

spending, to cut out duplication and waste, and perhaps one of these days to reduce the really and truly massive Federal budget deficit which has become a commonplace matter in recent years. In fact, it is a rare year in which we do not have a Federal budget deficit in the last few years.

I would hope the sunset process will force into review mechanisms to the point that we will cut out enough in Federal spending that we will at least have a hope of getting the Federal budget in balance. I think it is far better to do it with this process than to do it, in effect, with mirrors, as we have been trying to do on this floor for the last couple of days. When we say there is going to be a great tax cut of \$142 billion for the people of this country, we raise a great hope in the hearts of the taxpayers of this country.

But then down in the fine print we say, "Well, that is just going to occur if we somehow make corresponding Federal spending reductions in the same amount."

To me, that does things with mirrors. Let us do the first thing first. Let us make Federal Government more efficient. Let us cut out Federal expenditures. Then we can go to the people straightforwardly and say, "Now we have made these reductions. Now we can give you a tax reduction and there are no mirrors involved. There are no if clauses in the bottom of this. There is no fine print of which we have to be aware before you actually realize this tax cut."

The next morning after that vote on the floor I received an early-morning call from a reporter in Ohio asking me in what time period did I think the people of Ohio could expect that tax cut.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Will the Senator yield 2 additional minutes?

Mr. ROTH. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. GLENN. I had to tell that reporter from Ohio, "Do not look for any tax cut in the near future despite what was cut," because the "if" on the bottom of that was that it had to be tied to reducing Federal spending by a comparable amount.

I am all for reducing that Federal spending by a comparable amount, so I do not fault the proponents of that measure which passed on the Senate floor. But I say the best way of making that a reality is to enact this sunset bill. Let us get on with streamlining the Federal Government and making this Government work like the people of the United States want it to work and as I think it can work if we pass this legislation.

Once again I highly compliment the Senator from Maine for his efforts in this regard. He is the very soul of fiscal responsibility on the floor of the Senate these days. I believe we all need to heed his advice, not only in his role as chairman of the Budget Committee but also in the role as prime sponsor and prime

author of this sunset legislation, which I am honored and glad to support. I thank the distinguished floor manager.

Mr. MUSKIE. I thank the Senator for his comments and his support. It was a privilege to work with him on his project.

Mr. ROTH. Mr. President, I am happy to yield 5 minutes to my distinguished junior colleague from Delaware.

Mr. BIDEN. I thank the Senator very much.

Mr. President, I would just like to emphasize two points that I made last week during the debate of sunset. They both relate to the need for adopting a sunset proposal.

One problem in demonstrating the need for better review of Federal spending is that there are so many programs, managed by so many agencies that it is an overwhelming job to master the data and present a comprehensible statement of the problem. I think the best job I have seen is that done by the Government Operations Committee in studying sunset in 1976.

The Government Operations Committee's findings presented in August of 1976 are so definitive in my opinion that as far as I know no one else has tried to do the job since. We have had this information before us for 2 years and now we are ready to act on it finally.

I would just like to summarize a few of the committee's findings:

In grant programs, there are 1,930 programs, administered by 52 Federal agencies, serving nearly 80,000 units of local government.

In the Department of Defense, extensive duplication and underutilization of military maintenance facilities.

Uncoordinated health service programs and underutilized clinics.

Fifty separate programs to aid the handicapped, most in HEW and virtually all uncoordinated.

Dramatic growth in uncontrollable Federal spending that places over 75 percent of Federal spending beyond the ready reach of anybody—virtually automatic spending.

Over 15 years, 329 Government agencies created, only 126 abolished.

The list goes on, but I am sure everyone here knows the detail and substance of it. It clearly demonstrates the need for an orderly and disciplined means of reviewing the multitude of Federal programs.

Equally important, I think is the attitude of millions of taxpayers and citizens across the country. As I indicated elsewhere, I think the message the voters are trying to get to us is not just "cut our taxes." The complete message, the real message is "get Government off my back."

The message is well summarized in some remarks made by Ted Van Dyk of the Weyerhaeuser Corp., as quoted in the Wall Street Journal on August 31. In his remarks, he summed up his interpretation of the present climate as follows:

Proposition 13, in my judgment, was a cry by California voters saying not just "cut our taxes." It was a clear message that "we've been sending you politicians messages for some time now. But you haven't been listening. So, right now, we're taking things into

our own hands. Listen to us. Give us our money's worth. And, above all, offer us something other than more government, more bureaucrats, more taxes and more least-common denominator politics and promises. Offer us competence."

That is what this legislation is designed to do. I do not mean it as a cure all that will miraculously create competence throughout the Government. But it is a good, responsible tool for moving in that direction. If we do not get the whole message, if we just cut taxes and do not improve Government, we will not have achieved the purpose the taxpayer's revolt is designed to achieve.

Our best chance to do this, our best chance to bring some competence into Government at this point is to pass this sunset legislation.

One last thing, Mr. President. I said in a statement in support of the amendment of the Senator from Ohio several days ago—it seems hours have been running into hours and days into days here so I am not sure when it was—that I thought that the one thing that should be noted in this legislation that is not spoken to very much is that it seems to me it is one of the first pieces of legislation in a long time that has come along and considered what I would call the human factor.

It changes the burden, it shifts the burden. It allows the elected officials in the House and the Senate, and the President of the United States, for that matter, to be able to respond in a different way.

In the past every one of these agencies I have mentioned, when we considered doing something to them, let alone abolishing them, marched up on the Hill, marched up with their interest groups, marched up with their cadre of support. They look like they have a great deal of support. It is hard to marshal countervailing support from our constituents at home who do not have time to worry about every one of these things. The pressure is put on at pressure points.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROTH. I yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Delaware is recognized for an additional 1 minute.

Mr. BIDEN. It is hard for an elected official to say to all those people, "No, I am not going to vote for your continuance, when it automatically comes up on the floor."

It would be a lot easier to say, "You know, you are automatically terminated. If somehow or in some way the matter gets to the floor, if it gets through committee and if there is strong support and justification on the floor, I will support you then."

It is not a small point. It enables an individual Senator to share the responsibility with the remainder of his colleagues, and an individual House Member to share that responsibility, rather than being isolated on small points, with pressure points being applied very effectively.

None of us on this floor have to be told how effective single issue constituencies have become. This, in my opinion, is a

fundamental conceptual change in the way we approach doing something about the growth of Government.

Mr. President, as I said earlier, I rise today to support the adoption of the sunset proposal before us. I am a long-time advocate and supporter.

I first started working on this idea in the fall of 1974. I introduced my sunset bill in the 94th Congress. My friend from Maine introduced a different version in that same Congress. Now we have joined forces with one proposal which I believe has great merit.

When adopted, it will provide Congress with an essential tool for reviewing the need for Federal programs; controlling the growth of Federal spending; alleviating the overkill of regulatory activity; and restraining the sprawling Federal bureaucracy. I know that is a lot to claim for one proposal. But I have been working on this idea for years—as has my friend and colleague from Maine—and I am convinced it can lead to more effective and responsible congressional control over our Government, without sacrificing a single essential Government service. In fact, it should enhance the provision of truly necessary government services.

This is a great moment for me. It is one I have looked forward to for years. It is also a moment I have feared might never come. The fact that this amendment is before us today is testimony to the perseverance of my distinguished chairman on the Budget Committee and colleague here in the Senate, Senator MUSKIE. He has sought the passage of sunset, or spending control legislation for years now. He has most effectively used his chairmanship of the Subcommittee on Intergovernmental Relations to research the need for such legislation and to demonstrate that need to the Senate. He has argued persuasively for such legislation long before the Nation ever heard of proposition 13. During my tenure in the Senate, I have seen him secure passage of many bills of importance to the welfare of the Nation over heavy opposition. I think he is about to do it here again today. It has been my pleasure to stand with him during this fight and to work toward the common goal we have sought for years.

I want to focus my remarks on several of the questions that are so often asked about sunset legislation:

What is this proposal—what will it require and how will it work?

Is this not a radical proposal that will threaten essential government services?

Do we know enough about how sunset will work? Do we not need more study?

Why is it important that we consider this now—in the last minute jam of a session?

Is this really important? Is it not just another set of rules and procedures that Congress will ignore?

How does this tie in with the congressional budget process? Is not that process enough to control Federal spending?

The distinguished Senator from Maine has described the pending proposal in some detail. I need not do it again. **Sim-**

ply stated the bill would terminate most Federal spending programs automatically on a regular schedule. Then, after a careful review by the appropriate Senate committee, the Senate and the Congress would decide whether to continue the program—or modify it—or terminate it. The two parts go together—the possibility of termination forces a review—and the review assures that the decision to continue or not continue the program will be a rational one. It is really a very simple mechanism—like all good mechanisms. It is also good because it builds on the existing practice of reauthorization.

The congressional budget process has shown what a good procedure can do. It has held down the total budget—billions of dollars below what the aggregate proposals of all committees would have been. It has sorted out national priorities. But by its nature it deals in setting those major priorities. It cannot and should not examine programs in detail. Thus it can determine that there is need for allocating additional national resources for defense. But it cannot examine all the ingredients of an effective national defense. This sunset proposal builds on the budget process to be certain that when Congress allocates money for an important national objective like defense, that money will be well used to meet the objectives. Waste makes no useful contribution to defense or any other function.

Mr. President, in listing the subjects that I wanted to review today, I suggested that we should discuss the need for sunset legislation. Actually, I do not really think we should have to discuss it.

However, starting with the most important reason first, we need legislation of this kind because the American people know we are not doing our job of stemming the tide of Government growth in this country. They know we are not doing our best to provide effective programs to meet their needs, but are choosing the easy way of trying to overwhelm problems with a multitude of duplicative programs. This is clear from my constituent mail. I think the perennially low performance ratings that Congress gets shows this. So I have felt for a long time that Congress should act to control government before the electorate forces action upon us.

In this connection, there appeared on August 24 a lead story in the Wall Street Journal headlined "Proposals to Restrict Expenditures or Taxes Are Picking Up Steam." Well they certainly are and I could not be happier. As I indicated, both my chairman and I proposed bills to control Federal spending before it became a popular national issue. And for that reason I was particularly interested in the comment by John Shannon of the Advisory Commission on Intergovernmental Relations that "They are all realizing that the fat boy on the block is Uncle Sam." The article then goes on to state that in a recent poll "... 62 percent of the respondents said the biggest waster of their tax money was the Federal Government."

I am sure this does not come as a sur-

prise to the distinguished Senator from Maine nor is it a surprise to me. We have both been seeking responsible solutions to Federal waste for many years. The need is to pass responsible, workable solutions like those before us today before we are forced to take drastic, perhaps unwise, action. I hope my colleagues will recognize the need to put our own house in order. The real need for this legislation lies in the citizens demand for it.

Mr. President, there were a number of other important points in the Journal article and I ask unanimous consent that it be printed in full at this point in the Record for the information of my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 24, 1978]

PROPOSALS TO RESTRICT EXPENDITURES OR TAXES ARE PICKING UP STEAM

(By James M. Perry)

SEATTLE.—State Rep. Ellen Craswell works her way down the port side of the Walla Walla, a ferryboat making the 5:15 rush-hour run from Seattle to Winslow, and collects signatures for Initiative 62.

"Would you sign our petition to limit the growth of state government?" Mrs. Craswell asks an elderly gray-haired woman who is seated alone reading a Gothic novel. "I will," the woman says, "but I'll tell you this: Your proposal doesn't go far enough."

Mrs. Craswell, an enthusiastic Ronald Reagan Republican, shakes her head in mock despair. A year ago, in her first year in the legislature, she introduced a bill similar to Initiative 62, which would slow the rate of spending by the state. And her colleagues laughed at her. Too "radical," she was told. Now she is a "moderate."

But if the legislators wouldn't listen a year ago, the people certainly are listening now. Mrs. Craswell and the co-chairman of her group, State Rep. Ron Dunlap, expect to collect more than 700,000 signatures for Initiative 62. That would be a record for the State of Washington, eclipsing the 699,600 signatures that were picked up a few years ago on petitions to roll back salary increases that members of the legislature had voted for themselves. That one went on to a smashing victory in a general election. Most people think Initiative 62 will do the same, although it wouldn't go on the ballot until November 1979.

A NATIONAL MOVEMENT

"I've been in a lot of campaigns," Mr. Dunlap says, "but I've never seen anything like this. This is the most significant policy question before our state—maybe ever. And it's becoming the most significant policy question before the whole country."

Indeed, all across the country from Washington to Maine, people like Ellen Craswell and Ron Dunlap are buttonholing citizens with their petitions and collecting signatures by the thousands for various kinds of initiatives, propositions and constitutional amendments that would limit state taxes and spending. The clipboard has become the political symbol for 1978.

The success they have achieved at the state level is whetting their appetite for the ultimate battle—constitutional or statutory restrictions on spending by the federal government.

This so-called tax rebellion is personified by three people: Howard Jarvis, the father of California's famous Proposition 13; Lewis Uhler, president of the National Tax Limitation Committee; and John Shannon, an assistant director of the Advisory Commission on Intergovernmental Relations in Washington, D.C.

AVOIDING THE "MEAT AX"

It was Mr. Jarvis, with his tax-cutting Proposition 13, who turned Ellen Craswell from a "radical" to a "moderate."

Proposition 13, Mrs. Craswell says, disappointingly, "is a meat ax. We tell people you can have a meat ax or you can have the moderate, reasonable solution we believe Initiative 62 to be."

Proposition 13, passed overwhelmingly by California voters June 6, says property can't be taxed at more than 1% of its estimated 1966 market value, that assessments can't be increased by more than 2% in any year unless the property is sold, and that no taxes can be increased and no new taxes added without the approval of two-thirds of the voters.

Mrs. Craswell's Initiative 62 says the growth rate of general state tax revenues (including the sales tax and property taxes collected by the state) cannot exceed the average growth rate of total state personal income over the three preceding years. "In other words," Mrs. Craswell explains, "state taxes won't increase faster than our pocketbooks."

JARVIS AND UHLER

Mrs. Craswell's patron is Mr. Uhler, former chairman of Ronald Reagan's tax-reduction task force and now president of the National Tax Limitation Committee. Mr. Uhler's group is seeking to put initiatives like 62 on the ballot in dozens of states.

The crusty Mr. Jarvis is contemptuous of Mr. Uhler's efforts. "Those expenditure limitations," he says, "don't cut spending; they give in to it. We aren't interested in slowing the rate of growth; we want government to operate with less money."

The lines will be drawn this fall between Mr. Jarvis' proposal and Mr. Uhler's.

Initiatives like Proposition 13 almost surely will be on the ballot Nov. 7 in four states—Michigan, Oregon, Nevada and Idaho. "It's the best we could do," Mr. Jarvis says. "We only had two months to put this together. I don't think getting on the ballot in four states is bad. This thing isn't like instant coffee. It's taken 15 long, lousy years to get where we are today."

Initiatives like Washington's 62 will be on the ballot this fall in at least four states also—in Michigan, cheek by jowl with a Proposition 13, and in Colorado, Texas and Arizona. Maine and Hawaii are possibilities.

A similar initiative was proposed in California but wasn't approved by the state legislature in time to be placed on the November ballot. The proposal was supported by Gov. Edmund G. Brown Jr. as a supplement to Proposition 13. The same Gov. Brown who once said Proposition 13 would be disastrous now says it gives Californians "a once-in-a-lifetime opportunity to reduce government growth."

"Wow!" says Mr. Jarvis. "Did you ever see a U-turn like that?"

"The transformation in public opinion over the last five years has been incredible," Mr. Uhler says. "People were satisfied with the way things were then. Now they are issuing demands for cuts. The result is that we have emerged as moderate and responsible people, supported by most of the politicians."

Mr. Shannon and his colleagues at the Advisory Commission on Intergovernmental Relations, an agency created by Congress 20 years ago to monitor the operation of the American federal system, continue to preach moderation. In a way, they are what is left of the "liberal" solution.

END OF THE "BULL MARKET"?

"For 30 years," Mr. Shannon says, "state and local finance has been a bull market. But now there is clear evidence that an increasing number of citizens no longer want the state-local sector to keep growing at a faster clip than the growth in their own income."

Even before Proposition 13, he says, some states had been making strides in cutting the growth in spending. At least 14 states had placed restrictions on the power of local officials to raise property taxes. At least five states had taken steps to control the rate of growth in state spending. And most states had turned to special tax exemptions and tax deferrals to help overburdened homeowners.

Reluctantly, Mr. Shannon accepts constitutional amendments that restrict state spending increases to real growth in the state's economy. He also favors indexing personal income taxes to prevent inflation from pushing taxpayers into higher brackets. (With indexing, adjustments are made to relieve people of having to pay taxes on that part of their income that reflects higher prices rather than increased purchasing power.) And he backs various measures to strengthen political accountability for the public officials responsible for new spending programs and higher taxes.

Colorado, he notes, already has indexed personal income taxes. Arizona passed a law indexing its deductions, credits and exemptions. And Gov. Brown, riding the crest of the taxpayers' rebellion, has proposed indexing in California.

But to "hard fiscal conservatives," Mr. Shannon concedes, all of this is "weak tea." "There is blood on their teeth," Mr. Shannon says, and he suspects the focus of the tax rebellion is switching from the states to the federal government. "They are all realizing that the fat boy on the block is Uncle Sam."

AN EYE ON THE "FAT BOY"

The results of a number of recent polls suggest that Americans are beginning to look at the "fat boy." In polls commissioned by Mr. Shannon's agency prior to the adoption of Proposition 13, respondents said they got the most for their tax money from the Federal Government. But in polls taken by Gallup, NBC and CBS after Proposition 13, the Federal Government dropped all the way from first to last. And in one of the polls, 62% of the respondents said the biggest waster of their tax money was the Federal Government.

So Mr. Jarvis and Mr. Uhler are switching targets right now. A committee of Mr. Uhler's National Tax Limitation Committee met July 26 to begin drafting an amendment to the U.S. Constitution that would put a squeeze on federal spending. "The time is ripe for it," Mr. Uhler says. "We have the momentum."

The amendment that the committee will draft will be more detailed than an amendment Rep. Philip Crane, an Illinois Republican and announced presidential candidate, already has introduced. The Crane amendment would limit total outlays by the federal government to one-third of the average national income for the three prior calendar years, with escape provisions for wars and national emergencies.

Mr. Jarvis isn't impressed. "It would take 20 years to pass a constitutional amendment," he says. "The country don't have that long. We'd all be in our graves."

So, he says, he will push for a national Proposition 13. Last week in Fort Worth, Texas, he announced a "freedom-for-taxpayers" plan that calls for Congress to cut federal taxes by \$50 billion; this would be accomplished by reducing income taxes 20% across the board and by eliminating capital-gains taxes. The plan, which also would require that federal spending be slashed by \$100 billion over a four-year period, is designed to limit the amount of money that the government collects.

"If they can't collect it," he says, "they can't spend it."

Mr. BIDEN. Whenever sunset legislation is discussed around the Senate, the question of whether there really is a

problem comes up. After all, it is said, congressional committees conduct oversight hearings on programs all the time. Many programs are reauthorized periodically and receive annual appropriations and can be reviewed then. So why do we need a review process?

That issue was well addressed by Harry Havens of the General Accounting Office in his testimony before the Rules Committee on June 8 of this year. He listed four broad deficiencies that were cited as the need for sunset reform proposals of some kind. These were:

Incomplete coverage of the reauthorization process,

Inadequate attention to broad policy subjects,

Incomplete review coverage of Federal programs and activities, and

Lack of clarity and specificity in statements of the objectives of programs and activities.

In other words, we do not know what programs are supposed to do; our reviews of programs are incomplete; and we cannot see the forest for the trees, as the saying goes.

Of course, the GAO has been pushing for effective program review for a long time.

What did the staff working group on S. 2 and S. 1244 have to say about need? Stated clearly in one sentence on page 1 of its report the group said:

... the staff working group concluded that ... improvements in the program authorization and review process were desirable. . . .

I could not say it more clearly myself. (Admittedly the group differed on the mechanism to achieve the goal.)

One problem in demonstrating the need for better review of Federal spending is that there are so many programs, managed by so many agencies that it is an overwhelming job just to master the data and present a comprehensible statement of the problem. I think the best job I have seen is that done by the Government Operations Committee in studying sunset in 1976. Its findings presented in August 1976, are so definitive that as far as I know no one else has tried it since. Yet we have had this information before us for 2 years and only now are ready to act on it.

I ask unanimous consent that excerpts from the 1976 report of the Committee on Government Operations be printed in the RECORD to fully document the need for legislation of this kind.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

THE PROLIFERATION OF FEDERAL PROGRAMS

The 1976 Catalog of Federal Domestic Assistance lists 1030 programs administered by 52 Federal agencies. In Fiscal Year 1976, these programs provided an estimated \$59.8 billion to the 50 states and nearly 80,000 units of local government, for a total of almost 25 percent of Federal domestic outlays and an estimated 25.2 percent of all State and local government expenditures.

In the health field alone, there are 302 different programs, administered by 11 separate Federal agencies. Under the broad category of community development, there are 259.

(NOTE.—The numbers in this section are taken from the Catalog of Federal Domestic

Assistance and, therefore, are based on different assumptions than the numbers used elsewhere in the report that were compiled from GAO or CBO data.)

As the program category is narrowed, the number of programs is no less bewildering. The 1976 Federal Catalog lists 39 different programs under the Veterans category, with another 28 under the heading Veterans Medical Facilities and Services. Under the category of Vocational Education, there are 27 different programs listed. The reader is referred to the Job Training Subcategory of the Employment, Labor and Training Category for other programs in this area. Under the heading of Transportation, there are 45 separate entries.

A GAO study on health services in outpatient health centers in the District of Columbia, found seven different programs—administered by HEW and OEO. Coordination was so lacking, the GAO found, that one neighborhood had eight clinics, several of which were badly underutilized.

Another GAO study of the use of military maintenance facilities found extensive duplication and underutilization of these facilities because of the emphasis each service placed on developing its own facilities rather than sharing existing facilities of other services. The study concluded that substantial long-range savings could be realized through greater inter-service maintenance, but that despite repeated encouragement from the Department of Defense, the individual services had continued to circumvent both the spirit and intent of such policy.

An HEW study found over 50 Federal programs providing some type of service to handicapped youth. Most of these programs were administered by HEW—by 14 separate units within that department. A GAO study of the HEW study found no point within HEW at which all these efforts were coordinated.

Finally, a study by the Joint Economic Committee found 62 separate programs involved in providing aid to the needy and social insurance, at a projected cost in fiscal year 1975 of \$142 billion.

Note: Since 1966 the importance of categorical programs in the total Federal aid picture has lessened. In 1960, categorical programs comprised 98 percent of total Federal aid. By 1975, they comprised about 75 percent, with block grants and general support aid (revenue sharing, e.g.) accounting for the difference.

THE GROWTH OF PERMANENT PROGRAMS

Side-by-side with the growth in the number of Federal programs over the last 10 years has been a dramatic increase in the amount of Federal funds spent on programs with permanent appropriations—funds spent without any review by Congress. From 1966 to 1976, these programs have become the fastest growing component of the Federal budget, tripling from \$55 billion in 1966 to \$165 billion in 1976.

In a different category, but representing a similar problem are the very large number of programs with permanent authorizations—programs enacted with authorizations stating "such sums as may be necessary" and containing no termination date.

A review of programs under the jurisdiction of the Senate Agricultural Committee (chosen because such a list had been prepared by the GAO at that Committee's request), showed 277 programs operating under permanent legislative authority. Only 65 programs were based on legislation which provided fixed termination dates. The 277 permanent programs represented a total year 1977. The 65 programs subject to periodic reauthorization compromised \$6.8 billion in fiscal year 1977 budget requests.

What these two examples point out is that there is a significant segment of the Federal

budget which escapes congressional review on a regular cycle.

THE GROWTH IN UNCONTROLLABLE SPENDING

The cost of continuing all 1976 programs in the 1977 budget was estimated at approximately \$45-\$50 billion higher than last year's spending level. Thus, despite targeted program cutbacks, the first budget resolution for fiscal year 1977 set spending at \$413 billion, about \$40 billion above the final budget figure for FY 1976.

Most of this growth is attributable to the increase in "uncontrollable" spending, which in 1967 accounted for about 59 percent of that year's budget but which in 1977 will take up roughly 77 percent of all Federal spending. Thus, uncontrollable spending is, in the words of one witness, "bleeding" the controllables. This witness, Dr. Allen Schick of the Congressional Research Service, testified further, that: "If we compared the 1966 and 1976 budgets, we would find dozens of major programs which were funded then, but not now. We would find dozens more which have grown less than inflation. And we would find dozens in which there is a significant and growing gap between the amount authorized and the amount actually appropriated."

Thus every year the uncontrollables are reducing the policy options open to the Congress in determining priorities for Federal spending.

THE GROWTH IN GOVERNMENTAL AGENCIES

In addition to the proliferation of programs administered by the Federal government, there has also been an extraordinary growth in the number of Federal agencies, commissions, bureaus and the like. According to the Library of Congress, from 1960 to 1974, 329 such governmental bodies were created, while only 126 were abolished. Of the 329 themselves, only 63 had been abolished by 1974. In 1974 alone, 85 separate governmental bodies were created.

THE GROWTH OF FEDERALLY MANDATED LAYERS OF GOVERNMENT

The last decade has seen not only a rapid growth in the activities of the Federal government, but also a mushrooming of new layers of government mandated or spawned by Federal programs.

At the highest level, there are 10 Federal Regional Councils, promoted by the Nixon administration as part of its New Federalism efforts to decentralize Federal activities.

Far more significant in terms of numbers and confusion are the single and multipurpose districts required or spawned by various Federal grant-in-aid programs.

According to a study by the Advisory Commission on Intergovernmental Relations on substate regionalism, released in 1974, over 4,000 geographic program areas had been recognized under 24 different Federal programs involving 11 Federal agencies. These included 481 Law Enforcement Planning regions, 957 Community Action agencies, 419 Cooperative Area Manpower Planning System Councils, 247 Air Quality Regions, 195 Comprehensive Area-wide Health Planning agencies, and 165 Resources Conservation and Development districts, among others.

Mr. BIDEN. Some people seem concerned that this legislation is a threat to effective Government action. That is not so. A major concern is the requirement for periodic reauthorization of Federal programs, or automatic termination as it is often called. The feeling is that this is too abrupt or radical a change. Or that it will threaten the continuation of many worthwhile programs now on the books.

This proposal threatens only bad or wasteful programs. All it does is to bring

programs out for a public review by the entire Congress. The concept of reauthorization, or automatic termination, is not new. Many programs are periodically renewed right now. Many programs are studied right now. All this proposal does is to adopt already existing congressional procedures, perfect them and extend them to virtually all programs.

There do not seem to be any really reliable figures as to what percentage of programs are subject to periodic reauthorization. The scope of programs that are reauthorized regularly ranges from defense to health to education to aid to the elderly to revenue sharing. This periodic review is not now regarded as a threat, but as an opportunity. An opportunity by proponents of these programs to improve them. So I really see little reason why the reauthorization process should be looked upon as a threat to some other programs, unless they are really not worthwhile. The other half of this proposal, the concept of program evaluation and review is certainly not new. I have not attempted a complete review of congressional oversight, but it is easily traceable to 1946 in the Legislative Reorganization Act which provides:

In order to assist the Congress in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee of the Senate and the House of Representatives shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

There it is, program evaluation and review. Nothing new or radical about it.

The only thing radical and new about this proposal is the new, more effective use it would make of old tried and true congressional processes. It takes the concept of reauthorization, requires it for most programs, and then says that before you reauthorize there must be an evaluation on which to base the decision about continuing the program.

The section of the Legislative Reorganization Act of 1946 cited above did not work very well, because nothing forced the study and the review. Reauthorization has not worked as well as it might, because reauthorization was not always accompanied by a careful study of the program. So tie the two together and require periodic reauthorization as well as a study of the program before you consider reauthorization.

That is a combination that could achieve good results. It will force committees to look more carefully at their programs. It will give Members of the House and Senate a chance to look at every program and to have some basis for judging its merit.

As is often the case with good ideas, this one is not really new. Certainly it is not radical or threatening.

Another issue that always arises is the question of further study, although I just

cannot imagine why it should have to be discussed. The ideas behind sunset as discussed earlier, are not new or difficult to understand. Sunset proposals have been pending before the Senate at least since I introduced my bill in July 1975, 3 years ago. They have been studied by two committees and a staff study group representing all committees.

The history of sunset in the Senate is a rather long one. It is a history filled with lengthy study and hearings, but also, unfortunately, with delays which killed it in 1976. I do not see how there can be further profitable study of this proposal. Rather it is time for the full Senate to dispose of the issue.

Two sunset bills were introduced in the 95th Congress. I introduced my sunset bill, S. 2067, in July 1975. Senator MUSKIE introduced his bill, S. 2925, in February 1976. The Subcommittee on Intergovernmental Relations of the Governmental Operations Committee then held 7 days of hearings on the bill and eventually it was reported favorably. The bill was then referred to the Committee on Finance and the Committee on Rules and Administration. The latter committee held important hearings on the bill. The bill was finally placed on the Calendar on September 20, 1976, too late to receive consideration in the 94th Congress.

In the spring of 1977 both Senator MUSKIE and I introduced new sunset bills, both drafted to take account of comments on earlier legislation and particularly the hearings on the Committee on Rules and Administration. The Intergovernmental Relations Subcommittee then held 6 days of hearings on S. 2 and a revised version of it was reported favorably. It was then referred to the Committee on Rules and Administration where my bill, S. 1244, had already been referred.

The Rules Committee then took a significant step. Following hearings on the two bills, Chairman CANNON asked the chairman of each standing committee to appoint the staff director (or designee) of his committee to a study group to review S. 2 and S. 1244 and recommend whatever modifications seemed necessary. This was most appropriate since the workload of a sunset bill inevitably falls upon the committees and their staff. While one would have expected an eager response to this opportunity, with a few notable exceptions the response was poor. I had a representative at the meetings, yet seldom, if ever, were a majority of the committees represented. Most were represented below the level of staff director. While the staff working group did indeed draft a new proposal, it could hardly be said to represent the concentrated efforts of the Senate committee staffs. This is not to derogate the efforts of those who did attend meetings and work diligently. Some of their proposals are incorporated in the modified proposal before us today.

Following this staff study, the Rules Committee met again and, after hearing from the General Accounting Office, Chairman PELL asked that representatives of Senator MUSKIE and myself meet with the GAO and try to come up with a

mutually acceptable version. This was done and a bill emerged that I believe blends the best features of all of the proposals. Since then, other changes have been made to achieve the widest possible support.

I have reviewed the history of sunset to show that this proposition has been long and carefully considered. Any Senator with any real interest or concern has had an opportunity to be heard and, indeed, to participate in drafting legislation. I see no reason for delaying final action any longer.

Is this legislation really so important? What is so urgent about it that we are considering it now, right at the end of a session? I would answer that in two ways.

Sunset is of concern right now because of the bleak outlook for Federal finances over the next few years. In July the Director of OMB appeared before the Budget Committee to present the administration's forecast of Federal spending for the fiscal years 1980 and 1981. The projections showed what the administration called the unacceptable prospect of a \$100 billion increase in Federal spending over the next 2 fiscal years. It is one thing to call such figures unacceptable. It is something else to do something about them. **If we are not to remain in a deficit position forever, it is essential that we develop the tools to restrain spending. Four years of work has convinced me that sunset legislation is an essential tool. With the present rate of Federal spending we cannot get it too soon.**

I thank the Senator from Delaware for yielding me this time.

Mr. ROTH. Mr. President, I yield 5 minutes to the senior Senator from Rhode Island.

Mr. PELL. I thank my colleague from Delaware.

Mr. President, I strongly commend the senior Senator from Maine, the driving force behind this idea and this legislation. I think he thought that the Committee on Rules was going to be the morgue for it. I tried to assure him that I would do my best to make sure it was not the morgue and that he would have an opportunity for a vote if we could help. I am glad to say that the good judgment of the Committee on Rules overwhelmingly supported the concept of the sunset legislation and that it did not live up to the criticism of it by various citizens groups, who were rather critical of it. If they did not use the word "morgue" to describe it, they certainly inferred that that is what its function was with regard to this legislation.

I really congratulate the Senator from Maine on his leadership and the fact that he has pressed many of us to be more active than we would have otherwise. If anybody deserves credit, he really does.

Mr. MUSKIE. May I interrupt just to thank the distinguished Senator from Rhode Island? He ascended to the chairmanship of the Rules Committee in February and found himself overwhelmed by the accumulated work of that committee as well as the necessities

of an election year. Notwithstanding those pressures, he did cooperate to work on this legislation and bring it to the floor.

I should like to say "thank you," for the record.

Mr. PELL. In behalf of my fellow Members, we are delighted at those words. I thank the Senator very much. We all thank him.

Mr. President, the argument for passage of sunset legislation is simple and compelling. We in Congress must do a better job of controlling Government spending. We must do a better job of making certain that every dollar taken from the taxpayers is spent wisely, prudently, and with maximum effectiveness.

We cannot tolerate continuation of Government programs that are nonessential or of low priority. We cannot tolerate continuation of Government programs that sputter along on three cylinders instead of running smoothly on all six, or even all eight.

We cannot tolerate such programs, because of the absolute necessity to restrain Government spending, to reduce the Federal Government deficit, and to combat inflation. If we are going to achieve those objectives, we must re-examine every Government program and ask whether it is necessary, effective, and efficient, or low-priority, duplicative, and wasteful.

The sunset legislation simply gives Congress the ability to do the job that it should in examining all of these Government programs.

Mr. President, there are a number of objections raised by those who oppose passage of sunset legislation. One objection is that all of this reexamination of Government programs imposes a heavy workload on Congress and that it will be very difficult to do. It does, but it is our job to measure up to it.

Another objection is that the bill is unnecessary, because the Congress already carefully reexamines most Federal Government spending programs through periodic reauthorization bills.

Obviously, these objections are contradictory. But let us treat them individually on their merits. I agree that, in many cases, Congress does an excellent job of reviewing existing Government programs. In this regard, I am most familiar, as chairman of the Senate Subcommittee on Education, with the work that we do to periodically review Federal Government education programs. In that subcommittee, we limit authorizations of programs, as a matter of policy, to 5 years at the most, and during reauthorization, we make a concerted effort to reexamine each program.

I think it is clear that we can do a better job of examining Government programs for efficiency, effectiveness, and relative need.

I agree that making a really thorough periodic examination of Government programs will mean more work, harder work for Congress. But it is a job that should be done, and I, for one, do not intend to tell the people of my State that this job is one that should be done, but we will not do it, because it is too