and samples of language from each level. Authorizing legislation is at the top of the table and direct actions are at the bottom. At the lower levels, as language becomes more operational and implementation more pronounced, detail tends to expand and specificity increases. In a new program, the actual activities must often be developed before their nature is truly clear. Even in an ongoing program that is newly exposed to a serious oversight effort, some time and

Table 1

Levels of Language and Specificity

<u>Level of Government</u>	<u>Example language</u>
<p>Authorizing subcommittees/committees</p>	<p>(Legislative) Avoid unreasonable risks to human health and the environment through toxic chemical discharges.</p>
<p>----- ----- Legislative ----- ----- Executive ----- -----</p>	<p>----- ----- ----- ----- ----- ----- ----- -----</p>
<p>President</p>	<p>(Policy and budget guidelines) Establish a chemical risk testing program and the associated enforcement mechanisms.</p>
<p>OMB</p>	
<p>Agency (policy level)</p>	<p>(Budget, timetable) Identify and test compounds for health and environmental effects, establish and enforce discharge standards.</p>
<p>----- ----- ----- -----</p>	<p>----- ----- ----- -----</p>
<p>Agency (working level)</p>	<p>(Program implementation design) Organize, staff, fund, schedule, and control XYZ Compound Testing Program, Standard Setting Program, Monitoring Program, and Enforcement Program.</p>
<p>----- ----- ----- -----</p>	<p>----- ----- ----- -----</p>
<p>Direct program process (operating level)</p>	<p>(Direct actions) Select and perform ABC tests on XYZ compounds, assess the results of the tests, convert the ABC test results to DEF standards, monitor and enforce compliance with standards.</p>
<p>----- ----- ----- -----</p>	<p>----- ----- ----- -----</p>

effort must be expended before the details of direct actions taken by agency personnel can be made well known to others than the persons performing the actions.

Under the approach of Senate Resolution 307, there is neither the time nor the basis for developing an elaboration of what operation actually exists (or may come to exist). But often the activities that will be required to implement a program and the consequences of such activities are unknown or even unknowable in advance. What is implied by this--and in fact, what the Congress frequently employs--is a flexible, sequential, iterative approach of monitoring the development and implementation of program activities and their results as a substitute for knowing in advance exactly what will happen. Over time this monitoring allows for discussion and agreement between the Congress and the executive branch concerning the evaluation criteria, measures, and data that are desired, feasible, and acceptable for oversight. This suggests that perhaps the intent of Senator Leahy's resolution might be best implemented by a process, using techniques familiar to the Congress, that provides for successive feedback over time as a program is implemented or modified in response to legislation.

CONCLUSIONS

Senate Resolution 307 would have required us to assess, at the legislative drafting stage, whether the programs to be authorized in proposed legislation could be usefully evaluated. It appears that little useful purpose would be served by requiring us to attempt to reach a definitive conclusion regarding the acceptability of a proposed bill's language in terms of its evaluability. A better approach at the legislative drafting stage would be to let analysts assist with, rather than review and judge, the language of proposed legislation so as to improve its clarity as much as is feasible or desirable by the Congress. By assisting with the development of statements of legislative objectives and methods for assessing and reporting actual program performance, we believe analysts could better serve the intent of Senate Resolution 307.

While attempting to apply Senator Leahy's resolution, it became apparent to us that answering evaluation feasibility questions is usually impossible at the legislative drafting stage due to a lack of knowledge concerning how the program will be put into practice following enactment of the legislation and what kinds of evaluation the Congress would find useful in its oversight and worth the costs incurred.

We also found that many hypothetical evaluations--each entailing varying costs, times to complete, and levels of measurement precision--seem both possible and plausible for any particular program proposed in authorizing legislation.

Thus, any program can be evaluated in some sense. The question is not whether it can be done theoretically, but how it can be done in a way which will provide results useful to the Congress. In order to narrow the list of possible evaluations to those that the Congress would find useful and worth the costs incurred, the Congress itself would have to communicate its oversight and evaluative information needs and priorities to those responsible for conducting the evaluation.

It appears that the evaluability of programs and the usefulness of particular evaluations can only be determined by interacting with both the committee(s) responsible for oversight of the program created or modified by the bill, and with the agencies that turn the legislative intent into an operating program.

Interaction with committees is necessary for determining the criteria of relevance of those who will make decisions about the program (i.e., the kinds of oversight information desired by the committee(s) to judge the "success" of a program) and for reducing the number of possible studies to those that the Congress actually wants.

Interaction with the agencies during program implementation is necessary for determining what measurements can be made and at what cost.

To balance the types of evaluation desired for oversight hearings against the potential costs and effectiveness of conducting such evaluations on a time schedule mandated by a committee's oversight plans, and to facilitate the development of evaluation measures and tests that are feasible and acceptable for use in oversight, it would seem that what is needed is an iterative, sequential process (rather than a one-time assessment) involving those responsible for making political judgments (e.g., Members of Congress) and the assistance of analysts, that is sufficiently flexible to:

1. Permit the acceptance of more specific information that becomes available over the lifetime of a program so that the conceptual language of legislation can be compared with the concrete specification of the implementing agencies' activities.

2. Prevent the ill effects of overspecification of legislative language or goals when knowledge or political reality does not permit, and preclude the asking of questions that prove impossible to answer.
3. Allow adjustment to the changing requirements of the Congress and the Nation.

Most of the elements of such a process have been used in the past or are in use in various forms by committees at present. A process which might accomplish the oversight objectives of Senate Resolution 307 is outlined in the next chapter.

CHAPTER 2

IMPROVING PROGRAM

RESULTS INFORMATION FOR OVERSIGHT

The problems brought into focus during the dry run are consistent with our experience in providing assistance on evaluation and the generation of oversight data. The fact that problems surfaced, however, does not mean that the subject should be abandoned. Finding solutions to these problems over the next few years will require the joint efforts of the Congress, ourselves and other congressional support agencies, the executive branch, and others.

It has been our policy to offer assistance to committees on a case-by-case basis in establishing specific oversight questions or kinds of questions that committees want answered, and then to assist committee staffs by suggesting and developing language that we believe will help to provide specific answers to their oversight questions. 1/ We reiterate our offer of evaluation planning and language assistance to each standing committee and its staff.

In order to address the broader implications of the intent of Senate Resolution 307, and in fulfillment of our responsibilities under title VII of the Budget Act to develop and recommend to the Congress methods for the review and evaluation of Government programs, this chapter will (1) discuss requirements for performing useful evaluation studies in support of congressional oversight, (2) summarize an evaluation planning process termed "evaluability assessment," (3) outline a conceptual framework for viewing oversight, and (4) pull together, from some of the approaches the Congress is presently using, a process that would address the language specification and oversight concerns of Senate Resolution 307 in a systematic way.

REQUIREMENTS FOR MATCHING PROGRAM INFORMATION TO CONGRESSIONAL OVERSIGHT NEEDS

It is important that evaluation measures and comparisons reflect both the legislative or policy intent and the actual program activities being carried out.

1/ Letter from the Comptroller General to each committee chairman (B-161740, Aug. 11, 1972).

Most of the oversight questions to be answered by program results reviews (i.e., those that concern progress toward goals) come from the Congress and policy-level personnel in the agency. On the other hand, at the program delivery point some "real process" is being carried out on a day-to-day basis. In a program evaluation study, it is this real process and its effects that are measured to produce answers to questions concerning program outcomes and impacts. Evaluators are usually the people who must make these real measurements and convert the measurements into answers to oversight questions. The evaluators are among the first people (and occasionally the only people) who encounter the problem of extracting through an actual measurement of concrete, real-world situations the answers to questions which have been shaped by abstract statements in the political or policy world. The evaluators must determine from the rhetoric of policy exactly what was intended and then make actual measurements to see if it occurred.

Experience has shown that it is tremendously difficult to specify accurately in advance, even in ongoing programs, the correct obtainable measurements before the implementation, program monitoring, evaluation, or oversight effort is begun. The solution to this problem seems to lie in proceeding iteratively and encouraging sequential discussion and agreement.

At least two serious risks occur when the basis of oversight discussions is not specified iteratively.

Consider first the risk of not understanding the actual process occurring at program delivery points when an evaluation is structured. If the actual process is not well understood and the evaluation is designed directly from the abstract policy descriptions of what should happen, then the design for information collection simply may not "fit" the actual operation of the department or project. After much effort, time, and measurement, the evaluators may only be able to show that the world is quite different from what it was thought to be. In the public arena this will often be hard to distinguish from program failure. A misdesigned evaluation or oversight effort, even though it produces accurate answers from an effective program, may adversely affect a program simply because the rhetoric about the program had been unrealistic. This is a serious danger resulting from the use of faulty, simplistic evaluation designs determined without sufficient exploration of the actual implemented program.

There is a second risk that works in exactly the opposite way--the evaluator may design the evaluation with an eye only on the direct activities. The evaluator may come to understand the actual process very well. The evaluator may, again at some expense, time, and effort, make a series of careful measurements from the actual operation. But in this case, when the attempt is made to translate the measurements into information for the legislative and executive debate, the evaluator may find that none of the things that figure in that debate have been measured. A perfectly valid evaluation of the actions taken may be performed. But if the information is unrelated to the issues of the policy debate, it is irrelevant. The oversight debate may take place entirely in terms of something that has not been measured.

Much has been learned by evaluators over the past 10 years about methods to avoid the two kinds of damaging results discussed above when attempting to conduct oversight, how to avoid wasting the evaluation or oversight resources, and how to make the evaluation product more useful to the decisionmakers. In most cases these insights involve the design and conduct of a process rather than the issuance of specific guidelines, directions, or standards. Despite this accumulating base of knowledge, some planning and management systems introduced in the last few years within agencies have created a plethora of unread (and often unreadable) material and very little discussion and agreement on management and evaluation measures.

The purpose of this report is to suggest ways in which the Congress can avoid this mistake. The key to obtaining maximum usage would seem to be to develop a process that produces discussion, agreement, and oversight, with a minimum of paperwork.

To succeed, an approach must consider both the legislative intent and the program as it actually operates. Initially, this involves an attempt to match the questions asked by overseers to potentially collectable information generated by the activities at the operating program level. This phase of evaluation or oversight planning employs a technique that the Urban Institute has termed "evaluability assessment."

EVALUABILITY ASSESSMENT

Evaluability assessment is a two-part evaluation planning process in which evaluators work iteratively and concurrently with both the policy people in charge of a program and the operating level people who carry out the program on a day-to-day basis.

While the procedure was originally developed to help policymakers in the executive branch, it is applicable to congressional oversight procedures. With only minor modifications to suit the needs of committees, evaluability assessment would seem to be a practical approach for planning oversight reviews and would in itself provide useable information for oversight hearings. An oversight planning approach incorporating the features of evaluability assessment would also appear to be useful in conducting in-depth oversight such as would be required by a sunset process.

As developed in the executive branch, evaluability assessment starts with evaluators conducting a series of interviews with the policy people in charge of a program in order to clarify the intent of a particular Government activity to the point that it can be articulated as a set of "testable" statements. The testable statements describe the activity as the policymakers think it is, enunciating the logical connections that link the statement of intent through the layers of bureaucracy to the results expected from the operating program. This language analysis is essentially the type of procedure spelled out in Senate Resolution 307. This language analysis is, however, only half of an evaluability assessment and, as the dry run indicated, by itself the language analysis neither produces answers nor does it usefully refine the questions. Questions can only be usefully refined and answered by simultaneously looking at the program as it actually operates.

Thus, the other half of evaluability assessment consists of carefully observing and describing the program activities as they are actually carried out. This half of the effort involves the creation of an equivalency model of the actual program activity. This model is simply a diagram that graphically displays the pertinent parts of the operating program. From this model the evaluators determine what can be measured, what those measurements would be, how they would be taken, how much they would cost, and where they would be obtained. Questions of validity, reliability, acceptability, and accessibility of actual measurements are all treated

in this half of an evaluability assessment. As the dry run indicated, these measurement questions could not be resolved by looking only at the language of proposed legislation.

The evaluability assessment concludes with the merging of the two halves--matching the questions and testable statements from the policy sector to the potential answers that can be obtained from measurements of the actual program activities. In this matching, the evaluator attempts to create a workable "path" for moving useful information from the operating level of the program under study to the people who will use the information for policy decisions.

The early products of evaluability assessment are not only useable in themselves but also contain the bases for agreed-upon measures that can be used in longer term evaluations and monitoring. We believe it is extremely important to have reconciled the Congress' intentions and the agency's actual activities before--not after--extensive and expensive efforts have been made to collect oversight information.

Evaluability assessment involves the beginning steps for developing planned evaluation measures (study designs) and for selecting an evaluation (or evaluations). When performed sequentially, an evaluability assessment provides several points at which interaction and agreement can take place over the types of information to be collected and comparisons to be made before everyone is committed to an expensive, long-term evaluation effort. These steps are summarized in table 2.

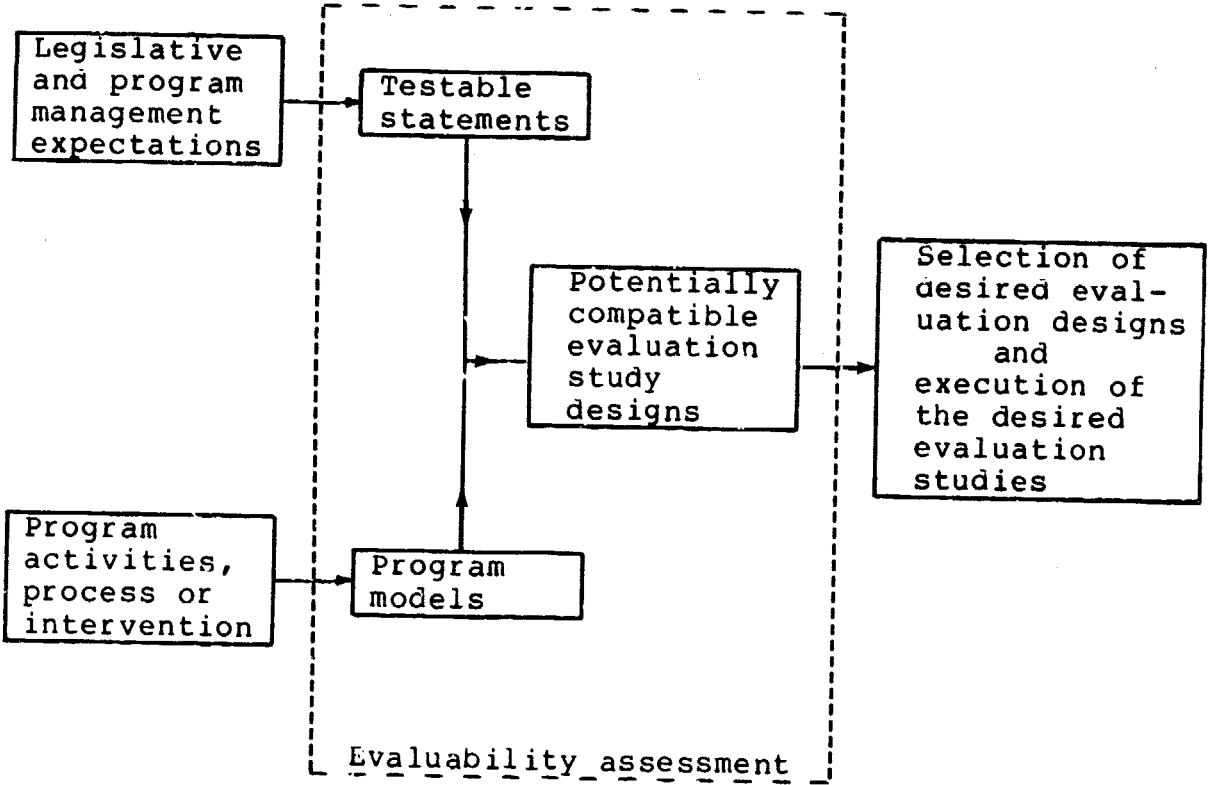
AN OVERSIGHT FRAMEWORK

A simplified model of the oversight process would involve the following type of "feedback loop":

1. The Congress sets requirements for program implementation and reporting.
2. The executive branch implements the program.
3. The executive branch reports required information to the Congress.
4. The Congress responds to the information by either reaffirming original requirements or setting new requirements for implementation and/or reporting.

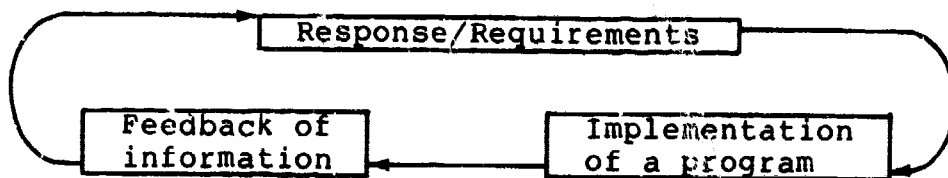
Table 2

The Place of Evaluability Assessment



This oversight loop is diagrammed in the figure below:

Oversight Feedback Loop



Requirements imply that the Congress wants the program to develop in a particular direction and will require information to assess if such development has actually occurred. Congressional requirements seem to be characterized by two types of intent. These are:

Legislative program intent--outlines the intent of the Congress in passing the program, indicating what the Congress expects the program to accomplish. Because of inadequate detailed knowledge and many other factors, it is often difficult to develop precise statements of program intent in legislation. Programs can go "off the track" on intent at the policy level, headquarters working level, or in the actual program activities conducted at the field or operating level of the program.

Oversight intent--outlines reporting requirements, special studies, monitoring, evaluation, legislative review provisions, etc., to facilitate the collection of program performance information to enable the Congress to have a "valid core" of information for oversight debate and decisions on continuation or modification of the program. The dry run indicated that committees and members, not outside analysts, should specify oversight intent and requirements.

Implementation of a program is generally carried out by an agency over a period of time and involves diverse detail, variation, and specificity. Depending on the needs of the oversight committee, various aspects of program implementation can generally be measured and compared with legislative intent, such as

- initial executive branch policy or strategy in carrying out the program;
- program implementation planning and development by agency headquarters;

- establishment of operational program activities and processes;
- initial outcomes of the program activities on those individuals, entities, or situations directly contacted by the program operation; and
- longer term impacts on the problems or needs addressed by the legislation.

Depending on the nature of the program and how aggressive an oversight process is considered desirable, a committee may wish to receive information on all of these aspects or only a few. This decision should be reflected in the statement of oversight intent and should be based on a judgment about competing demands for committee time and attention and the confidence the committee has in the administering agency.

Feedback of information involves the Congress' learning about its programs and determining if the programs are "on track." Implied in feedback is a comparison of whichever of the above factors are of interest to the committee with the standard of legislative intent. Sources of feedback include

- constituents and interest groups;
- committee hearings and investigations;
- GAO, OTA, CRS, and CBO studies;
- special commission studies;
- agency and contractor studies; and
- newspaper, television, magazine, or radio reports.

Response by the Congress involves a wide continuum of actions taken to get the program back "on the track" or to confirm that all is well. Implicit in the Congress' response is either a reaffirmation of the original requirements for implementation and reporting or the establishment of new requirements. Sample responses include

- informal responses from member or committee staff (e.g., telephone conversations),
- informal responses from members or committees,
- formal responses (e.g., letters or hearings),

--resolutions,

--amendments (appropriations and/or authorizations), and

--a new act, or termination of authorizations or appropriations.

A SUGGESTED PROCESS FOR OVERSIGHT

The requirements for a workable oversight process are that it (1) provide for requirements, implementation, feedback, and response as outlined in the preceding section, (2) permit addressing the different levels (legislative intent, policy, implementation, process, outcome, impact) at which comparisons between intent and actions can be made, to the extent that these are of interest to those responsible for oversight, and (3) take place over time in a way that is within the capabilities and interests of the groups involved. In addition, the process should provide specific points in time for discussion and agreement rather than generate massive flows of paper.

We (and others) continue to offer assistance to committees on a request basis. One of the needs for meeting the intent of Senator Leahy's resolution, however, is to provide continuity of effort over time as lower levels of an implementation are developed in detail (or explicated, in the case of an already existing program). For these reasons an attempt has been made to pull together the general arrangement of a process that meets many of the problems raised in the dry run.

This process has been constructed largely from steps that some committees have taken at one time or another. The process could be used by committees when they desire to aggressively monitor how programs are being carried out by the executive branch. It incorporates the features of evaluability assessment to avoid many of the risks and pitfalls common in making program evaluations.

We believe that the Congress, before requiring an agency to conduct a detailed, time-consuming, and costly evaluation study should first assure that the following oversight questions are answered in a manner consistent with legislative intent:

1. Has the executive branch initiated implementation of the program?
2. Has the responsible executive agency developed, designed, and established the program?

3. Are specific program activities and operations being carried out at the field or operating level of the program?
4. Can the operating program be evaluated and can congressional oversight questions be answered using agreed-upon measurements and comparisons within acceptable limits of time, cost, and precision?

Conducting a costly evaluation study if the answer to any of the above questions is "no" would be unwarranted. No program evaluation will show an unimplemented or inappropriate program to be successful. Nor will an evaluation be useful in oversight if program performance is not defined and measured in a manner acceptable to the Congress.

Since the cost of answering each of the above four questions increases as one proceeds down the list, the suggested oversight process is designed to proceed in a systematic manner both during and after the enactment of authorizing legislation in order to answer these kinds of basic oversight questions first. In this way, it will be possible for committees and members to detect and resolve, as necessary, any problems which may arise in program implementation and program evaluation planning before an evaluation study of a program's outcomes, impacts, and/or performance is conducted.

The process is summarized and diagramed in the next section. Each part of the process is described in more detail in appendix I.

Summary of the six elements

The oversight procedure, when applied by the Congress, would establish a disciplined process for agencies to follow in monitoring, evaluating, and reporting on their programs in order to answer congressional oversight questions. The various parts of the process are designed to establish the basis for translating the general oversight concerns of the Congress into practical questions and evaluation criteria that fit the legislation or program under review. Thus, the oversight procedure, while establishing a disciplined review process, permits case-by-case flexibility for tailoring the type of evaluation to the nature of the program or legislation under review.

The oversight process would start with the language and oversight concerns of Senate Resolution 307 and proceed, after enactment, in a way that would minimize the problems encountered in the dry run of the resolution. Under the process, congressional committees would have the option to track programs as they are set up, or modified in response to legislation. Committee members and staff would work with agency staffs, and if desired, with our or other technical staffs from outside the agency. The purpose of this work would be to reach agreement on the oversight questions which are most important and on the evaluation measures which can satisfactorily answer those questions. The suggested process has been segmented into six elements:

1. Setting up oversight requirements in the enabling act or accompanying reports.
2. Formulation, presentation, and response to executive branch policy for the act.
3. Conduct, reporting, and response to agency progress in designing and establishing a specific program.
4. Development, presentation, and response to a model of the actual operating program.
5. Development, presentation, and response to planned evaluation measures.
6. Conduct, reporting, and response to agency evaluation studies.

The suggested approach is not a "cookbook," but rather a conceptual framework within which oversight can be planned and carried out. It has been segmented into six elements to illustrate and highlight the six different sets of activities and information which could be included in a carefully planned, structured, and disciplined approach to congressional oversight.

The first of the six elements of the suggested oversight procedure would occur at the time the Congress enacts legislation authorizing a program. Elements 2 through 6 would occur sequentially following enactment of the legislation.

The full process, as described in this report, would represent a particularly aggressive form of oversight which might not be appropriate in many cases. The specific nature of the oversight process would be tailored--on a case-by-case basis--to the nature of the program under review and to the specific

oversight interests of the Congress. For example, a committee may not consider it necessary or desirable to review an agency's program implementation actions, and prefer to leave these matters to agency policy officials. In this case, the committee may wish to concentrate on assuring that the impact evaluations of the actual operating program properly address the questions of concern to the committee. For the sake of convenience and efficiency, of course, the Congress could compress the six elements of the review procedure into fewer sequential reporting steps.

A summary diagram of the full process is presented in table 3 on the following page. This diagram indicates how each of the six elements relates to the oversight feedback loop discussed in the previous section. A more detailed diagram of the process is provided in table 4. (See p. 24.) The more detailed diagram of the process presented in table 4 will provide the basis for a summary explanation of the six elements in the process.

The rows of table 4 show several of the levels of Government that are involved in the process of program implementation and oversight. These levels, identified in the left-hand columns of the table, include

- Legislative (congressional level).
- Executive (policy level).
- Agency (working level).
- Direct program process (operating level), through which the program has its immediate effect.

The columns in the remainder of the exhibit represent the program implementation and oversight information flow process for each of the six elements in the oversight procedure.

Element 1, Setting Up Oversight Requirements During the Passage of Legislation--As illustrated, the process would begin with a statement of legislative program intent and a statement of oversight intent incorporated in an authorization bill or in the accompanying committee reports (element 1, congressional level). Of course, if the oversight requirements were not included in the statute, they would not be legally binding but would have the advantage of allowing for additional flexibility in carrying out the oversight process under informal arrangements between the committee(s) and the agency. The purpose of these requirements is to assure that the agencies know, as explicitly as possible at the time the legislation is passed, what it is they are to report to the Congress, and when, about the implementation and

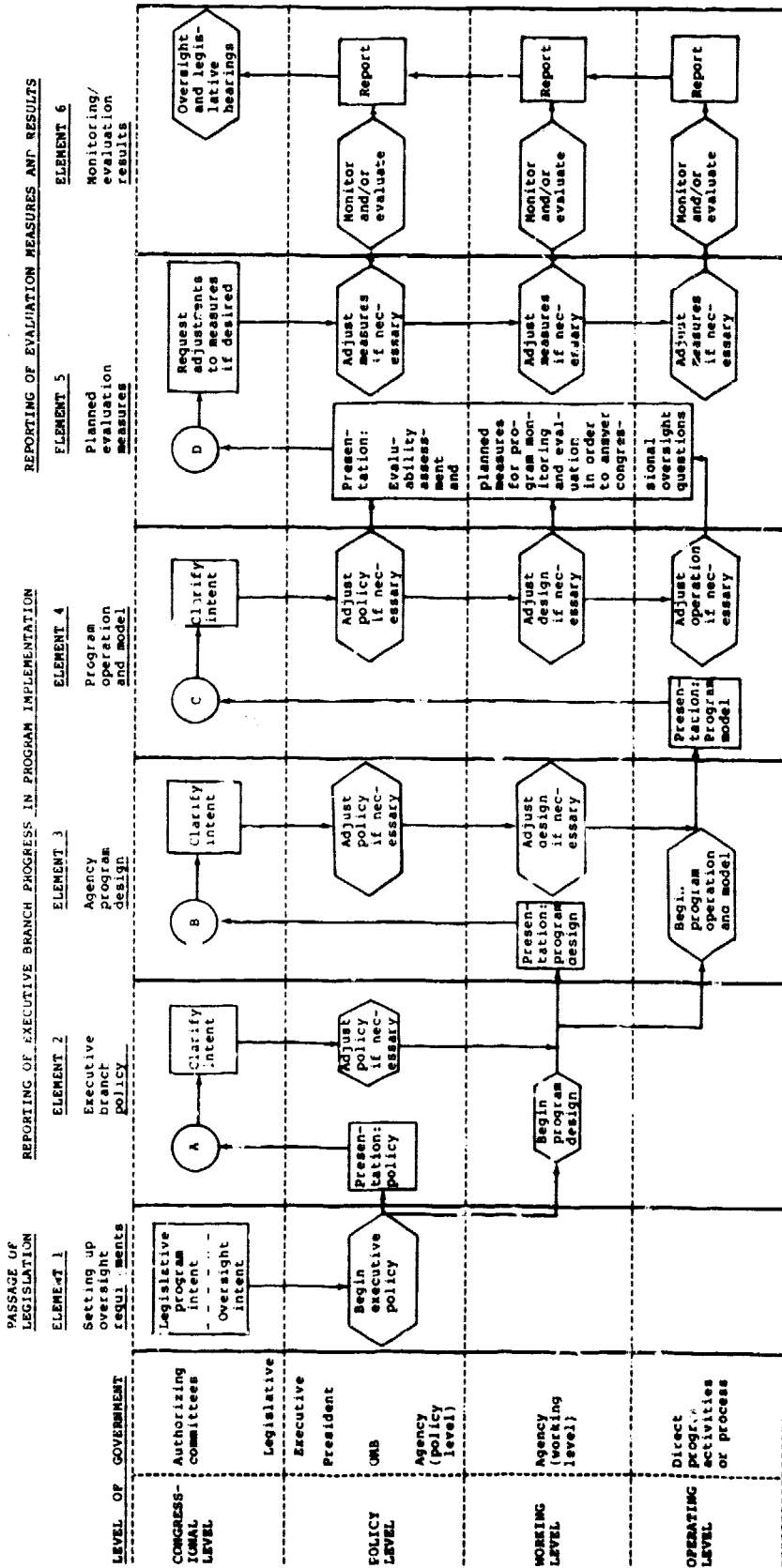
Table 3

Suggested Oversight Process Elements

Portion of oversight feedback loop

<u>Element number</u>	<u>Implementation of a program</u>	<u>Feedback of information</u>	<u>Congressional response/requirements</u>
1	n/a	n/a	Include a statement of legislative and oversight intent in the enabling act or accompanying reports
2	Formulation of executive branch policy and strategy for carrying out the enabling act's intent.	Presentation of executive branch policy	(Point A) Clarify intent and request policy adjustments if desired
3	Planning, design, and development of an operating program by agency working level	Presentation of agency progress in program design	(Point B) Clarify intent and request policy and/or program design adjustments if desired
4	Establishment and initial execution of an operating program; model the actual program operation	Presentation of agency model of the operating program	(Point C) Clarify intent and request policy, program design, and/or program operation adjustments if desired
5	Perform evaluability assessment and develop planned evaluation measures	Presentation of evaluability assessment and planned evaluation measures	(Point D) Request adjustments to planned evaluation measures if desired
6	Conduct program evaluations and monitoring	Report results of the program evaluations and monitoring	Assess program results; amend, extend, or terminate enabling act; develop and include a new statement of legislative intent if appropriate

TABLE 4
LOW DIAGRAM OF THE AUGMENTED OVERSIGHT PROCESS



- Statement (written or oral)
- ◡ Process
- Comparison

evaluation of the program. These statements would indicate, for any authorized program,

- what the Congress expects the program to accomplish,
- what general oversight questions the Congress expects the agency to answer as the program is implemented,
- the committee or committees responsible for oversight and assuring that the executive branch complies with congressional oversight requirements,
- how and when the agency should report back both its progress in implementing the program and evidence of the results of the program to the Congress.

Elements 2, 3, and 4. Reporting of Program Implementation Progress--The oversight requirements could provide that the agency, following enactment, apprise the Congress of program implementation progress by

- reporting its policy or broad strategy for carrying out legislative and oversight intent (element 2, policy level),
- reporting its progress in designing, developing, and establishing the program (element 3, working level),
- reporting the actual program activities as they have been put into practice (element 4, operating level).

As table 4 indicates, each of the program implementation (policy formulation, program design, and program operation and modeling) processes would begin one element before the element requiring a presentation describing such processes to the Congress. Thus, for example, the process of formulating executive branch policy would begin in element 1 and would be completed and presented to the Congress in element 2.

For each reporting element, a comparison can be made by the responsible oversight committee(s) (with our, or other, assistance) between the agency presentations and the legislative intent. These comparisons would be made at point A for element 2, at point B for element 3, and at point C for element 4.

By making comparisons of agency presentations from the policy level (point A), working level (point B), and operating level (point C), opportunities will present themselves for clarification of legislative and oversight intent and

early detection of misinterpretations of the intent by the agency while details and specifications are still being elaborated. Following the comparisons points at A, B, and C, committees and members would have the opportunity to respond by:

- clarifying, elaborating, and if necessary modifying oversight intent, questions, and priorities;
- reviewing and commenting on program implementation;
- meeting with responsible executive agency personnel to resolve differences in the interpretation of legislative intent which may arise as a program is implemented; and
- developing amendments to the authorizing legislation if considered necessary or desirable, in light of new information that becomes available during the design, establishment, and/or conduct of a program.

These responses are represented by the "clarify intent" boxes to the right of points A, B, and C (elements 2, 3 and 4, congressional level). By feeding back the results of congressional comparisons and the responses (new requirements) into the ongoing agency processes, any necessary adjustments or corrections can be made to agency operations while the work is still underway. The Congress, for the sake of its efficiency and convenience, could specify in its oversight requirements that all three presentations regarding program implementation progress be made and reviewed at one time.

These elements of the process carry the potential for involving an oversight committee quite extensively in the administering agency's implementation of a program. The value of this involvement is that it reduces the chances of large amounts being invested in a program which is markedly off the track with respect to legislative intent. Major deviations from intent would usually be detected early in the process.

On the other hand, involvement of this sort can consume large portions of an oversight committee's time and attention. If carried too far, the involvement can represent an unwarranted intrusion into matters which should be primarily the responsibility of the executive branch and can be an impediment to timely and effective implementation of a program.

The oversight committee, therefore, should judge carefully the extent to which it wishes to pursue these three elements of the process. If, for example, the committee is confident that the executive branch fully shares its understanding of legislative intent (evidenced, perhaps, in statements at pre-enactment hearings), the committee may choose to pursue these elements only in a very limited way, or to forego them entirely.

The committee would then be depending on agency policy officials to assure the proper translation of legislative intent into the mechanics of an operating program. The risks of doing so may be small if the committee has substantial confidence in the administering agency officials.

Element 5, Planned Evaluation Measures--The aim of the first four elements is to establish the basis for the agency to develop and present to the committee a full evaluability assessment and a statement of its planned evaluation measures to support the congressional oversight intent (element 5). Committees and members can compare the evaluability assessment presented by the agency with legislative and oversight intent (point D).

Reporting of intended evaluation measures will enable committees and members to review and comment on the kinds of evaluations the agency intends to conduct and the measures and comparisons the agency intends to use in collecting and reporting oversight information about the operation and impact of its actual program activities. Following comparison point D, committees and members could request (or require) adjustments to the agency's planned evaluation measures in order to assure that the agency's planned evaluations, when completed, will

- address pertinent congressional oversight issues and questions,
- use feasible performance indicators or measures that are acceptable to congressional interests,
- develop findings of acceptable "proof" or measurement precision, validity, and reliability within acceptable limits of time and cost, and
- be reported in a form that the Congress can understand.

Following this, necessary adjustments would be made to the agency's study plans. This sort of interaction between the

Congress and agency evaluators would occur before costly longer term monitoring and evaluation efforts are committed, since the results of the monitoring and evaluation efforts will not be useful in oversight if program performance is not defined, measured, and reported in a manner acceptable to the Congress.

Element 6, Reporting of Evaluation Results--Following the reporting, comparison, and any necessary adjusting of the planned evaluation measures, the agency would conduct the evaluations and report back with the information in time for oversight and/or legislative hearings (element 6).

This process avoids many of the problems we encountered when we attempted to carry out Senate Resolution 307 by assessing the language of bills alone. The six elements allow for bargaining between the committees and members and agency respondents on the types of evaluation that will be useful in oversight and worth the costs incurred. The analysts involved in the suggested process--whether from our office or elsewhere--will be placed in an interactive and technical support role rather than in the position of applying subjective judgments of language, logic, measurability, acceptability, and utility as would have been the case under Senate Resolution 307.

This oversight process could be called into being for an enabling act with relatively simple legislative language, and the discussions of intent could probably take place around some simple charts whose complexity is proportional to that of the program itself or the interests of the responsible oversight committee(s).

The efficiency of this approach could, of course, be improved if the various interested committees worked together, either formally or informally, in carrying out the oversight process for a particular program or piece of legislation.

The six elements of the suggested process are discussed individually in greater detail in appendix I.

CONCLUSIONS

The oversight planning framework and the other conceptual tools presented in this chapter are intended to assist committees in structuring effective oversight procedures. Our suggested oversight process could be used by committees when they desire to perform systematic oversight. Parts of our process should be useful to any committee oversight efforts. The suggested approach is not a "cookbook," but a conceptual framework within which effective oversight can be planned.

The Congress is currently considering many proposals for assuring the effective reevaluation of Federal policy and programs, such as sunset legislation. If the Congress desires to enact some type of oversight reform legislation, we believe that our suggested oversight process would be compatible with, and a useful adjunct to, such legislation.

DESCRIPTION OF THE SIX ELEMENTS
IN THE SUGGESTED OVERSIGHT PROCESS

ELEMENT 1: SETTING UP CONGRESSIONAL
OVERSIGHT REQUIREMENTS

Summary: At the time of enactment, the Congress develops a statement of its legislative program intent and its oversight intent. The statements of intent can be included in either the authorizing legislation (as a separate title or section) or in the supporting committee reports.

The initial basis for better legislation and oversight is, as Senate Resolution 307 points out, better language in legislation. To enhance the congressional oversight process, we believe that the Congress, in writing legislation, should not only state its legislative objectives as clearly as possible but also arrange for needed evaluation and feedback concerning the implementation and effectiveness of the legislation.

We recommend that committees of the Congress, in reporting major legislation, include an oversight requirement section in the legislation or the supporting committee reports. This requirement would specify oversight issues and questions and would provide for the feedback of program performance information and similar evaluation data to answer such questions on some kind of reasonable timetable. If an oversight requirement section were included in the legislation, committees would have the opportunity and the incentive to focus a part of their deliberations on how they might best carry out their oversight of the legislation in order to assure (1) that the legislation is properly implemented, (2) that the implementation is effective in meeting legislative objectives, and (3) that major unresolved questions concerning the potential consequences of the legislation are addressed and answered as the program is implemented. And of course, during the deliberations on the oversight requirement section, the responsible agencies and other concerned groups could provide suggestions on how the program and its oversight might best be carried out.

Thus, the process would begin with the specification of congressional intent in legislative language. We would distinguish between two types of language in the legislation

or supporting committee reports which, for purposes of clarity, could be displayed in each statute or report as distinct statements. The first we have termed a "statement of legislative program intent." The second would be a "statement of oversight intent."

Element 1: Statement of legislative program intent--

This statement would indicate, for any program authorized in the legislation, what the Congress expects the program to accomplish. The statement should make the intent of the bill as clear as is feasible at the time of the legislation. It is an attempt to lay out the basis for an answer to Senator Leahy's question, "How much sense will this bill make in a few years, and will it really do what it is intended to do?" The statement need not be radically different in tone or specificity from many used now or from that called for in the proposed sunset bill (Senate bill 2) currently being considered by the Senate. To the extent possible the statement should include

- an identification of the problem or needs that the legislation intends to address,
- a statement of the objectives of the legislation in terms of those needs or problems,
- a statement of potential adverse consequences of the legislation (e.g., minority report), and
- a statement of the conditions under which the program(s) authorized in the legislation will have fulfilled its objectives.

If congressional committees desire to follow an iterative procedure for elaborating program intent such as the oversight process outlined here, statements of intent need not be specified in great detail since intent would be expected to be elaborated during the comparison process spelled out below in elements 2 through 5. This would apply particularly in cases of new, innovative, and untested programs, where the type and details of programmatic approaches, measurements, and outcomes are not well understood at the legislative drafting stage. On the other hand, for reauthorizations of ongoing programs, whose programmatic and measurement aspects are well understood at the time of legislative drafting, it should be possible to develop more specific statements of objectives and types of measurements desired. For some types of reauthorizations not involving significant modifications to an agency's operations, one or more of the reporting elements outlined below would probably not be needed.

Analysts, whether from our office, other congressional support agencies, the executive branch, or elsewhere, could assist in suggesting and developing statements of legislative intent that are as specific as feasible or desirable to committees during their consideration of proposed legislation. The insights of analysts experienced in evaluating programs to be reauthorized could be particularly useful in drafting language regarding the problems, needs, and objectives to be included in the statements of legislative intent. In cases where the Congress is considering legislation for a new program, analysts experienced in evaluating similar programs may be able to supply assistance in the committees' attempt to develop statements of objectives.

Element 1: Statement of oversight intent--The language of the statement of oversight intent spells out the Congress' intent to engage in oversight of the legislation. This statement could simply require that the agency carry out the major elements of the oversight process with guidance that the agency report any problems encountered and the results of the process. Or, if desired, general oversight issues and questions the Congress wants addressed and the types of feedback information and evaluation data the Congress wants to be reported could be outlined in the statement. At a minimum, (1) the timetable for the various elements in the program review, reporting, and oversight process and (2) the committee or committees responsible for oversight and assuring that the executive branch complies with the oversight requirements should be specified.

To prevent the dangers of early overspecification, the particular oversight questions and the methods for answering such questions should, unless quite well understood from a continuing effort, be specified in fairly general terms. These general questions would be refined, clarified, elaborated, and, if necessary, modified during the subsequent elements of the oversight process when more information becomes available concerning (1) the nature of the actual program operation and its results and (2) the feasibility of measuring the program's operation and results in order to answer such questions.

When detailed statements of oversight intent are desired, some of the items that could be included are outlined below.

1. What the Congress intends to observe, verify, and compare with legislative intent. Depending on the nature of the program and the planned intensity of the oversight effort, these might include the following:

- Agency policy.
 - Agency program design and development.
 - Program existence.
 - Program process or activities carried out.
 - Program outcomes on those directly affected by the program process or activities.
 - Program impact on the problems or needs specified in the legislative program intent statement.
 - Other questions or issues associated with the legislation to be addressed subsequent to enactment.
2. How and when the Congress expects observations, measurements, and comparisons to be made:
- Committee or committees responsible for conducting the oversight process.
 - Executive branch organizations responsible for implementation, evaluation, reporting, etc.
 - Timing of executive agency presentations of programmatic information.
 - Expectation of agreements and response for each agency presentation element.
3. How the Congress intends to insure agency conformity with oversight intent:
- Legislative review procedure to be used in assessing and responding to agency presentations.
 - Outside technical assistance and auditing from agency internal review and evaluation groups, GAO, and other congressional support agencies, etc.

In other words, the statement of oversight intent is a timetable and description of the evaluability assessment and oversight process as described in elements 2 through 6 below.

We emphasize that many bills will not require all six elements. Those elements that are desired should be clearly delineated in the statement of oversight intent.

There are of course many ways in which the committees can work directly and effectively with the operating agencies (and with our Office) in obtaining evaluations tailored to meet the specific oversight requirements and also tailored to meet changing circumstances as legislation is implemented and operating programs proceed. These will vary depending upon the nature of the program. In some cases, a delayed effective date may provide a useful mechanism for assuring agency conformance with legislative and oversight intent. In other instances, continuous monitorship by the committee staff (with our or other assistance) can be most helpful. And, in other cases, informal memorandum-type progress reports on evaluation may be all that is necessary to keep the committees apprised of evaluation efforts.

As in the case of statements of legislative program intent, experienced analysts could be of assistance to committees in identifying effective evaluation procedures and in suggesting and drafting statements of oversight intent tailored to the legislation or program under review.

ELEMENT 2: POLICY PRESENTATION
BY THE EXECUTIVE BRANCH

Summary: Following enactment, if the oversight plan calls for this element in the process, the executive branch would report its basic implementation policy-- this would include the broad strategy and actions the executive branch has chosen to carry out the program, and answer the oversight question: How does the executive branch intend to implement the program? Committees and members would have the opportunity to review the executive branch strategy to make certain that it adequately conforms to the intent and may clarify intent as well as detect and correct executive branch misinterpretations.

Element 2: Agency reporting--On receiving the statements of legislative program and oversight intent, the policy level of the executive branch will begin to formulate its presentation, if this has been called for in the oversight plan. The nature of the presentation will be driven, obviously, by the tone and specificity of the two statements. In some cases the Congress will have couched its legislative program intent only in broad terms, entrusting the executive branch to develop, at the working level of agencies, the recognizable shape of the intended program. In other cases, the intent of the Congress will have been stated in detail. The policy presentation of the executive branch should

be expected to contain a level of specificity and detail comparable to the stated intent of the Congress.

The policy presentation of the executive branch should be in two parts:

1. Broad strategy and actions that the executive branch intends to take in carrying out the legislative program intent.
2. Elaboration on the types of information that the agency intends to collect about the implementation as it proceeds in order to address congressional oversight questions.

The agency will almost always be able to present language describing the factors believed to shape implementation in terms of activities that it is able to do and has the capability (existing or anticipated personnel and budget) to carry out, and which may be expected to produce outcomes acceptable to itself and to the Congress.

It should also be expected that the policy presentation of the executive branch--and the time it takes to prepare it--will vary according to the type of program involved, whether the program is currently operating or newly created, etc. The timetables for agency presentations should be detailed in the statement of oversight intent, however. In specifying a timetable for a particular bill, committees should try to provide enough time for the executive branch to prepare a sensible presentation. If a new organization has to be formed, it will take longer. This time limit may also need to be modified to conform to the timing of the executive and congressional budget process, accounting for the amount of time between the enactment of the authorization and the subsequent appropriation actions by the Congress. There may be occasions when the Congress may want to postpone the effective date of legislation until appropriate goals and strategies are agreed upon.

After the allotted time, this statement would be submitted to the oversight committee(s) designated in the oversight requirements.

Element 2: Congressional comparison and response--At point A, the designated oversight committee(s) and interested members would have the opportunity to review the policy statement of the agency. The focus, scope, and depth of the comparison

would vary with the committee's and members' oversight interests. The agency policy presentation could be compared with the legislative and oversight intent of the legislation as expressed in the statements of legislative program and oversight intent. The presentation could also be compared with the bill itself, supporting reports, congressional testimony and discussion, and the committee's and members' own understanding of the program.

At this early point one of the difficulties presented during the dry run on Senate Resolution 307 will have been eased. Persons working on the comparison will now be comparing the agency statement against the congressional statement and pointing out inconsistencies and conflicts, rather than applying their own subjective standards of manageability, measurability, and logic.

As mentioned above, both the statement of legislative intent and the policy presentation may be couched in fairly general terms. Nonetheless, major policy differences can and should be picked up at this stage, when changes can still be made without undue administrative turmoil or trauma. After the comparison is made and considered, the committee(s) or members might

- decide that the agency policy position is consistent with the intent of the legislation;
- detect inconsistencies and, depending on their size and importance, (1) accept the agency's position, (2) attempt to work out a compromise with the agency, or (3) apply some level of sanction; and/or
- detect total mismatch in which case either the Congress or the agency will have to sharply alter its approach.

Of course, impoundment or refusal to implement are fairly large inconsistencies with congressional intent. Misinterpretations of smaller matters of strategy or approach, especially where the Congress has acted on a broadly felt need without providing detailed direction, are also important to detect and settle early if successful oversight is to be planned and carried out.

In many cases the congressional interest will provide sufficient leverage for bringing an agency's policy into conformance with congressional intent. Where this does not

provide sufficient leverage to bring about agency conformance, other legislative responses would have to be employed.

In any event, based on the agency policy presentation, committees and members should be in a position to clarify and communicate their oversight concerns to the executive branch. Any clarifications and other responses during this comparison process would be fed back into the agency's effort to produce the next element of the process, a description of the agency's more detailed implementation activities and program design.

ELEMENT 3: PROGRAM DESIGN PRESENTATION BY THE AGENCY

Summary: In element 3, if the oversight plan calls for the use of this element, the responsible agency would report its program design--this would include a summary of the regulations, guidelines, and procedures, etc., that the agency has chosen to develop and use in setting up a specific program, answering the basic oversight question: Is the agency designing and establishing a specific program? Committees and members would have the opportunity to review the regulations and description, clarify intent, and correct misinterpretations.

Element 3: Agency reporting--In element 3, if the oversight committee chooses to use this part of the process, the responsible agency or agencies would present the committee with a description of how the working level of the agency has designed and is implementing the program. The working level of the agency will generally consist of professional personnel employed in the headquarters offices of the agency.

The program design presentation will, of course, vary from program to program, but should include the following:

- The parts of the agency (and the parts of other agencies) involved in implementation, and a summary of their implementation progress.
- The person who is to manage and is accountable for the implementation and monitoring of the program.
- A summary of the regulations, guidelines, procedures, and direct program activities or processes that the agency has chosen to use in setting up a specific program.

- A description of the type of monitoring and evaluative information to be produced by the agency.
- The person responsible for managing the evaluation efforts.

The Congress may want, as part of its oversight data, monitoring information about the working activity of an agency, e.g., the number of people involved, their functions, and the amount of work done by grants or contracts or the amount being done within the agency, the number of certain types of implementing steps made, etc.

Since one of the objectives of this process is to create more discussion, agreements, and less unread paper, much of the interaction might take place as briefings and discussions conducted around a few key exhibits containing the bulk of the information. For instance, Senator Dick Clark, in a series of hearings on the Rural Development Act, had an implementation flow chart prepared with a separate line for each of the major provisions of the Rural Development Act and boxes to the right of each provision in which the steps taken toward implementation of the provision were entered.

While this was a very aggressive form of detailed oversight, a simpler chart in many cases could serve as a focus for discussion. The Congressional Research Service supported the hearings with a report on progress in implementation that included the purpose of each section of the act, steps taken to accomplish the purpose, and further implementation plans and target steps.

Committees should make a conscious judgment about the level of detail of the reports they wish to receive concerning agency progress in program design, based primarily on the nature of their oversight plans. Committees may wish to forego this element entirely if they have sufficient confidence in the administering agency.

The beginning phases of actual implementation (e.g., selecting personnel, initial drafting of regulations and guidelines) might possibly begin at a point when the outline of the agency's policy response in element 2 is known. Certainly, plans for implementation can be underway by that time.

A large number of factors will influence this timetable, of course, including the timing of appropriations, whether this is an operating or a new program, the magnitude and complexity

of the proposed effort, etc. By the time any congressional responses to the policy presentation in element 2 have been received by the agency, the presentation should be in nearly final form--pending adjustments necessitated by the congressional responses. The time required to shape the final program design will also be dependent on the number and type of adjustments agreed on in the element 2 bargaining between the agency, committees, and members.

Element 3: Congressional comparison and response--At point B, the agency description of policy and working activities, the program design, and the type of evaluation and monitoring information to be produced can now be reviewed and compared with the congressional oversight requirements. Auditors and analysts--whether from our Office or elsewhere--might be helpful in auditing the accuracy of the agency presentation, assessing the usefulness of the suggested information, helping to determine the consistency of implementation and intent, and/or reducing the material to easily reviewable form.

After the comparison is made and considered, the committee(s) or members might (analogous to element 2)

- decide that the agency implementation activities and program design are consistent with the intent of the legislation;
- detect areas of inconsistency and, depending on the size and importance of them, (1) accept the agency's position, (2) attempt to work out a compromise with the agency, or (3) apply some level of sanction, and/or
- detect total mismatch, in which case resolution will have to be brought about through political measures.

Based on the agency presentation of the program design, committees and members should again (as in element 2) be in a position to clarify and communicate their oversight concerns to the agency.

Under normal circumstances, the program design comparison would probably occur approximately 120 days into the process. In certain circumstances, the Congress may want to postpone the effective date of the legislation until it has an opportunity to review the agency's draft regulations.

Any congressional responses resulting from the element 3, point B, program design comparison would then become available to the policy and working levels of the agency and could be used in the agency's subsequent implementation activities and in the agency's attempt to produce, in element 4 below, a description of the actual direct program operation that is carried out by the agency or its agents in implementing the congressional authorization.

ELEMENT 4: PROGRAM OPERATION
PRESENTATION BY THE AGENCY

Summary: In element 4, if the oversight committee wishes to receive this information, the responsible agency would report its description of the actual program operation-- this would include a model or descriptive diagram showing how the program is actually being carried out in the field or at the operating level of the program. The program model could be developed after the operating program has been surveyed by agency evaluators to check compliance with operating procedures. The information presented in this step would answer the oversight questions: Has a program been established? Is the program operating? Does the operating program comply with applicable guidelines and regulations? Committees and members would have an opportunity to review the model, clarify intent, and correct any misinterpretations or deficiencies uncovered in the process of describing the actual program activities.

Element 4: Agency reporting--The program (equivalency) model is a descriptive diagram of the set of activities entailed in carrying out the operational program, that is, the set of activities at the end of a functional chain begun by legislative action. The people involved are Government employees (or their surrogates) and the situations, people, or entities that are expected to be directly affected by the program under consideration.

The program model--drawn from observations of actual program activities--compactly displays interrelationships of the program characteristics of interest, indicating where and what measurements of the program can be taken. The model is based on the real activities being carried out and the immediate outcomes of those activities. The model may be extended to show the links through which more remote impacts are expected to occur. The processes involved in the program should be developed in sufficient detail to show the types

of measurements that can be made in fulfilling committee oversight needs for information as specified in the oversight intent statement and clarified in the element 2 and 3 responses.

Usually (particularly when an ongoing program is under consideration) work on the program model can begin shortly after the committee response to the agency policy level presentation (element 2) and prior to the program design presentation (step 3).

A major advantage of the early construction and use of program models is that compliance with established procedures can be surveyed and any lack of compliance can be detected early and checked before the program goes drastically off course.

Thus, simple examination of the actual program activities with the idea of carefully describing them and finding out what is measurable can be the stage at which several of the problems encountered in the dry run of Senate Resolution 307 are avoided--especially the problem of selecting from the many things that might be measured and assessing how difficult or easy the measurements may be to obtain.

Element 4: Congressional comparison and response--Having reached this point (point C) in the process and gained some agreement that policy and implementation actions are consistent with congressional intent, it is sometimes startling in Government programs to be faced with a carefully drawn picture of the actual Government operation as it affects the target need or problem, for it is at this point that rhetoric comes in contact with reality.

The actual program operation may turn out to be much easier to monitor, measure, and assess than anyone had assumed. Or, the chain of assumptions linking program activities to outcomes and to intended impact may turn out to be more difficult and tenuous than anyone had thought.

If the program operation appears consistent with intent and policy, the committee and agency should begin to think about the input, process, outcome, and impact measures that appear desirable for oversight and feasible to obtain--to move to element 5, the evaluability assessment.

If the program operation is not consistent with intent and policy, further extensive measurement may not be necessary.

Either the Congress must alter its general intent or the agency must alter the nature of its program activities, even though agency policies and the program design had seemed satisfactory. No amount of measurement will show an inappropriate or badly implemented or executed program to be successful; dealing with these cases early is one of the strong points of the evaluability assessment approach and of a process such as this in oversight.

The program model, and any congressional responses to it, when combined with the results of the earlier comparisons, complete the set of elements necessary for a full evaluability assessment. Collectively, the responses address policy, process, outcome, and impact. The details of the questions for oversight and the potential measurements and information that can be obtained and provided to answer them have been developed, discussed, and clarified in the point A, B, and C comparisons.

Sufficient material is now available for technicians, from our Office or elsewhere if desired, to begin to match the measures and measurements with the issues and questions generated earlier, and to describe how these can be analyzed to provide information suitable for oversight.

Evaluation issues will have been indicated and gradually made more specific throughout the process. It is now time for the agency designers (with outside assistance, if desired) to develop specific evaluation plans.

ELEMENT 5: PLANNED EVALUATION MEASURES PRESENTATION

Summary: In element 5, the responsible agency would report the measures it intends to take in evaluating the program--this would include the planned data collection, measurement, analysis, and other evaluative activities the agency has chosen to undertake in order to address program oversight questions and issues, and would answer the oversight questions: Can the program be evaluated in a manner acceptable to congressional interests? Will the agency have developed pertinent information in time for use in legislative and/or oversight hearings? Committees and members would have an opportunity to review and comment on the planned evaluation measures to insure that the results of the evaluations, when completed, will be useful to the Congress in its deliberations on continuation or modification of the program.

Element 5: Agency reporting--The purpose of conducting the first four elements of the process is to establish and refine oversight issues, questions, and priorities. The process provides the basis for gaining the mutual agreement of the oversight committee(s), members, and the agency on what issues are important and what measures and comparisons are pertinent.

Based on the oversight requirements established in the legislation and the discussion and clarification of these requirements in elements 2, 3, and 4, the responsible agency would present, in element 5, its evaluability assessment and a summary description of the evaluation measures or designs it has developed and intends to undertake in order to answer oversight questions.

This presentation should display oversight issues or questions arrayed against possible measurement points, measures that can be obtained, the collection technique to be used, and the analyses or comparisons to be made. The presentation should indicate the information that will be gathered to justify the agency's stewardship in meeting the intent of the Congress. This presentation is useful not only for the evaluability assessment but serves as the basis for eventual oversight hearings.

To this point in time, there has been discussion on the important facets of oversight, e.g., the issues, the measurements, the intended outcomes. What has still not been discussed in detail is how elaborate the evaluation and/or monitoring procedures should be--what it is worth to find out about the program. Evaluations can range in level of effort from elaborate and costly procedures that report with nearly complete certainty everything that can be known about a program to a few telephone calls made to determine that the program probably exists. The agency presentation in element 5 would include the agency's recommended level of effort to be applied to evaluation and monitoring activities. To enhance the discussion of evaluation priorities, the agency could also present alternative levels of effort that could be applied to program monitoring and evaluation and the pros and cons of the alternatives, along with the agency's recommended evaluation measures or designs.

The presentation by the agency should lay out in at least skeleton form the entire plan of each evaluation in support of oversight. The elements that compose a completed design include

- a summary table (linking issues, measures, analyses and comparisons, and information to be produced),
- the program activities to be considered for measurement and/or experimentation,
- the testable model and issues arising from it (drawn from the statements of legislative program intent, executive branch policy, and the program design),
- the program model of the actual activities,
- the measurements to be used,
- the data collection (or measurement) plan,
- the analysis plan (includes analyses, analytical techniques, and comparisons),
- the information to be produced (its form, format, and likely range), and
- the budget for performing the work and the timetable for reporting the results.

Element 5: Congressional comparison and response--In the presentation of planned evaluation measures, the agency has matched its and the congressional "wish list" for oversight information against the amount of resources it is willing to commit to obtain the information. At point D, committees and members would have the opportunity to review and comment on the planned evaluation measures.

With the help of our or other supporting analysts, if desired, committees and members could suggest modifications to the agency plans aimed at insuring that pertinent evaluative information will be produced for oversight within acceptable limits of time, cost, and precision and will be reported in a form that the committees and members can readily understand and use.

The evaluability assessment ties the subsequent monitoring and evaluation data collection activities to a consistent set of questions and types of answers which have been included in the statutory oversight requirements and discussed and clarified in elements 2, 3, and 4. At the same time it has been shown to involve measurements obtainable from the direct program activities as they are actually being carried out.

ELEMENT 6: MONITORING AND
EVALUATION RESULTS PRESENTATION

Summary: In element 6, the responsible agency would carry out and report the results of agency monitoring and evaluations. The monitoring and evaluation results would measure actual program performance in order to answer the particular oversight questions the Congress has specified.

Element 6: Agency reporting--The monitoring and evaluation activities can now be guided by an evaluation design which has been reported to the Congress and, if desired, discussed, debated, and/or agreed to by the oversight committee(s) and the agency it oversees. The work of element 6 is not trivial and, in most cases, will involve considerable insight and technical expertise.

As element 6 is executed it is likely that a large amount of the information that the Congress wants may prove to be obtainable by simple monitoring. Even some program outcome information is likely to be obtainable in this way. However, as broader policy questions are examined it will then become more likely that more difficult outcome or impact questions will be of interest. In such cases, evaluation of the assumptions concerning program outcome and impact will be needed. The process outlined should surface these distinctions at an early point and have them developed fully enough to be included in the considerations made in the congressional review and discussion of the agency's planned evaluation measures in element 5.

Element 6: Congressional comparison and response--Carried out over time, the activities of element 6 can be expected to result in the Congress being able to conduct meaningful oversight with an effort not disproportionate to the skills and time available to its committees, members, and staff. These activities and those in the preceding elements would minimize surprises at the oversight hearings.

Auditors and analysts, whether from our Office, other congressional support agencies, the executive branch, or elsewhere, could assist the committees in assessing and analyzing the completed study results and reducing the study material to an easily reviewable form for use in oversight and/or legislative hearings. In addition, staff from our Office could perform additional review and evaluation work if necessary.

The Congress is currently considering many proposals for assuring the effective and comprehensive reevaluation of Federal policy and programs, such as sunset legislation. The activities of the suggested oversight process could go a long way to avoiding the possibility the Congress would

- be buried in uninterpretable data,
- receive assorted noncomparable highly technical agency evaluation reports purchased from contractors but which do not bear on the questions it wanted answered, or
- receive no information at all.