

[COMMITTEE PRINT]

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CHANGES IN LAW TO ELMINATE WASTE, FRAUD, AND
ABUSE

JULY , 2003.—Approved by the Committee on Financial Services.

Mr. OXLEY, from the Committee on Financial Services, submitted
to the Committee on the Budget the following

R E P O R T

【together with

_____ VIEWS】

Pursuant to section 301 of the Conference Report to Accompany the Concurrent Resolution on the Budget for Fiscal Year 2004 (H.Con.Res. 95; H. Rept. 108-71), the Committee on Financial Services is transmitting herewith its findings on means of eliminating waste, fraud, and abuse in spending programs under the Committee's jurisdiction.

Section 301 of the resolution requires committees to "submit findings that identify changes in law within their jurisdictions that would achieve the specified level of savings through the elimination of waste, fraud, and abuse" in mandatory programs. Along with all committee chairmen, the Chairman of the full Committee announced his intention to meet the goals of section 301 with respect to all programs under the Committee's jurisdiction, not just mandatory programs.

UNLIQUIDATED OBLIGATIONS IN HOUSING PROGRAMS

On June 25, 2003, the Subcommittee on Oversight and Investigations held a hearing entitled, "Saving Taxpayer Money Through Sound Financial Management." The focus of this hearing was to identify current and quantifiable savings in appropriated funds under the Committee's jurisdiction which could be easily recaptured to meet the goals of the budget resolution. Upon a review of

the pertinent agencies, the Committee concluded that savings can be most readily identified in funds labeled as “unliquidated obligations.” Unliquidated obligations are funds that are appropriated and obligated for a function but, for a variety of reasons, never actually disbursed. By their nature, grant and subsidy programs and long-term contracts maintain a high level of unliquidated obligations at any given time. Through vigilant oversight of the status of individual grants, subsidies, and contracts, senior agency managers can recapture unliquidated obligations and either apply them for other purposes and reduce future appropriations, or deobligate them. The funds can be recaptured without any changes to program eligibility or any cuts to program functions or personnel.

Based on these criteria, the programs under the Committee’s jurisdiction which are most likely to have high levels of unliquidated obligations are the Section 8 and Section 236 rental assistance programs at HUD and the rural rental assistance program at the Rural Housing Service (RHS) of the Department of Agriculture. Committee staff, senior HUD and RHS officials, the Inspectors General of HUD and the Agriculture Department, and the GAO are collaborating to determine the amount of unliquidated obligations that could meet the goals in the budget resolution without changes to the programs.

Department of Housing and Urban Development

At the hearing, the Chief Financial Officer of the Department of Housing and Urban Development (HUD) testified on the level of unliquidated obligations at HUD. The Chief Financial Officer announced that for FY 2004 alone, over \$1.7 billion in previously appropriated and obligated funds most likely will not be used for the purposes appropriated. It has proposed to use these funds to lower (offset) what would have been the total cost of the HUD appropriations request in FY 2004 by this amount.

As of the end of May this year, HUD held \$108 billion dollars in unexpended appropriated funds, more than 3 times its requested appropriation for FY 2004. Of these balances, \$34 billion has yet to be awarded and obligated by HUD, primarily because Congress enacted the FY 2003 appropriations act in February of 2003.

The Chief Financial Officer also discussed the detailed measures that her office has undertaken to reduce unliquidated obligations and outstanding balances in other areas. For instance, since December 2001, total funds not committed to specific public housing authority modernization projects have fallen from \$3.4 billion to \$700 million as of March 31, 2003, meaning that the funds have been committed and spent more quickly.

With respect to the long-term outlook (FY 2004-2013), HUD currently has an additional \$40 billion in funds that are owed (mainly to landlords and multi-family project owners) that provide subsidized housing to millions of families across the country. It is not clear to what extent some of these funds will not be needed in the future. Originally, Congress appropriated the full cost of these rental subsidy programs based on a certain set of economic assumptions, such as inflation and wages of tenants. These may or may not bear out over the many years left on the contracts HUD has with the owners. Hence decisions on the amount of excess that

will be available have to be made on a year-by-year basis and can not be presumed ahead of time.

The Committee also requested and received a statement for the record from the Inspector General of HUD on his office's initiatives to detect and prevent waste, fraud, and abuse. The Inspector General stated that HUD is not recapturing unliquidated obligations and undisbursed contract authority in a timely manner.

Additionally, the Inspector General noted that HUD identified significant errors in the billings and payments processes, which also results in excess rental subsidy payments. The GAO now lists rental subsidy overpayments as one of the Department's high risk areas. While the amount attributable to fraud is unknown, the Department estimates losses linked to improper housing assistance payments to exceed one billion dollars annually. The OIG announced a new effort to detect and prevent fraud in housing assistance programs.

Department of Agriculture

The Under Secretary for Rural Development at the Department of Agriculture, a program also under the Committee's jurisdiction, also testified at the hearing on the level of unliquidated obligations in the Section 521 Rental Assistance Program. The Section 521 Program currently helps 264,000 households to maintain their rental residence by providing a subsidy to pay the difference between the basic rent for the apartment and up to 30 percent of an eligible tenant's income. The General Accounting Office is reviewing the Section 521 Program and has raised concerns about the unliquidated balances on the 20-year contracts and 5-year contracts on which rental assistance payments continue to be paid on units beyond the original terms.

The Office of Rural Development determined that there is \$737,000,000 outstanding on active contracts that were obligated between 1978 and 1998. These funds are only available for the current contracts or may be transferred to other units on existing contracts. At the hearing, the Chairwoman of the Oversight and Investigations Subcommittee announced that the Committee has asked the GAO to review the contracts in question and determine how much of the \$737 million outstanding can be deobligated through legal action or, if needed, legislation.

CONCLUSION

In its review of its programs, the Committee found that in one of its largest categories of spending—housing assistance programs—the agencies have significant unliquidated obligations which, if deobligated or otherwise recaptured, could result in significant savings without meaningful reductions in program services. This ensures that both the Department of Housing and Urban Development and the Department of Agriculture can continue to serve their customers while assisting in efforts to reduce the deficit.

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MINORITY, ADDITIONAL, OR DISSENTING VIEWS

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