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Oversight Speech

Max S. Baucus

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Senator * or Department*:  BAUCUS

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Congress has a duty to legislate the laws our nation requires. It also has an obligation to oversee how the laws it passes are enforced and how the money it appropriates is spent by the various government agencies. Every committee and subcommittee of the Congress has oversight authority of some kind over certain areas of the Federal establishment. Regrettably, there are not enough oversight inquiries. As a result, most of the Federal government is immune to scrutiny for years at a time. In this kind of a climate, it is not surprising that waste and even fraud have flourished in the Federal government, especially in certain agencies, such as General Services Administration, The Small Business Administration, the Federal Maritime Commission, HUD and some areas of HEW and the Pentagon.

Just what is oversight? We should not mistake a simple hearing billed as an oversight exercise for the real thing. Too many times these hearings are simply meaningless exchanges of amenities and promises to do a better job. Often, little worthwhile emerges from them, and the agencies are free to do as they please for another year or two.

Real oversight means careful scrutiny of all internal documents, as well as budgets by the Congress. It means that the appropriate investigating or authorizing subcommittee communicates its intent to examine certain documents in an agency or having to do with a given program. Often an agency will resist such advances with great vigor. In one such recent case, my Judiciary Committee subcommittee approached the Commodity Futures Trading Commission with such an announced intent. We have received substantial numbers of complaints from wheat and other grain growers about commodities speculation at their expense. CFTC is supposed to police this industry to protect the public. It took us months to obtain access to documents. Eventually, the subcommittee had to issue a subpoena for the materials, and even had to go to court to have the subpoena enforced because of a challenge by one member of the CFTC. Now our investigation is continuing.

Once the right of the Congress to gain access to documents is established, and that right includes copying whatever documents are necessary for a hearing, the next step is the actually hard work of scrutiny and evaluation of the documents. This in turn may lead to other clues, that has in the past included fraud and worse.

Once all the documents have been examined, the staff reports its recommendations to the members of the subcommittee. In certain cases, it is decided to hold hearings into the findings of the investigative staff. This involves asking selected Federal employees at decision making levels to appear, be placed under oath, and answer questions in public about what has been discovered by the investigation. In this manner, there is an attempt to specifically hold to account those people in authority who are responsible for waste, inefficiency and worse. I emphasize that these hearings are invariably adversary proceedings, in which the Congress seeks to find out what has gone wrong, place blame and correct the situation, either through legislation or the removal of certain parties from authority or the changing of how a specific Federal undertaking operates.
I am convinced that if more such hearings were held, and in a no-nonsense manner, there
would certainly be much less waste and inefficiency. If money was withheld from appropriations
after oversight revealed waste, then it would serve as an example to the public. Congress should
not hesitate to surgically alter programs that are being mismanaged. My subcommittee found that
out when it held oversight hearings into GSA and the Office of Education's Aid to Developing
Institutions Program. We found poor contracting procedures, favoritism, a revolving door between
government and private industry and a variety of other evils that are found all too often in the
Federal establishment.

The public can and should demand that its representatives hold the agencies and their
programs to a strict standard of accountability on a regular basis. We know what is wrong with
the government. We know what to do about the situation. All we lack is the will to perform the
oversight in a vigorous manner.