

Calendar No. 216

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-113

TO REQUIRE THE COMPTROLLER GENERAL OF THE
UNITED STATES TO ANALYZE CERTAIN LEGISLA-
TION IN ORDER TO PREVENT DUPLICATION OF
AN OVERLAP WITH EXISTING FEDERAL PROGRAMS,
OFFICES, AND INITIATIVES

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2183



SEPTEMBER 23, 2019.—Ordered to be printed

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TO REQUIRE THE COMPTROLLER GENERAL OF THE UNITED STATES TO ANALYZE CERTAIN LEGISLATION IN ORDER TO PREVENT DUPLICATION OF AN OVERLAP WITH EXISTING FEDERAL PROGRAMS, OFFICES, AND INITIATIVES

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Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2183]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2183) to require the Comptroller General of the United States to analyze certain legislation in order to prevent duplication of an overlap with existing Federal programs, offices, and initiatives, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 2183, the Duplication Scoring Act of 2019, is to help prevent duplication of and overlap with existing Federal programs, offices, and initiatives in proposed legislation. The legislation requires the Government Accountability Office (GAO) to review each committee-reported bill or joint resolution and determine if it is at risk of duplicating or overlapping with an existing program, office, or initiative previously identified in a GAO duplica-

tion, fragmentation, and overlap report. If it is determined that the bill or resolution is at risk of duplication or overlap, GAO is required to identify the name of the new feature, the section of the bill where it is established, and the GAO duplication report where the previous duplication was identified, to submit the information to the Congressional Budget Office (CBO) Director and the committee that reported the bill or resolution, and to publish the information to the GAO website. CBO may include the information as a supplement to its cost estimate when transmitted to the committee.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In 2010, Congress passed and the President signed into law the Statutory Pay-As-You-Go Act of 2010. Among other budgetary matters, the bill required the Comptroller General to provide an annual report to Congress identifying programs, agencies, offices, and initiatives with duplicative goals and activities, the cost of such duplication, and recommendations for consolidation or elimination.¹ In the first eight annual reports issued from 2011 to 2018, GAO recommended more than 800 actions to Congress or Executive Branch agencies to reduce or eliminate duplication and overlap, save costs, and enhance revenue.²

According to GAO, Congress and Executive Branch agencies have partially or fully addressed 621 of those recommendations resulting in \$262 billion in financial benefits.³ GAO also estimates that by fully implementing the remaining open recommendations, tens of billions more dollars could be saved.⁴

On May 21, 2019, Comptroller General Gene Dodaro appeared before the Committee on Homeland Security and Governmental Affairs Subcommittee on Federal Spending Oversight and Emergency Management to review GAO's 2019 duplication, fragmentation, and overlap report and discuss opportunities to reduce overlap and achieve cost savings for the Federal Government.⁵ During the hearing, an exchange occurred between Subcommittee Chairman Rand Paul and Comptroller General Dodaro about preventing duplication and overlap in the Federal Government from existing in the first place.⁶ Senator Paul suggested that, given the amount of programmatic information GAO has accumulated over the past eight duplication reports, they work with CBO to review bills that have been reported by committees and report to Congress if they are duplicative of another element in the Federal Government. Comptroller General Dodaro affirmed that this would be a worthy objective to help prevent the creation of new programs that already exist.⁷

¹ Statutory Pay-As-You-Go Act of 2010, Pub. L. No. 111-139, 124 Stat. 8.

² *Government Efficiency and Effectiveness: Hearing Before Subcomm. on Fed. Spending Oversight and Emergency Mgmt. of the S. Comm. on Homeland Sec. and Governmental Affairs*, 116th Cong. (2019) (statement of Gene L. Dodaro, Comptroller General of the United States).

³ *Id.* at 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* (statements of Sen. Rand Paul, Chairman, Subcomm. on Fed. Spending Oversight and Emergency Mgmt. and Gene L. Dodaro, Comptroller General of the United States).

⁷ *Id.*

III. LEGISLATIVE HISTORY

Senators Rand Paul (R-KY), Margaret Wood Hassan (D-NH), and James Lankford (R-OK) introduced S. 2183 on July 18, 2019. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2183 at a business meeting on July 24, 2019. Senator Paul offered an amendment to change the title of the bill. Senators Peters and Paul also offered an amendment to clarify that GAO should use a risk-based approach in its analysis, conduct analyses to the extent practicable, and submit its analysis directly to the committee, and that the CBO Director may include this information as a supplement to CBO's cost estimate.

The Committee ordered the bill as modified by the Paul and Peters-Paul amendments reported favorably *en bloc* by voice vote with Senators Johnson, Portman, Paul, Lankford, Romney, Scott, Enzi, Hawley, Peters, Carper, Hassan, Sinema, and Rosen present. Consistent with Committee rules, the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section gives the bill the short title as the “Duplication Scoring Act of 2019.”

Section 2. Assessments of reported bills by GAO

Section 2 adds a new subsection (i) to Section 719 of title 31, United States Code. Subsection (i)(1) defines “covered bill or joint resolution,” “Director,” “existing duplicative or overlapping feature,” “GAO duplication and overlap report,” and “new duplicative or overlapping feature.”

Subsection (i)(2) paragraph (A) requires the Comptroller General, to the extent practicable, to determine whether each committee reported bill or joint resolution is at risk of creating a new program, office, or initiative that is duplicative of or overlaps with an element of the Federal government previously identified in a GAO duplication report. If it is determined that the bill or resolution is at risk of duplication or overlap, the Comptroller General is required to identify the name of the new program, office, or initiative, the section of the bill where it is established, and the GAO duplication report where the duplication was identified, to submit the information to the CBO Director and the committee that reported the bill or resolution, and to publish the information to the GAO website.

Subsection (i)(2) paragraph (B) allows the Director to submit the information provided by the Comptroller General as a supplement to its cost estimate for the bill or resolution.

Subsection (i)(3) specifies that if GAO has not submitted the information to the Director by the date the cost estimate is submitted to the Committee, the Director would be allowed to submit the information as a supplement to the cost estimate once it is received.

Section 3. Effective date

This section establishes the effective date as the earlier of: (1) 60 days after OMB issues the agency program inventory list required

under section 1122(a) of Title 31; or (2) the start of a new Congress that is one year after the date of enactment.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 6, 2019.

Hon. RON JOHNSON, *Chairman,*
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2183, the Duplication Scoring Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 2183, Duplication Scoring Act of 2019			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 24, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	2	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 2183 would require the Government Accountability Office (GAO) to review all legislation that has been reported by any Congressional committee to determine if that legislation includes programs that would duplicate or overlap with programs that GAO has identified in its annual reports on duplicative and overlapping

programs. The bill also would require GAO to post this information on its website and to provide the information to CBO. In recent years GAO has prepared annual reports for the Congress on federal programs that it has determined are duplicative or overlapping. In addition, CBO reviews all bills ordered reported by a Congressional committee as part of our statutory requirement to provide cost estimates of those bills. Thus, under the bill GAO would overlap some of CBO's statutory requirements.

Over the last 10 years CBO has reviewed, on average, about 650 bills a year that have been ordered reported by a Congressional authorizing committee. On that basis and using information from CBO and GAO about the number of people needed for GAO to also review those bills, CBO estimates that the additional work under S. 2183 would in total cost GAO and CBO less than \$500,000 annually and \$2 million over the 2020–2024 period. Any additional spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2183 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

TITLE 31

* * * * *

Subtitle I—General

* * * * *

CHAPTER 7—GOVERNMENT ACCOUNTABILITY OFFICE

* * * * *

Subchapter II—General Duties and Powers

* * * * *

SEC. 719. COMPTROLLER GENERAL REPORTS.

(a) * * *

* * * * *

(i)

(1) *In this subsection—*

(A) *the term ‘covered bill or joint resolution’ means a bill or joint resolution of a public character reported by an committee of Congress (including the Committee on Appropriations and the Committee on the Budget of either House);*

(B) *the term ‘Director’ means the Director of the Congressional Budget Office;*

(C) the term ‘existing duplicative or overlapping feature’ means an element of the Federal Government previously identified as an area of duplication, overlap, or fragmentation in a GAO duplication and overlap report;

(D) the term ‘GAO duplication and overlap report’ means each annual report prepared by the Comptroller General under section 21 of Public Law 111–139 (31 U.S.C. 712 note); and

(E) the term ‘new duplicative or overlapping feature’ means a new Federal program, office, or initiative created under a covered bill or joint resolution that would duplicate or overlap with an existing duplicative or overlapping feature.

(2) For each covered bill or joint resolution—

(A) the Comptroller General shall, to the extent practicable—

(i) determine the extent to which the covered bill or joint resolution creates a risk of a new duplicative or overlapping feature and, if the risk so warrants, identify—

(I) the name of the new Federal program, office, or initiative;

(II) the section of the covered bill or joint resolution at which the new duplicative or overlapping feature is established; and

(III) the GAO duplication and overlap report in which the existing duplicative or overlapping feature is identified; and

(ii) submit the information described in clause (i) to the Director and the committee that reported the covered bill or joint resolution; and

(iii) publish the information prepared under clause (i) on the website of the Government Accountability Office; and

(B) subject to paragraph (3), the Director may include the information submitted by the Comptroller General under subparagraph (A)(ii) as a supplement to the estimate for the covered bill or joint resolution to which the information pertains submitted by the Director under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653).

(3) If the Comptroller General has not submitted to the Director the information for a covered bill or joint resolution under paragraph (2)(A)(ii) on the date on which the Director submits the estimate for the covered bill or joint resolution to which the information pertains under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653), the Director may, on the date on which the Comptroller General submits the information to the Director, prepare and submit to each applicable committee the information as a supplement to the estimate for the covered bill or joint resolution.