

the amount and disposition of grant funds. This section would also make such records and related documents subject to audit and examination by representatives of the head of each grant agency and of the Comptroller General.

While the automatic termination provision of section 502 could easily be avoided by providing expiration dates for programs or by stating in legislation that the programs authorized are not subject to section 502, we are disturbed by the underlying philosophy of the provision. The mere existence of section 502 seems to suggest that, in the normal case, a Federal grant-in-aid program should not last for more than five years. Very few of the programs administered by this Department fit this generalization. At one extreme we have general support programs, such as public assistance, which represent commitments to assist States for an indefinite period of time, and at the other extreme we have demonstration programs which in many instances should and do last less than five years.

In between these extremes are programs of greatly varying periods of duration. Each case represents a judgment based on the purpose of the program, its maturity, and the likelihood of changes in circumstances which would require review of the program. This program-by-program method is a far more rational approach to the matter of terminating and reviewing programs than would be the five-year generalization implicit in section 502.

While we favor periodic review of programs—the objective of section 503—we believe that this objective can best be fulfilled through strengthening and extending existing Congressional and Executive methods of evaluating grants and reaching decisions to terminate, modify or expand them. Department of Health, Education, and Welfare grants are, in effect, reviewed by Congress through several methods: the consideration of amendments to authorizing legislation frequently requires a fresh look at the basic laws; the budgeting and appropriation process provides an annual mechanism for the evaluation of the cost, efficiency, and performance of programs. Advisory councils charged with the comprehensive evaluation of programs have been established by Congress for several major programs.

An alternative to automatic termination of programs which we recommend (and which is included in the Administration's higher education proposals) would be a provision that would authorize appropriations for one additional year if legislation to extend a limited program has neither been enacted nor rejected by the beginning of the final year of the program's authorization. Such a provision would encourage Congressional review of grant-in-aid programs at least one year in advance of expiration of program authority. Such a review would be further encouraged by provisions like the new advance funding and lead-time provisions enacted by P.L. 90-247 for the Elementary and Secondary Education Act which require the Department to submit to the substantive and Appropriation Committees an annual evaluation report, and a comprehensive evaluation report in the penultimate year before expiration of the program. (Similar provisions are included in the pending Administration bill on higher education.) In addition, Congress not infrequently requires special studies and reports on programs.

No single method and no single time table is adequate to review all the grant programs of the Department of Health, Education, and Welfare. This is so because of the persistency and complexity of the problems to be combated, the many different types of programs operated by the Department, the varying periods of time it takes new programs to get under way, the long-range commitments which must often be made by 50 State governments and hundreds of their subdivisions in order to participate effectively in the programs, and the length of time it takes to acquire meaningful experience at local, State, and national levels with respect to complex programs and major projects.

In addition, we should like to point out that the Comptroller General already appears to have adequate authority to review the legality of Federal expenditures. The amendment proposed by section 504 (and section 501) might inject him into questions of administration which are a fundamental responsibility of the Executive branch, and vesting such a function in the Comptroller General may well duplicate responsibilities of the Congressional committees. We should also like to point out that there is an important distinction between technical studies by the Advisory Commission on Intergovernmental Relations and recommendations. The members of the Commission who are in the Executive branch cannot be committed through such recommendations to provisions inconsistent with the development of legislation and budgetary programs through the regular Executive channels.