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PAPERWORK REDUCTION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of S. 244, the Paperwork Reduction Act of 1995. This legislation was, this year as last year, reported out unanimously from the Committee on Governmental Affairs, reflecting the bipartisan efforts of Senators **Nunn**, Glenn, and myself.

The legislation reaffirms the fundamental purpose of the Paperwork Reduction Act of 1980--to reduce the paperwork burden imposed on the public by the Federal Government. But it does much more. It increases the scope of the act by 50 percent in overturning the Supreme Court's decision in *Dole v. United Steelworkers of America*. In that case the Supreme Court surprised many of us who had worked on fashioning this legislation by limiting OMB's authority to review Government collections of information only to those instances where the paperwork flowed from a private party to the Government and thus excluded instances where the Government requires information to be provided to another party.

By overturning the *Dole* case, all paperwork falls under the act and is thereby subject to review by the Office of Information and Regulatory Affairs.

Under the act, each agency--and the act covers all agencies, even independent agencies--must analyze each information collection for its need and its practical utility. All such information collections, even those of independent agencies, must be approved by OIRA before they become effective.

The legislation also authorizes appropriations for OIRA for 5 more years at \$8 million each year. OIRA is not only the hub of the wheel in enforcing this act but has come to play a significant role in executing executive orders on the subject of regulatory review. As we work in committee to draft comprehensive regulatory reform legislation, it is clear that OIRA will have even a greater role. This authorization of greater appropriations is a very important provision.

The paperwork burden produced by Government's enormous appetite for information is an ever increasing problem. The fact that the problem is growing does not mean that the efforts under the Paperwork Reduction Act of 1980 have not been worthwhile. The problem would have been even worse without such efforts. The mechanism for reducing burdens cannot be faulted because Congress passes more laws that generate more paperwork.

Now, the legislation before us recognizes that an information collection may be problematic not only because the collection has no public utility but also because the collector may already have access to the information and need not bother our citizenry with a request for the same information. I applaud the efforts of GAO to underscore this simple truth by highlighting the [[Page S3505]] benefits of information resources management. This legislation effectuates the principle that information resources management and reduction of paperwork burden are two sides of the same coin. While some may view the two aspects as competing for scarce OIRA resources, that view is mistaken. The two aspects are inextricably linked.

This legislation enjoys widespread support among the business community, both big and small, as well as among State and local governments and the people, all who bear the burden of Federal Government paperwork collections. They all will be pleased to see that this legislation strengthens the paperwork reduction aspects of the act and that, in particular, it retains the direction of OIRA that it manage the paperwork burden on the public to achieve a 5-percent annual reduction.

Paperwork burdens, like other regulatory burdens, are a hidden tax on the American people--a tax without measure, a tax unrestricted by budgetary or constitutional limitations, but a tax no less real.

Government paperwork collections are a burden on the public. The legislation indicates an increased sensitivity to that fact by requiring each agency to develop a paperwork clearance process to review and solicit public comment on proposed information collections before submitting them to OMB for review. Public accountability is also strengthened through requirements for public disclosure of communications with OMB regarding information collections--with protections for whistleblowers complaining of unauthorized collections--and for OMB to review the status of any information collection upon public request. In combination with more general requirements, such as encouraging data sharing between the Federal Government and State and local and tribal governments, this legislation strives to further the goals of the act of minimizing government information collection burdens while maximizing the utility of government information.

With regard to the act's over-arching information resources management--IRM--policies, the legislation charges agency heads with the responsibility to carry out agency IRM activities to improve agency productivity, efficiency, and effectiveness. It makes program officials responsible and accountable for those information resources supporting their programs. The IRM mandate is strengthened by focusing on managing information resources in order to improve program performance, including the delivery of services to the public and the reduction of information collection burdens on the public.

With the Federal Government spending approximately \$25 billion a year on information technology, the stakes are too high not to press for the most efficient and effective management of information resources. With

such improvements in information resources management, the reduction of information collection burdens on the public and maximizing the utility of government information will not otherwise occur.

This legislation is not the final word on the very important subject of information technology. The committee will be fashioning legislation later this session to restructure and redesign the Federal Government for the 21st century. One essential aspect of a modern Federal Government is the effective use of information technology to better accomplish public missions at lower costs. We will be back.

Finally, I want to underscore a point to which Senators Glenn, **Nunn**, and I gave considerable attention. This legislation is a rewrite of the 1980 act. Its form is necessitated by the number of technical and other changes made. This form is in no way intended to start a new legislative history with the 1995 act. Rather, this legislation is only a pro tanto modification intended to carry on the legislative history of the 1980 act. The report, at page 3, makes this very same point. This is an important point. It should be noted by anyone interested in the legislative history that guides the interpretation of the Paperwork Reduction Act.

In closing, I wish to commend my colleagues, Senator Glenn and Senator **Nunn**, for their cooperation and patience in fashioning legislation on a very, very complex subject. This legislation, in my opinion, merits the full support of every Member.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. **NUNN**. Mr. President, today, the Senate turns to consideration of S. 244, the Paperwork Reduction Act of 1995. As the Senator from Delaware, my good friend, Senator Roth, has already explained, this bill reauthorizes appropriations for the Office of Information and Regulatory Affairs [OIRA] and it strengthens the Paperwork Reduction Act of 1980. This represents years of hard work which began in the 100th Congress.

S. 244 is substantially identical to S. 560, the Paperwork Reduction Act of 1994, which was approved by the Senate, not once but twice in the closing days of the last Congress. It passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, H.R. 2561, and returned to the House. Unfortunately, it was not cleared for action before the adjournment of the 103d Congress. The House of Representatives did not act on it.

Like S. 560 in the last Congress, S. 244 enjoys strong bipartisan support. Chairman Roth and Senator Glenn are both original cosponsors. Both have worked long and hard on this needed legislation to strengthen the Paperwork Reduction Act of 1980 and to reauthorize appropriations for OIRA. The crafting of a consensus bill in the last Congress was made possible by the skill and leadership of my friend from Ohio, Mr. Glenn, and my friend from Delaware, Mr. Roth.

Leading cosponsors of S. 244 also include the new chairman of the Committee on Small Business, Senator Kit Bond, and the committee's ranking Democratic member, Senator Bumpers. Former Chairman Bumpers and

successive ranking Republican members of the Committee on Small Business, including Senators Boschwitz, Kasten, and Pressler, have been original cosponsors of the predecessor legislation in the 101st and 102d Congress. The Committee on Small Business, of which I am a member as well as the Governmental Affairs Committee, has played a crucial supporting role in sustaining the effort to enact legislation to strengthen the 1980 act. Such support is not surprising since relief from paperwork and regulatory burdens is vital to the small business community. It has become a focus of activity for the Committee on Small Business, the Committee on Governmental Affairs, and several other committees in the Senate as well as their counterparts in the House of Representatives.

This year we are being joined by colleagues from both sides of the aisle, many of whom are present or former members of the Committee on Small Business as well as the Committee on Governmental Affairs. When introduced, S. 244 had 21 bipartisan cosponsors. My friend from Mississippi, Mr. Lott, was inadvertently omitted from the list. He should have been on the list when it was originally introduced.

Mr. President, I ask unanimous consent that Senator Lott be added to list of original cosponsors to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. **NUNN**. Further, Mr. President, I ask unanimous consent that the following Senators be added as additional cosponsors--Senator Stevens, Senator Akaka, Senator Grassley, Senator Thomas, Senator Cohen, Senator Thompson, Senator Rockefeller, and Senator D'Amato.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. **NUNN**. In this Congress, the House of Representatives is decidedly more receptive to this legislation. A modified version of S. 560 was included in H.R. 9, the Job Creation and Wage Enhancement Act of 1995, which includes many of the regulatory and paperwork relief provisions of the Republican Contract With America. Representative Bill Clinger, the new chairman of the House Committee on Government Reform and Oversight, the new name for the Committee on Government Operations, was the principal Republican cosponsor to H.R. 2995, the House companion to S. 560 in the last Congress. So he has been working on this a long time. In this Congress, he introduced H.R. 830, the Paperwork Reduction Act of 1995, with Representative Norm Sisisky as the principal Democratic cosponsor.

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I might add Representative Sisisky has worked on this legislation for several years with me, including trying last year to get this legislation through the House in the last couple of weeks of the session. On February 22, the House passed H.R. 830 by a rollcall vote of 418-0.

Like the reported version of S. 560 in the last Congress, S. 244 has the support of the Clinton administration. During testimony before the House Small Business Committee on Friday, January 27, Sally Katzen, Administrator of the Office of Information and Regulatory Affairs,

stated the administration's support for S. 244.

The Paperwork Reduction Act of 1995 enjoys strong support from the business community, especially the small business committee. It has the support of a broad Paperwork Reduction Act coalition, representing virtually every segment of the business community. Participating in the coalition are the major national small business associations--the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU], as well as the many specialized national small business associations, like the American Subcontractors Association, that comprise the membership of SBLC or NSBU. Other participants represent manufacturers aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services, and the wholesalers and distributors who support them.

Leadership for the coalition is being provided by the Council on Regulatory and Information Management, known as C-RIM and by the U.S Chamber of Commerce. C-RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for more than a half century. While he was C-RIM's executive director, Bob Coakley worked tirelessly on advancing this legislation. Bob came to C-RIM after many years of service to the Committee on Governmental Affairs, especially for our former colleague, Lawton Chiles, the father of the Paperwork Reduction Act of 1980, when he was in the Senate. Of course he is now Governor of Florida.

The coalition also includes a number of professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. These include the Association of Records Managers and Administrators [ARMA] and Citizens for a Sound Economy [CSE], to name but two very active coalition members.

Given the regulatory and paperwork burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the associations representing elected officials. As Governor of Florida, Lawton Chiles, has worked hard on this issue within the National Governors Association. During its 1994 annual meeting, the National Governors Association adopted a resolution in support of legislation to strengthen the Paperwork Reduction Act of 1980.

The principal purpose of the Paperwork Reduction Act of 1995 is to reaffirm and provide additional tools by which to attain the fundamental objective of the Paperwork Reduction Act of 1980--to minimize the Federal paperwork burdens imposed on individuals, businesses, especially small businesses, educational and nonprofit institutions, and State and local governments.

The Paperwork Reduction Act of 1995 provides a 5-year reauthorization of appropriations for the Office of Information and Regulatory Affairs [OIRA]. Created by the 1980 act, OIRA serves as the focal point at OMB for the Act's implementation. OIRA is also the

focal point for the regulatory review process, which is exercised under an Executive order. As the Congress undertakes its fundamental

changes to the Government processes for the formulation of regulations OIRA's role and its broad authorities under the Paperwork Reduction Act will be become even more obvious.

I would like to highlight just a few of the provisions of the bill. It reemphasizes the fundamental responsibilities of each Federal agency to minimize new paperwork burdens by thoroughly reviewing each proposed collection of information for need and practical utility, the act's fundamental standards--need and practical utility. The bill makes explicit the responsibility of each Federal agency to conduct this review itself, before submitting the proposed collection of information for public comment and clearance by OIRA in the Office of Management and Budget.

The bill before us reflects the provisions of S. 560 that further enhance public participation in the review of paperwork burdens, when they are first being proposed or when an agency is seeking to obtain approval to continue to use an existing paperwork requirement. Strengthening public participation is at the core of the 1980 act and is strengthened even further in this act.

The Paperwork Reduction Act of 1995 maintains the 1980 act's Governmentwide 5-percent goal for the reduction of paperwork burdens on the public. Given past experience, some question the effectiveness of such goals in producing net reductions in Governmentwide paperwork burdens. The Coalition believe that the bill should reflect individual agency goals as well. If seriously implemented, the proponents argue that such agency goals can become an effective restraint on the cumulative growth of Government-sponsored paperwork burdens. Although this provision is not in the bill before the committee today, I am hopeful that it will be strengthened in this manner before becoming law.

The bill includes amendments to the 1980 act which further empower members of the public to help police Federal agency compliance with the act. I would like to describe two of these provisions.

One provision would enable a member of the public to obtain a written determination from the OIRA Administrator regarding whether a federally sponsored paperwork requirement is in compliance with the act. If the agency paperwork requirement is found to be noncompliant, the Administrator is charged with taking appropriate remedial action. This provision is based upon a similar process added to the Office of Federal Procurement Policy Act in 1988.

The second provision encourages members of the public to identify paperwork requirements that have not been submitted for review and approval pursuant to the act's requirements. Although the act's public protection provisions explicitly shield the public from the imposition of any formal agency penalty for failing to comply with such an unapproved, or bootleg, paperwork requirement, individuals often feel compelled to comply. This is especially true when the individual has an ongoing relationship with the agency and that relationship accords the agency substantial discretion that could be used to redefine their future dealings. In other words, leverage. Under S. 244, a member of

the public can blow the whistle on such a bootleg paperwork requirement and be accorded the protection of anonymity.

Next, I would like to emphasize that the Paperwork Reduction Act of 1995 clarifies the 1980 act to make explicit that it applies to Government-sponsored third-party paperwork burdens. These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency. In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act.

That was contrary to the authors' original intent as has been often stated by the Governor of Florida, then-Senator Lawton Chiles.

The Court's decision in *Dole versus United Steelworkers of America* created a potentially vast loophole. The public could be denied the act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worthy of note that Lawton Chiles went to the trouble and expense of filing an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. Given the plain works of the statute, the Court decided otherwise. The bill makes explicit the act's coverage of all Government-sponsored paperwork burdens. Once this bill is enacted, we can feel confident that this major loophole

[[Page S3507]] will be closed. But given more than a decade of experience under the act, it is prudent to remain vigilant to additional efforts to restrict the act's reach and public protections.

The smart use of information by the Government, and its potential to minimize the burdens placed on the public, is a core concept of the 1980 act. The information resources management [IRM] provisions of the Paperwork Reduction Act of 1995 build upon the foundation laid more than a decade ago by our former colleague from Florida. These provisions of S. 244 are the major contribution of my friend from Ohio who has emphasized the potential of improved IRM policies to make Government more effective in serving the Public.

Mr. President, I would like to recognize the contributions of several staff members. First, David Plocher, counsel for Senator Glenn, who along with Tony Coe, an associate counsel in the Office of Senate Legislative Counsel, did much of the drafting. Next, I would like to recognize Frank Polk, the committee's Republican staff director, who assisted Senator Roth over the many years of effort that have gotten us to this point,

and also on my staff Rocky Rief and Matthew Sikes, who have been diligent in working on this legislation; and, finally, certainly not least and probably more than any other individual person, Bill Montalto, who has provided assistance to me as well as Chairman Bumper and the ranking Republican members of the Small Business Committee. In this and many other efforts Bill has served well many Members of the Senate, the Committee on Small Business, and indeed the entire small business community. For 13 years, Bill Montalto has served the Small Business Committee. Six years prior to that he was in the service of

the U.S. Army. He was there a lawyer and counsel and a logistics specialist.

I have had an opportunity to work with this remarkable public servant for all of those 13 years as he served the Small Business Committee. We have worked on a number of legislative initiatives, such as the mentor protegee program which is now functioning. On the Federal Acquisition Streamlining Act, Bill brought his expertise in the small business arena to bear in that legislation which was passed by the Armed Services Committee and the Governmental Affairs Committee, and helped initiate and further small business development centers that are operating all over the country. Bill was invaluable in his creation of the concept of developing that legislation. The SBA 504 program, no one knows more about that program than Bill, and the SBA Preferred Surety Bond Program and numerous others which have helped our small business community.

Bill will be leaving the Small Business Committee on the Senate side and my understanding is that he will be going to a key position on the Small Business Committee on the House side. So we will continue, hopefully, to benefit from his advice and his expertise and his dedication in all of these areas.

So to Bill Montalto I owe a special debt of gratitude today, and I am sure Senator Bumpers, who was chairman of the Small Business Committee now ranking Democrat, and others who have worked with him would echo my sentiments expressed here today. I am sure Senator Bond and others who have worked on this legislation, also, would certainly know that Bill has done a wonderful job here.

Mr. President, with those comments, I urge my colleagues to pass this legislation. I hope we can pass it today or certainly tomorrow. And I hope that we will be able to have a meeting of the minds with the House and send this bill to the President. It is long overdue. I think it will help begin to alleviate some of the crushing burden of paperwork for so much of our business community.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is with great pleasure that I rise in support of the Paperwork Reduction Act of 1995, S. 244. As an original cosponsor, I see this legislation playing a critical role in the broader initiative to minimize Government regulatory and paperwork burdens imposed at the Federal level.

I want to say a very special thanks to Chairman Roth for moving this bill through his committee. We have given his committee the great blessing of about two-thirds of the urgent legislation to be brought before the Senate. We thank him for moving this bill forward.

In addition, a very special thanks to the Senator from Georgia [Mr. **Nunn**] who has long been a champion of paperwork reduction who has worked long and hard. With his leadership we passed this several times in the Senate. As he indicated in his opening remarks, it now looks like we have a receptive majority in the House. I am hopeful that the

good work that those two friends, as well as the distinguished Senator from Ohio, Senator Glenn, have put in, along with Senator Bumpers, my predecessor, will bear fruit.

Small businesses are especially hard hit by excessive regulatory and paperwork burdens imposed by the Federal bureaucracy. Each time I return home to my State of Missouri, small business owners come up to me and say how the unnecessary burdens of Federal regulations are really crushing them. The Federal requirements too often force these hard-working men and women and small business owners to divert time, energy, and their resources away from productive activities, reducing the competitiveness of the business and impeding their growth.

As chairman of the Small Business Committee, I have had the opportunity to hear a lot from people around the country in the last few months. They are the ones who seem to be crying ``enough'' during last November's election. They have told us they are fed up with Government that is inefficient and wasteful. They want that to change. They are unhappy with the Government's failure to meet their expectations in carrying out its responsibility.

People want Government to work well. Basic governmental functions to insure we have clean water to drink, safe medicines to take, and safe food to eat are sought by all Americans. But they look at our Government today and see an institution that must be brought under control.

And it is not hard to understand their frustration. The paperwork burden imposed on Americans in 1993 totaled 6.6 billion hours. Small businesses alone spend 1 billion hours simply filling out Government paperwork at an annual cost of \$100 billion. Furthermore, Government regulation costs individuals and businesses more than \$500 billion annually or about \$5,000 per family. Just imagine the potential benefit to our economy if some of this valuable time could have been spent on product development or sales.

First, let me assure my colleagues that the Paperwork Reduction Act of 1995 will not impose new regulatory burdens on individuals and businesses. Under the Paperwork Reduction Act, we expect more from the agencies, not from the public. Whenever an agency imposes a paperwork requirement, it must estimate the total amount of time needed to fulfill the requirement. The burden is not merely how long it takes to complete the Government form, report or survey. A greater burden is likely to be the time necessary to understand the requirement, identify the information needed to respond, compile the data, and then submit it in the required format. It is likely the Government format is vastly different from how the small business owner maintains the data.

The Council on Regulation and Information Management [C-RIM], a group which has sought since 1942 to rationalize and minimize the Federal regulatory and paperwork reduction processes, believes that Federal agencies underestimate the total time burden imposed by their paperwork by nearly one-third. C-RIM believes the actual burden is closer to 10 billion hours, not the 6.6 billion claimed by Federal agencies. If you estimate compliance cost at \$50 per hour, the annual cost of federally imposed paperwork burdens totals \$500 billion.

As a nation, we cannot afford to continue to heap new paperwork and regulatory burdens on individuals and businesses. While recognizing that the total Federal paperwork burden has continued to grow, the Paperwork Reduction Act of 1980 has brought some successes. First, the 1980 act assures that the public will have an opportunity to comment upon proposed Federal paperwork burdens and to suggest [[Page S3508]] ways to collect necessary information in a less burdensome way. The Paperwork Reduction Act of 1995 strengthens participation by the public. Small businesses will have an opportunity earlier in the process to shed light on the practical business reality on a proposed paperwork requirement. In this bill, we are giving them opportunities to point out when nearly identical information is being collected by another Federal agency. In addition, small businesses will be able to comment on the timing of the submission of the data as well as the format.

Recently, the House of Representatives passed its version of the Paperwork Reduction Act of 1995. It is very appropriate that we in the Senate act on this important legislation today. This act is part of a broad down payment on the regulatory relief program we must pass if we expect Americans to maintain trust and respect in their Government

Another bill I hope we will consider soon is S. 350, the Regulatory Flexibility Amendments Act of 1995. Earlier this year, I introduced this bill to remove the prohibition against judicial review of agency compliance with the Regulatory Flexibility Act. The purpose of the Reg Flex Act is very simple. It rejects the notion that one size fits all under Government regulations. Under this act, Federal regulators must take into account the needs of small business in drafting new regulations.

The SBA Chief Counsel for Advocacy is charged with monitoring Federal agency compliance with the Reg Flex Act. Unfortunately, too often regulators in some Federal agencies give mere lipservice to the Reg Flex Act requirements, because the Reg Flex Act specifically prohibits judicial enforcement of the law's requirements. As a result, too many Federal regulators have ignored their responsibilities under the act, even when the Chief Counsel for Advocacy notifies the agencies of their failure to comply.

My bill is intended to encourage Federal agencies to comply with their reg flex obligations by permitting small businesses to go into Federal court to enforce compliance by an agency. The judge also will have the freedom to stay implementation of a regulation until the agency comes into compliance. On March 8, I will chair a hearing before the Senate Committee on Small Business to receive testimony from public and private witnesses on how to implement better the Reg Flex Act. It is my intention to review other administrative remedies to enforce the Reg Flex Act so new regulations are written correctly in the first place, so the need to challenge agencies in Federal court might be minimized.

Mr. President, when I first elected to the U.S. Senate, I did not realize so much of my time would be devoted to getting the Government

off the backs of individuals and small businesses. As the co-chair of the Senate Regulatory Relief Task Force, we have targeted for reform the 10 worst regulatory burdens. This move will help small businesses, who are the hardest hit by many of these burdensome regulations. We need to reinforce the notion that our Government should be a friend of small business. Government should not be an enemy of growth and new jobs. Unfortunately, today we find a regulatory environment that creates too many roadblocks that impede the growth of small business.

The Paperwork Reduction Act of 1995 is an important step toward bringing our Government under control. For our Government to demand paperwork requiring 10 billion hours per year to fill out is a sign that much work needs to be done to reach this goal. This bill will help move us in the right direction, and I urge to support its passage.

Mr. DOLE. Mr. President, today we begin consideration of S. 244, the Paperwork Reduction Act of 1995. This is a badly needed piece of legislation, and enjoys broad bipartisan support. Americans are drowning in paperwork and need relief now.

This legislation is an important part of our package of reforms to downsize Government; to get the Government off the backs of the American people. Together with regulatory reform and unfunded mandates legislation, paperwork reduction is an important step forward toward improving the lives of ordinary Americans by injecting some common sense into the requirements of the Federal Government on our citizens.

The Paperwork Reduction Act of 1995 strengthens the Paperwork Reduction Act of 1980 by setting a goal of reducing the paperwork burdens imposed by the Federal Government by 5 percent; clarifying that the act will apply to all Government-sponsored collections of information; and strengthening and improving both information technology management and information dissemination. These are reforms and improvements that are long overdue.

Mr. President, I have had many people, particularly those with small businesses, tell me that they would be willing to forgo some aspects of a Federal program that might benefit them if only they could be protected from unnecessary paperwork as well. As it is, the burdens involved are nothing more than a tax: a tax on our productivity. This costs America jobs. It deters those who would otherwise open businesses from doing so; and it is often the difference between a successful and a failing business.

The American people spoke clearly in last November's elections: ``rein in big government.'' They want and deserve a smaller and more responsive Government. They also want and deserve a system of Government that respects the intentions of the Founding Fathers as reflected in the 10th amendment to the Constitution: Those powers not delegated to the Federal Government are reserved to the people and to the States.

The 10th amendment is not merely an abstract point of political philosophy--it reflects the voice of experience by those who understand that Government works best when it governs least and when decisions are made at the level closest to the people. Decisions about what to require in the way of forms, justifications, documentation and

recordkeeping made in Washington, DC, often lack this sense of the practical limits on Government. Thus, what may seem perfectly reasonable to a bureaucrat in Washington, DC--who only deals with his or her specific program--is experienced by many Americans as an exercise in frustration, and often of harassment. When you multiply that one bureaucrat by the literally thousands of programs that seem reasonable in a vacuum, it does not take long to see that we have the recipe for disaster.

Mr. President, when everyone is in charge, no one is in charge. Thus we cannot absolve ourselves of the burdens caused by the executive branch that is, after all, attempting to carry out what it believes to be the dictates of Congress. Congress has an important role--indeed, an obligation--to exercise the kind of oversight that reins in the excesses of Government. S. 244 is an important step forward, and I urge my colleagues to support its passage.

Mr. GLENN. Mr. President, I am very happy that we are today one important step closer to reauthorization of the Paperwork Reduction Act. This law is essential to reducing the burdens of Government paperwork on the American people. The law is also key to improving the management of Federal Government information systems--this is essential because the Federal Government is now spending \$25 billion a year on information technology.

The bill we bring to the floor today is the product of several years of bipartisan effort. In fact, this bill is virtually identical to the bill passed by unanimous consent in October 1994. This year, I hope we can quickly go all the way and get the bill signed into law.

Our bill makes important improvements to the 1980 Paperwork Reduction Act. It strengthens the paperwork clearance process and information resources management--both in OMB and the agencies:

We reauthorize the act for 5 years;

We overturn the Dole versus United Steelworkers Supreme Court decision, so that information disclosure requirements are covered by the OMB paperwork clearance process;

We require agencies to evaluate paperwork proposals and solicit public comment on them before the proposals go to OMB for review;

We create additional opportunities for the public to participate in paperwork clearance and other information management decisions;

[[Page S3509]] We strengthen agency and OMB information resources management [IRM] requirements;

We establish information dissemination standards and require the development of a Government Information Locator Service [GILS] to ensure improved public access to Government information, especially that maintained in electronic format; and

We make other improvements in the areas of Government statistics, records management, computer security, and the management of information technology.

These are important reforms and improvements to the act. We should act on this legislation quickly.

Mr. NUNN. Mr. President, I ask unanimous consent that letters of support from the Paperwork Reduction Act Coalition and individual

member organizations may be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The Paperwork Reduction

Act Coalition,

March 2, 1995.

Hon. Sam **Nunn**,
U.S. Senate, Senate Office Building,
Washington, DC.

Dear Senator **Nunn**: The organizations comprising the steering committee of the Paperwork Reduction Act Coalition wish to express our strong and enthusiastic support for S. 244, the ``Paperwork Reduction Act of 1995.''

As you know, we have been steadfastly working for enactment of this legislation since 1989. This commitment stems from our belief that S. 244 will significantly strengthen the ability of the federal government to reduce the regulatory paperwork burden upon the private sector and the American public. Time and again it has been demonstrated that unnecessary regulatory costs hinder economic growth and retard job creation and retention. With as much as nine percent of the gross domestic product involved in meeting the federal government's information needs, it is imperative that a strengthened Paperwork Reduction Act be aggressively used to improve productivity, eliminate waste, and reduce the burdens upon businesses and taxpayers.

To illustrate the breadth of support for this legislation, we have attached a partial list of the members of the Paperwork Reduction Act Coalition. Their commitment to this issue is every bit as sincere as ours.

We came so close last Congress with passage of S. 560. Now that the House has passed its companion legislation, we have the opportunity to successfully bring this debate to a close. We look forward to helping you achieve that goal.

Sincerely,

Chamber of Commerce of the United States; Citizens for a Sound Economy, Council on Regulatory and Information Management; National Association of Manufacturers; National Federation of Independent Business; National Small Business United; Small Business Legislative Council; Aerospace Industries Association of America; Air Transport Association of America; Alliance of American Insurers; American Consulting Engineers Council; American Institute of Merchant Shipping; American Iron and Steel Institute; American Petroleum Institute.

American Subcontractors Association; American Telephone and

Telegraph; Associated Builders and Contractors; Associated Credit Bureaus; Associated General Contractors of America; Association of Manufacturing Technology; Association of Records Managers and Administrators; Automotive Parts and Accessories Association; Biscuit and Cracker Manufacturers' Association; Bristol Myers; Chamber of Commerce of the United States; Chemical Manufacturers Association; Chemical Specialties Manufacturers Association; Citizens Against Government Waste.

Citizens for a Sound Economy; Computer and Business Equipment Manufacturers Association; Contract Services Association of America; Copper and Brass Fabricators Council; Council on Regulatory and Information Management; Dairy and Food Industries Supply Association; Direct Selling Association; Eastman Kodak Company; Electronic Industries Association; Financial Executive Institute; Food Marketing Institute; Gadsby & Hannan; Gas Appliance Manufacturers Association; General Electric; Glaxo, Inc.; Greater Washington Board of Trade; Hardwood Plywood and Veneer Association.

Independent Bankers Association of America; International Business Machines; International Communication Industries Association; International Mass Retail Association; Kitchen Cabinet Manufacturers Association; Mail Advertising Service Association International; McDermott, Will & Emery; Motorola Government Electronics Group; National Association of Home Builders of the United States; National Association of Manufacturers; National Association of Plumbing-Heating-Cooling Contractors; National Association of the Remodeling Industry; National Association of Wholesalers-Distributors.

National Federation of Independent Business; National Food Brokers Association; National Food Processors Association; National Foundation for Consumer Credit; National Glass Association; National Restaurant Association; National Roofing Contractors Association; National Security Industrial Association; National Small Business United; National Society of Professional Engineers; National Society of Public Accountants; National Tooling and Machining Association; Northrop Corporation; Packaging Machinery Manufacturers Institute; Painting and Decorating Contractors of America.

Printing Industries of America; Professional Services Council; Shipbuilders Council of America; Small Business Legislative Council; Society for Marketing Professional Services; Sun Company, Inc.; Sunstrand Corporation; Texaco; United Technologies; Wholesale Florists and Florists Supplies of America.

Members of the Small Business Legislative Council.

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT--The Association of Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.

National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling
Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment
Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives
Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
[[Page S3510]] National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small
Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

National Federation of

Independent Business,

Washington, DC, March 1, 1995.

Cut Government Redtape and Excessive Paperwork--Support S. 244

Hon. Sam **Nunn**,
U.S. Senate, Washington, DC.

Dear Senator: On behalf of the more than 600,000 small business owners of NFIB, I am writing to express our strong support for S. 244, legislation to strengthen the Paperwork Reduction Act (PRA).

Small business is struggling to swim against the rising tide of regulatory paperwork required by the federal government. This flood of paperwork is overwhelming to small business owners and threatens their ability to survive and prosper. In fact, a recent NFIB Education Foundation survey found that the burden of federal regulation and paperwork was the fastest rising problem facing small business owners. Strengthening the PRA is essential to the livelihood of small business in America.

If you want entrepreneurs in your state to spend less time filling out forms and more time creating jobs then vote YES on S. 244. Final passage of S. 244 will be a Key Small Business Vote for the 104th Congress.

Sincerely.

John J. Motley III,

Vice President,

Federal Governmental Relations.

Chamber of Commerce of the United States of America,
Washington, DC, March 2, 1995.

To Members of the United States Senate:

The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 72 American Chambers of Commerce abroad identified the need for federal paperwork reduction as its number three issue of greatest significance for the 104th Congress. Accordingly, I urge your strong support for S. 244, the ``Paperwork Reduction Act of 1995.''

Consider this:

Paperwork burdens carry a \$510 billion price tag annually for the American economy;

The American public spends 6.8 billion hours annually complying with federal paperwork mandates;

Businesses pay at least twice as much in paperwork costs than for corporate taxes;

Businesses (both small and large) carry more than 60 percent of the paperwork burden; and

The financial impact from paperwork burdens equals about nine percent of the Gross Domestic Product annually.

Clearly, this problem has reached gargantuan proportions and must be reversed. The ``Paperwork Reduction Act of 1995'' is essential to this goal. If enacted, S. 244 would provide for a stronger Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget to conduct centralized reviews of proposed and existing paperwork burdens. It also would provide for increased opportunities for the public to comment on proposed paperwork mandates and for realistic assessments of estimated reporting and recordkeeping. Significantly, S. 244 would reverse the 1990 Supreme Court decision in *Dole vs. United Steelworkers*, which had the effect of limiting OIRA's ability to oversee a substantial amount of the federally imposed paperwork burden, despite the intentions of the authors of the original Paperwork Reduction Act of 1980. Any information required to be disclosed to third parties (i.e., where the data is not provided directly to the government) would be subject to the paperwork review process. Finally, this legislation would prescribe specific goals for substantive reductions in the amount of federally required information.

Because information is the key to meeting many of the needs of society, we acknowledge the validity of appropriate reporting requirements. The business community--and particularly small businesses--do require, however, an information-collection process that is rational and reasonable, and that reflects the centrality of our role as job creators.

Again, please vote ``YES'' on S. 244, the ``Paperwork Reduction Act of 1995.''

Sincerely,

R. Bruce Josten.

Senior Vice President,
Membership Policy Group.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **NUNN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. **NUNN**. Mr. President, while we are waiting and working out, hopefully, the managers' amendment, I would like to speak briefly on

another subject, with the stipulation that if someone comes in, I will be glad to be interrupted.
