

H.R. 5766 vs. Texas Sunset Commission Act

On July 27, 2006, the House is scheduled to vote on the Government Efficiency Sunset Act (H.R. 5766) introduced by Rep. Tiahrt (R-TX). This bill is unlike any other previous sunset commission proposal and bears no resemblance to the few sunset commission laws that still exist in certain states. Some may mistakenly rely upon the Texas sunset commission process as a rationale for supporting H.R. 5766. *However, the federal sunset commission process under this bill differs considerably from the Texas Sunset Advisory Commission in several ways.*

- **Accountability to NO ONE.** The members of the federal commission are unelected and thus completely unaccountable to anyone. They have no incentive to represent the interests of the most vulnerable Americans. However, the Texas sunset commission includes five members of the senate and five members of the house, ensuring that the commission will be directly accountable to Texas state voters.
- **Can Work Behind Closed Doors.** Under H.R. 5766 the commission is permitted to make testimony and its findings public, but they are *not required* to do so. In direct contrast to H.R. 5766, the Texas commission is *required* to hold public hearings and to post notice in accordance with the “Open Meetings Act.” The commission also must present its findings at a regular legislative session, where the public can participate in the same way as with any other legislation.
- **Ignores constitutional requirements for checks and balances.** H.R. 5766 fails to adhere to the constitutionally required checks and balances between the executive and legislative branches. Under H.R. 5766 the President appoints the seven members of the commission. While the President would consult with Congress on some of the commission members, he is not bound by anyone’s recommendation. Conversely, the Texas Sunset Act clearly maintains appropriate checks and balances by requiring the Texas Lieutenant Governor and the Speaker of the House to choose the same number of members.
- **Puts EVERY agency and program at risk.** Under H.R. 5766 there is almost no Federal program or agency that is safe from elimination. This literally means that Social Security, Veterans’ Benefits, and Medicare are up for grabs. However, the Texas Sunset Act only applies to state agencies. Therefore, crucial state entitlement programs are safe from abolishment.
- **Limited possibility for debate at no amendments.** Under H.R. 5766 if a sunset commission recommends that a particular program or agency be dismantled, legislation to eliminate the agency or program would be fast-tracked through Congress with little debate and no opportunity for amendment. Conversely, the Texas Sunset Act places no limits on the possibility for debate or proposed amendments.
- **Allows for subjective evaluation of agencies or programs.** H.R. 5766 offers almost no guidance as to the criteria for evaluating agencies or programs. The evaluation process is quite the opposite under the Texas Act, which includes an extensive list of criteria for the commission to use for its review.
- **No coordination with relevant agencies.** Under H.R. 5766 the federal sunset commission will work alone – without any consultation from other oversight agencies. However, the Texas Sunset Act provides for coordination with several offices, including the State Auditor and Legislative Committees, to ensure efficiency and to assist in identifying the issues that may be best addressed by the sunset commission or another agency.