

AMENDMENT #767: TO REQUIRE ALL LEGISLATION TO BE REVIEWED BEFORE IT IS CONSIDERED BY THE SENATE TO DETERMINE WHETHER NEW DUPLICATIVE AND OVERLAPPING PROGRAMS ARE BEING CREATED.

This bipartisan legislation would require the following for every bill considered by the Senate:

- 1) An analysis by the Congressional Research Service to determine if the bill creates any new federal program, office, or initiative that would duplicate or overlap any existing federal program, office, or initiative with a similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative federal program or programs, office or offices, or initiative or initiatives; and
- 2) An explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

Since release of GAO's first report on duplication, the Senate has twice rejected bipartisan legislation aimed at preventing future duplication.

First, on June 29, 2011, the Senate rejected identical legislation offered to S. Res. 116. The vote result was 63 - 34 (Yea -Nay), however, the measure failed to achieve the two-thirds vote threshold needed to pass.

On February 2, 2012, the Senate voted on the measure a second time. The vote result was 60-39 (Yea-Nay) but it again failed to garner the votes necessary for passage.

IDENTIFIES AND HELPS PREVENT UNNECESSARY DUPLICATION BEFORE IT IS CREATED

Since 2011, the Government Accountability Office (GAO) has released three reports identifying hundreds of programs that overlap or duplicate other programs.

Congress creates numerous new programs every year, adding to the thousands that already exist. Every time Congress makes a new program

that duplicates an existing program, taxpayers must pay for both programs. When Congress creates new duplicative programs, it also highlights Congress' failure to conduct oversight. If Congress is unaware of existing programs, that would indicate those programs are not being held accountable to ensure effectiveness and efficiency.

As a candidate for president in 2008, Barack Obama pledged to "eliminate wasteful redundancy." Obama stated "too often, federal departments take on functions or services that are already being done or could be done elsewhere within the federal government more effectively. The result is unnecessary redundancy."

This legislation will ensure Congress and the President are fully aware of other existing programs with similar goals before new similar programs are created.

GAO'S 2013 REPORT ON DUPLICATION

On April 9, 2013, GAO released its third report on government duplication. The 2013 duplication report reveals 17 areas of government duplication, ranging from competing catfish inspection programs to hundreds of overlapping renewable energy initiatives and fragmented efforts to redesign military combat uniforms.

Examples from the 2013 Duplication Report

- 679 renewable energy initiatives at 23 federal agencies and their 130 sub-agencies cost taxpayers \$15 billion in FY 2010.
- 76 programs to prevent or treat drug abuse are spread across 15 agencies, costing \$4.5 billion in FY 2012.
- Three federal offices are involved in overseeing catfish inspections.
- 159 contracting organizations in 10 different Defense Department components provide defense foreign language support. GAO estimates \$50 to \$200 million in potential savings by eliminating this duplication.
- The Broadcasting Board of Governors (BBG) offers 69 different language services. GAO found 23 instances of overlap involving 43 of

these services, accounting for \$149 million, or nearly 20 percent, of the BBG's FY 2011 annual appropriations.

- 21 programs, including eight tax expenditures, are in place to help students save for, pay, and repay for the cost of higher education, annually costing \$45 billion, \$104 billion in financial loans, and \$25 billion in lost revenue from tax spending.
- Six programs to employ and train veterans are operated by two government agencies, which spent \$1.2 billion in FY 2011 to serve 880,000 participants. The GAO found, "Despite these efforts, the unemployment rate for veterans who have recently separated from the military is higher than that for other veterans and nonveterans."
- The Department of Commerce's National Technical Information Service (NTIS) was established in 1950 and tasked with collecting and distributing certain reports. Despite the fact that 95 percent of these reports are now available online for free, NTIS continues to charge the public, and even other federal agencies, for these reports. GAO explains, "These results show that NTIS disseminates and charges for many reports that overlap with information that is available for free from federal agencies and other public websites." Over ten years ago, the GAO issued a report highlighting this clear overlap and government waste. In a November 2012, GAO "estimated that approximately 621,917, or about 74 percent, of the 841,502 reports were readily available from one of the other four publicly available sources GAO searched." Making the government looking even more foolish, GAO explains, "The source that most often had the reports GAO was searching for was another website located at <http://www.Google.com>."
- Six separate offices at the Department of Homeland Security are involved in research and development. In one example, "two DHS components awarded five separate contracts that each addressed detection of the same chemical. Moreover, DHS did not have the policies and mechanisms necessary to coordinate or track research and development activities across the department."

In 2011, both Republicans and Democrats said GAO's first report on duplication would serve as a roadmap for extensive federal savings, to help put us on a path of fiscal solvency and begin reducing our deficit. These

pledges were quickly set aside, and exchanged for partisan bickering and a refusal to find even the simplest areas of commonality.

Congress is looking into a future of trillion dollar deficits and a national debt quickly headed toward \$20 trillion. Our nation is not on the verge of bankruptcy—it is already bankrupt. We have maxed out our own credit cards and are now living off our children’s credit cards, while funding a government with hundreds of programs that overlap or duplicate other programs.

GAO’s work presents Washington with literally hundreds of options for areas in which we could make a decision now to start finding savings, potentially hundreds of billions of dollars.

WASHINGTON HAS FAILED TO IMPLEMENT BILLIONS OF DOLLARS IN POTENTIAL SAVINGS IDENTIFIED BY GAO

Taking into account all three reports since 2011, GAO has identified 162 areas of extensive government duplication or other potential cost savings or revenue collection, and provided 380 specific actions that can be taken by the administration and Congress to address these issues. 83 of the 162 are examples of government duplication, while the remaining 79 are other areas for potential savings.

In the 2013 report GAO explains, “Although the executive branch and Congress have made some progress in addressing the issues that we have previously identified, additional steps are needed to address the remaining areas to achieve associated benefits. A number of the issues are difficult to address, and implementing many of the actions identified will take time and sustained leadership.”

To date, Washington has made very minimal headway in reduction unnecessary duplication, despite the abundance of information, examples, and recommendations from GAO.

In the 2012 and 2011 reports, GAO identified a total 131 areas of duplication (66 areas) and other potential cost savings (65 areas). In the last two years, Congress and the administration have failed to even begin to address 27 of these areas. Sixteen areas have been fully addressed, while 87 have seen some movement, but have not been fully resolved.

Within the 131 areas, GAO provided 300 specific recommendations for action to be taken by the White House and the Congress, to address the duplication and potential cost savings outlined in their reports. To date, 65 of these actions have been fully implemented, while Washington has completely ignored 85 of these recommendations. The remaining 149 are in progress, but not completed.

Congress has failed to do one thing to reduce the unnecessary duplication of 160 federal housing programs spread across 20 different agencies, costing taxpayers more than \$170 billion annually, as revealed in the 2012 report. Meanwhile, the administration is not without fault. As explained by GAO, “For example, although OMB guidance calls for agencies to analyze whether their information technology investments are continuing to meet business and customer needs and are contributing to meeting the agency’s strategic goals, we found that agencies did not conduct such an analysis on 52 of the 75 major existing information technology investments we reviewed.”

THIS AMENDMENT PROVIDES GREATER TRANSPARENCY FOR LAWMAKERS AND TAXPAYERS REGARDING THE IMPACT OF LEGISLATION

This transparency will ensure greater accountability in the legislative process.

Currently, CRS already provides an analysis of most legislation and the Congressional Budget Office (CBO) already scores bills for costs.

These analyses, however, do not examine duplication. GAO’s three duplication reports identify billions in wasteful duplication.

The legislation will ensure taxpayers are provided an explanation from Congress as to why another new program that duplicates one or more existing programs may be needed before a bill is considered. Lawmakers can then make better informed decisions as to whether or not creation of duplication is justified.

Because CRS has long provided lawmakers with independent summaries of bills, the agency is the most appropriate and obvious agency to conduct these analyses.

EXEMPTS LEGISLATION THAT ADDRESSES EMERGENCIES

Bills designated as “emergency” because they address immediate, unforeseen, and urgent matters would be exempted from the duplication analysis. This will ensure Congress can continue to swiftly address emergencies.

THIS AMENDMENT IS SIMILAR TO A RULE PASSED BY THE HOUSE OF REPRESENTATIVES

House Resolution 5, the rules package for the 113th Congress, included a provision to identify duplicative programs and examine the usefulness of existing government programs.

This provision is a modified version of the language in this amendment. It permits committee chairs to request that the Government Accountability Office (GAO) perform a duplication analysis of any legislation referred to their committee. As stated in the rule, “Any such analysis shall assess whether, and the extent to which, the bill or joint resolution creates a new Federal program, office, or initiative that duplicates or overlaps with any existing Federal program, office, or initiative.”