

The Government Should Have an Expiration Date for Bureaucracy

Laws, systems, and regulations should not be absolute. They may be apt or effective for a certain period of time, but not necessarily forever. Some may even be ineffective from the time they're introduced, but because they don't have expiration dates on them, most continue to be practiced. They remain in force indefinitely until they are formally repealed, amended, or struck down by the court.

This creates a peculiar imbalance: creating a law can be relatively easy compared with removing one that has become outdated. Once a policy enters the legal system, it can obtain a kind of permanence that its original justification may not merit for all of time. Circumstances change, new evidence emerges, and the problems a law was designed to address may look entirely different years later—or, more dramatically, stigmas are gradually dropped and with them, so should harmful old laws. Yet, there is no comparable expiration system built into government bureaucracy. Policies, procedures, and administrative systems can persist long after the circumstances that produced them have rightfully disappeared.

The idea is not entirely novel. Sunset provisions . They have existed in American law for decades, though they have generally been used selectively rather than as a broad principle of governance. One of the clearest early examples came from the Congressional Budget and Impoundment Control Act of 1974, which established a sunset mechanism for congressional committees and required periodic review of federal programs. Later, sunset provisions became particularly associated with stable governments. For example, Colorado adopted a system in the 1970s requiring certain regulatory agencies to undergo periodic review and automatically terminate unless the legislature acted to continue them. Other states subsequently adopted similar approaches.

The logic behind these provisions is reflective of an older American legal tradition: government power is not meant to be permanent simply because it has once been authorized. The Constitution itself embodies a related principle through elections, term limits on certain offices, judicial review, and the separation of powers. These mechanisms force government institutions to periodically justify or reconsider the exercise of authority rather than allowing every decision to become irreversible.

There are many moments in American history when the need for temporary government powers became particularly apparent. During wartime and national emergencies, governments have repeatedly adopted extraordinary measures that seemed justified by the circumstances of the moment but became controversial when those circumstances changed. The Alien and Sedition Acts of 1798, for instance, contained provisions that expired after a specified period rather than remaining permanently in force. More than a century later, the Espionage Act and related wartime measures of World War I demonstrated how quickly emergency conditions could expand the government's ability to restrict speech and political activity. During World War

II, the internment of Japanese Americans under Executive Order 9066 provided an even more consequential example of extraordinary government authority being exercised under the justification of a national emergency.

The lesson from these episodes is not necessarily or solely that temporary government action is inherently wrong. Rather, it is that circumstances that justify an expansion of government power can change much faster than the legal system can adapt to accommodate them. A policy designed for an emergency may become increasingly redundant once the emergency fizzles out; a regulation created for an obsolete technology may become irrational when that technology is discontinued; and a law rooted in a social stigma may become cumulatively difficult to justify as public understanding shifts.

Therefore, sunset provisions offer one way of building that recognition directly into the law. Instead of assuming that governments should retain a policy until someone successfully changes or repeals it, the legal system could require certain policies to periodically prove that they still deserve to exist. In that sense, a sunset provision is more than an expiration date. It is a safeguard against the tendency of government institutions to preserve their own rules long after the reasons for creating them have disappeared.

Sources:

- <https://www.nationalreview.com/2015/06/every-law-should-have-expiration-date-tom-giovanetti/> - <https://www.investopedia.com/terms/s/sunsetprovision.asp>
- <https://www.archives.gov/milestone-documents/alien-and-sedition-acts>
- <https://www.ebsco.com/research-starters/military-history-and-science/analysis-espionage-act-1917>