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and be issued soon. The EPA standards may be too low, or they may be too high, but EPA should establish revised standards before requiring local communities to spend large sums for compliance. Such expenditures on equipment of unknown benefit reduce the funds available for expenditures of known benefit.

H.R. 8117 extends the State exemption authority until January 1, 1984. Under the legislation I had originally proposed, the exemption authority would be extended until January 1, 1988. I view this provision in H.R. 8117 as an acceptable compromise and am pleased that it will become law before the end of this year. I deeply appreciate the swift consideration of this legislation by the committee and I thank these Senators involved.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8117) was ordered to a third reading, was read the third time, and passed.

## PAPERWORK REDUCTION ACT OF 1980

The Senate continued with the consideration of the bill.

Mr. CHILES. Mr. President, I yield to Senator DANFORTH, the ranking minority member on the subcommittee. I want to express my appreciation to him for his work and the work of his staff in holding hearings and for all of his efforts in the markup in regard to the paperwork bill.

Mr. DANFORTH. Mr. President, I reciprocate the kind comments made by the Senator from Florida. He has done a lot of work on this bill which I believe is going to have some significant effect on reducing the burden of the Federal paperwork on the American people.

Mr. President, I support S. 1411, the Paperwork Reduction Act of 1980. I was pleased to join Senator CHILES and Senator BENTSEN as an original cosponsor of this bill. Among my Republican colleagues who support this legislation, I am pleased to count Senator DOLE, Senator LUGAR, Senator PERCY, Senator ROTH, Senator GARN, Senator COCHRAN, and Senator HEINZ as cosponsors. The push to enact this legislation is truly a bipartisan effort.

Mr. President, the need for this legislation is clear. Congress, with its propensity to enact new programs every year and the regulatory bureaucracy, with its propensity to regulate, have created demands for information that have cost the American people dearly. Back in the days when a prime money rate of 12 percent would have shocked the conscience, the Federal Paperwork Commission estimated that it cost \$100 billion a year to fill out and process Federal paperwork—\$500 for every man, woman, and child in this country I can only guess at the cost of Federal paperwork today, but it is a sure bet the cost has gone up.

In real terms, the cost of Government paperwork is a direct assault on American productivity, a hidden tax. The

time and money spent in the effort to comply with Government paperwork requests is time and money unavailable for other, more productive purposes. The dollars businesses spend on Government paperwork are dollars unavailable for research and development. The dollars hospitals spend on Government paperwork are dollars unavailable for improved health care services and medical research. The dollars State and local governments spend on Government paperwork are dollars unavailable for social services or—for that matter—dollars that could be turned back to the people in reduced taxes. But the time expended in complying with Government paperwork takes its toll in other ways as well. As small business counselor Dawn Larmer told me in hearings I chaired last year in St. Louis:

The main point is the drain on the businessman's time and energy. It's totally irreplaceable. Because his business is small, my client is personally involved in every audit, every report, every piece of paperwork. He's being unfairly burdened by every level of government. His entrepreneur's zeal just has to be zapped by that.

Businessman Charlie Roland's testimony was somewhat more blunt:

Once a year we have a voluminous paper that comes in from the Commerce Department. On the bottom of it, it says, "If you don't fill it out, you're going to get fined x number of dollars and maybe spend some time in jail. That's a horrendous thing to impose upon a businessman. I'd just frankly like to tell them to go hell."

This cost—the demoralization, frustration, aggravation, exasperation and despair that the American people feel when they confront Government paperwork—should not be discounted. It is real. And it affects more than the American business community. In those St. Louis hearings, Margaret Stroup, then director of the St. Louis County Department of Human Services, testified to what she described as the "hidden cost" of Government paperwork:

The last thing I'd like to mention, I didn't hear today, and I'd like you to think about, and that is, that I'm seeing another hidden cost in all of this. The people who are dealing in human services programs for the most part, went into the business because they cared, because they're concerned citizens, sensitive individuals who wanted to do something for their fellow man. They knew they weren't going to get much money in the program, so they had to have other motivations for going in. What happens, as they work their way through the system, is that slowly, I see an eroding of morale and motivation. I see them getting more concerned about filling in the forms properly, rather than making sure that South County's Mrs. Jones gets her house rehabilitated. And there are employee reviews, and their whole life then becomes centered around the ability to cope with this ream of paperwork that they must deal with daily. And any thoughts that they had early about going in to get help Mr. Jones, a senior citizen, get a rehabilitated house, get lost in making sure that Mrs. Jones' contractors fulfill all of the Davis-Bacon, et cetera, et cetera, et cetera. And after a while, there builds up a little bit of scar tissue and callousness with Mrs. Jones because of the paperwork has to be done. Now, that's not what the Department of Human Resources want to be about. And any change in the regulations and the forms, so

that we could be back to serving people, would be very much appreciated.

Time and money spent in the effort to comply with Government paperwork requests is time and money unavailable for other, more productive purposes. The dollars businesses spend on Government paperwork are dollars unavailable for research and development. The dollars hospitals spend on Government paperwork are dollars unavailable for improved health care services and medical research. The dollars State and local governments spend on Government paperwork are dollars unavailable for social services or—for that matter—dollars that could be turned back to the people in reduced taxes. But the time expended in complying with Government paperwork takes its toll in other ways as well. As small business counselor Dawn Larmer told me in hearings I chaired last year in St. Louis:

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the left hand to know what the right hand is doing. It should not be forgotten that one that one important goal of this legislation is to reduce the cost of Federal paperwork that is borne by the Federal Government itself—a cost estimated by the Federal Paperwork Commission at \$43 billion. The Federal information locator system should enable Federal agencies to determine if the information they want is already available elsewhere in the Federal Government, thereby eliminating duplicative information requests.

These three provisions, in my view, are the core of this legislation. However, for purposes of legislative history, I want to speak to a few additional questions which, in my view, merit discussion.

There has been some question raised whether this bill is intended to reach information requests put out by the Federal Government which impose no duty on the recipient to respond. It is. Although we are chiefly concerned about the burden imposed on the American people by paperwork they have no choice about answering, we are also concerned about paperwork that can freely wind up in the wastebasket—and often does.

Whether responses to a request for information are voluntary, required to obtain a benefit, or mandatory, no information request should ever go out unless and until there has been a determination that it is necessary. If it is not, necessary it is a waste of the taxpayer's money and, as often as not, an insult to the recipient. A case in point was recently called to my attention by the editor of the *Dunklin (Mo.) Daily Democrat*, in a recent editorial entitled "What Paperwork Victory?" I recommend it to the attention of my colleagues, the Secretary of the Department of Health and Human Services, and the Director of the Office of Management and Budget. And I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

## WHAT PAPERWORK VICTORY?

We confess some amusement, tinged with irony, at a statement released this week by U.S. Sen. John Danforth declaring, "Congress is one step closer to victory in the war against federal paperwork." The Missouri lawmaker was announcing the fact that the Senate Committee on Governmental Affairs is soon expected to report out the Chiles-Danforth bill to set controls on the "phenomenal number of federal forms that flood out of Washington," to use Danforth's own words.

Almost in the same mail, we received an example of one of those "phenomenal number of federal forms" the Senator is referring to. This particular one came from the National Institute on Alcohol Abuse and Alcoholism in the Alcohol, Drug Abuse and Mental Health Administration within the Public Health Service which is a part of the U.S. Department of Health and Human Services. Readers who may think we're joking about this particular federal agency should know that it is not only real but sending out information right and left, page after page of it, and that there really is such a title for an agency. By the time an employee of the agency identifies where and for whom he works, he must be exhausted.

This particular mailing had four separate parts: a cover letter, a questionnaire, an 8-page bulletin and an enclosed return envelope. The purpose of this particular mailing was to determine whether this newspaper wanted to continue to receive the agency's Information and Feature Service. To qualify for receipt, the newspaper was being asked to complete a page-long questionnaire, asking for a variety of information ranging from occupation to "organization setting" to major areas of interest.

We refer Sen. Danforth to this particular agency, whose title is too long to be repeated in this brief space, as one segment of the federal government which has yet to learn of the corrective forces of the Chiles-Danforth bill.

P.S.: We decided the agency's mailings weren't worth the trouble of the questionnaire.

Mr. DANFORTH. Such stories are common. Let me make it clear, therefore, that by this legislation we intend that Federal agencies and OMB intensely scrutinize all paperwork requests of the public. The fact that responses to a request for information are voluntary is no excuse for agency heads or OMB to let down their guard. Indeed it is such requests, as often as not, that fuel public suspicion—and rightfully so—about the waste of tax dollars.

This brings me, then, to another aspect of this legislation that, in my view, merits special notice. Section 3504(c)(3)(C) of the bill states that one of the Director's duties in reviewing paperwork requests will be to insure that they "contain a statement to inform the person receiving the request why the information is being collected (and) how it is to be used." This provision was added to the bill at my request. It seems to me that if the Federal Government is going to ask the American people to fill out a lot of forms, it ought to at least have the common decency to tell them why they are doing it. This does not have to be an exhaustive statement—but it should be of sufficient length to be informative. And—this should go without saying—it should be in plain English. I expect that the Director of the OMB will be diligent in policing this requirement. In my opinion, fewer forms will end up in wastebaskets if somebody takes the time to explain to the people getting them why they are needed. In addition, in the process of figuring out how to explain why a form should be answered, more than one Federal bureaucrat may discover that there really are not very good reasons—and abandon the effort.

It is important to recognize, however, that despite our intention that all Government paperwork be subject to review, the committee placed important limitations on that review. In certain areas, our concern with controlling the burden of Government paperwork was overshadowed by greater concerns.

For example, it should be clearly understood by everyone interested in this legislation that the authority of the Director of OMB to review proposed information collection requests applies only to collections of information conducted or sponsored by a Federal agency. Thus, research projects funded by a grant or cooperative agreement are not, under ordi-

nary circumstances, subject to the paperwork controls of this act. As the committee made clear in its report, the only circumstances under which collections of information are considered to be conducted or "sponsored" by a Federal agency are where:

First, the agency itself conducts the collection;

Second, the agency uses a procurement contract to obtain information by way of a contractor; or

Third, the terms and conditions of a grant or cooperative agreement specifically require that collections of information be subject to the clearance requirements of the act.

The Federal grant system is already a maze of redtape and regulations for the hapless recipient of Federal grants. Although we are concerned that recipients of Federal grants use public resources wisely and be sensitive to the burden which their requests for information may impose, we do not believe it advisable to subject grant recipients to paperwork reviews by OMB. I might add that, to my knowledge, this decision by the committee affirms current practice.

Other reservations in the bill derive from the committee's concern that, in our zeal to control paperwork, we not subvert other important governmental purposes. This bill is a paperwork bill—and its primary purpose is to minimize the burden of Federal paperwork on the American people. Where, for example, concerns were voiced that the bill might adversely affect Federal law enforcement, intelligence, or counterintelligence efforts, or national security or defense, the committee acted to limit paperwork reviews. Further, with respect to policy questions affecting the acquisition of telecommunications equipment, when concern was expressed that passage of this legislation would increase the powers of the Administrator of the General Services Administration to review agency acquisition policies under Public Law 89-306 (the Brooks Act) the committee, at the request of the administration, acted to expressly reject any such interpretation of this legislation. Call it what you want, this bill is a paperwork bill. It is concerned with information management. Period. Amendments accepted by the Senate today further clarify this issue.

If this legislation is to achieve its goal of reducing government paperwork, however, it is important to have the cooperation of the independent agencies. I use the term "cooperation" advisedly, for—despite the fact that we have brought the independent agencies back into the fold, subjecting them, once again to OMB review—we have given the independent agencies the very important power to void OMB directives.

Several members of the committee, myself among them, did not readily embrace the notion of giving independent agencies the power to override OMB decisions. Those of us who are troubled by the unaccountability of the regulatory bureaucracy were unhappy with the prospect of the override authority being

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used to subvert the purposes of this legislation. Nonetheless, we accepted the override as the necessary price for achieving OMB review of the paperwork put out by independent agencies. It is expected by those of us who support this legislation that this authority will be viewed by the agencies as a privilege and not a right—a safeguard against overreaching by OMB—a power of last resort to be used sparingly. In this regard, the independent agencies will be well advised to study the requirement set out in section 3507(c) that all overrides be certified to the Director, together with an explanation of the reasons for the override. Should the agencies prove incapable of adequate explanations for their use of the override, the Congress may find it advisable to reassess and more tightly define the authority—or do away with it altogether.

Finally, I want to discuss section 3512 of the bill, the "public protection" section. Much has been made of the rights this section provides persons who receive "bootleg" forms, forms which have not gone through the clearance process—but should have—and fail to carry an OMB control number. Section 3512 makes it clear that, after December 31, 1981, such information collection requests can be ignored by the people who get them. This should serve as an important deterrent to any thoughts agencies might have of cutting corners, and it is an important protection.

But it is important to recognize as well that section 3512 acts as an important limitation on the ability of any person to challenge the legitimacy of a request for information by resort to the Paperwork Reduction Act. The reforms to be effected by this bill are administrative reforms. If enforced conscientiously they should achieve a significant reduction in Federal paperwork burdens. But it is important to recognize that this goal is to be accomplished through administrative action.

We are not seeking to reduce paperwork by creating judicial remedies for people who want to challenge paperwork requests they receive from the Federal Government. Therefore, the report makes clear that the circumstances which entitle a person to ignore an information collection request under section 3512—that is, the absence of a current control number or the absence of a statement to the effect that the information collection request is not subject to the Paperwork Reduction Act—are "the only circumstances under which a person may justify the failure to maintain information for or provide information to any agency, when otherwise required, by reliance on this act."

Thus, as far as the Paperwork Reduction Act is concerned, the process of determining the validity of an information collection request is fairly cut and dried. As the report states:

If an information collection request displays a current control number or states that the request is not subject to this Act, it is valid for the purposes of this Act.

Lawsuits which seek to challenge the necessity or burden of information collection requests cannot therefore be

grounded on the provisions of this act.

Mr. President, that concludes my statement. I believe we have succeeded in writing legislation which holds great promise for reducing the burden of Federal paperwork. I have long believed that one of the most important tasks facing any President serious about controlling Government paperwork is the appointment of an OMB Director who has the determination and resolve to say "No" to paperwork demands by Federal agencies. This legislation gives the OMB Director that power. I hope it is used well.

Nonetheless, I caution my colleagues not to become so enamored of the reforms promised by this legislation as to forget our own responsibility to control Federal paperwork. The job of fighting Government regulation and the paperwork it brings begins here. Whatever accomplishments we may achieve today, we have miles to go before we sleep.

Mr. JAVITS. Mr. President, I applaud the purpose of this legislation, which is to permit the Federal Government to function in as efficient a manner as possible, while reducing the blizzard of paperwork that confronts our citizens. However, I have been concerned that the method used to accomplish this worthwhile goal—particularly the provision that all agency recordkeeping requirements be cleared by OMB—could be used to undermine substantive programs. For without adequate information on which to base its decisions, an agency cannot function.

The sponsors of this legislation have made very clear that nothing in the bill in any way affects OMB's authority over substantive policies and programs, including the enforcement of the civil rights laws. The bill itself so states, at section 3518(e). I believe this is the correct position.

However, the line between substance and procedure is not always entirely clear. While I do not believe OMB's authority over any program, whether it is worker safety or pure food and drugs, should be, or is, increased by this legislation, I particularly want to say a few words about civil rights programs. Civil rights programs, unlike many of the other programs covered by this bill, are grounded in fundamental constitutional rights. As such, they are entitled to every possible protection from political interference.

Further, many of these programs simply cannot be enforced without the collection of data. Even if the information requested may seem burdensome to some, its collection is especially important in the area of civil rights. I have no objection to OMB reviewing information requests from civil rights or any other agencies to assure that the information is collected in the least burdensome manner consistent with the statutory purpose, and is not duplicative. But I will not idly stand by if it appears that any substantive civil rights program is being sacrificed. I do not believe the bill permits this, and that is why I can support it. But I will be watching its implementation very carefully.

● Mr. BENTSEN. Mr. President, one of my main concerns since coming to the

Senate has been the costly burden imposed on American businesses and consumers by unnecessary and excessive Government paperwork and redtape. The paperwork burden threatens the very existence of small businesses whose owners are diverted from the necessary tasks of producing goods and serving customers.

I urge the Senate to approve S. 1411, which is an important step to bring Federal paperwork and the redtape monster under control.

At present, no one in the sprawling Federal bureaucracy has authority to curb and cut back on needless paperwork demands. This bill marks the first official Government recognition that paperwork and redtape impose a significant cost on businesses and consumers and divert resources from other productive uses.

The paperwork reduction bill we are voting on today is an important step at correcting this situation and I am pleased that we have made progress in providing the legislation that is needed to overhaul our paperwork procedures.

I want to thank my colleagues, Senator CHILES and Senator DANFORTH, for their good efforts on this bill and urge immediate adoption of this measure.

Mr. RANDOLPH. Mr. President, any move we make to improve the economy and efficiency of the Federal Government will be universally applauded by the American public. I believe that much of the so-called protest vote recorded on November 4 was not directed at any individual, or any party, but at the proliferation of rules and regulations and multiplicity of forms and directives which are inundating the private sector. This paperwork blizzard is not only costing billions of dollars, but it is increasingly invading the private lives of individuals and impinging on their rights and liberties.

We could recite horror stories of runaway redtape for hours and even days, but it would only add to the paperwork burden of this Record. I confine my comments to only one recent example. Last summer the Office of Management and Budget imposed complex new accounting rules for federally sponsored research carried out on university campuses. One of these regulations dealt with procedures by which universities must keep track of time and effort of their professors, to keep track of research activities the Government is paying for. One major university estimates that this will increase the number of reports it must send to Washington from 3,000 to 80,000 a year.

Mr. President, this is important legislation which I wholeheartedly cosponsor. And I further commend the able Senator from Florida (Mr. CHILES) for his leadership in this legislation. I urge my colleagues to join in helping to make the word "bureaucracy" respectable again.

Mr. CHILES. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

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The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1411) was passed.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DANFORTH. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 6410, which is the companion paper-work reduction bill; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, and that in lieu thereof the Senate bill, S. 1411, which had passed the Senate today, be inserted; that the bill H.R. 6410 be advanced to third reading, passed, and the motion to reconsider laid on the table, and the bill S. 1411 be indefinitely postponed.

Mr. STEVENS. It is my understanding that what this does is to substitute the House bill for the bill already passed, and we will send the Senate version of that bill to conference. I think the action is warranted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## SAFETY AND HEALTH IN SKIING

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 43.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 43) entitled "An Act to promote safety and health in skiing and other outdoor winter recreational activities", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

## CHARTER

SECTION 1. National Ski Patrol System, Incorporated, a corporation organized under the laws of the States of New York and Colorado is hereby recognized as such and granted a Federal charter.

## POWERS

SEC. 2. National Ski Patrol System, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the States where it is incorporated.

## OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to promote, in any and all ways, patriotic, scientific, educational and civic improvement activities, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose

of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

## SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

## MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws of the corporation.

## BOARD OF DIRECTORS: COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

## OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be the same as is provided for in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

## RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

## LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

## BOOKS AND RECORDS: INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

## AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(51) National Ski Patrol System, Incorporated".

## ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

## RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

## DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

## TAX EXEMPT STATUS

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such status, the charter granted hereby shall expire.

● Mr. HATCH. Mr. President, I am gratified that the National Ski Patrol System Recognition Act is about to become public law, having been fully considered and approved by both Houses of Congress. The road to reach this point has been long, primarily because of the special nature of Federal charters. Congress has rightly guarded these privileges so that they and the organizations which have earned the honor of holding one are not devalued.

I share the view that charters should not be issued indiscriminately. While there are thousands of worthy organizations which may benefit from the prestige of holding a congressional charter, not all of these can meet the standards established by the Judiciary Committees of the House and Senate and the intent of Congress implied by these guidelines.

I do not begrudge my colleagues the time they have spent examining the National Ski Patrol System, its purposes, achievements, and cooperative relationships with other public service organizations, including the U.S. Government. This is a necessary part of evaluation and I encourage similar scrutiny of subsequent petitions to Congress from other organizations.

I also encourage organizations seeking a charter to be fully prepared to show specifically how they meet the standards for Federal charters and how they plan to assist the public.

I am delighted, however, that the National Ski Patrol System and its 23,000 members nationwide will be so honored by the 96th Congress. These men and women have been unselfish in their devotion to public safety both on and off the ski slopes. Their effectiveness in rendering emergency first aid and search and rescue services has been well documented by physicians, nurses, and hospitals in cases of automobile accidents, drownings, heart attacks, and choking as well as in skiing and winter sports accidents. In view of this service, a charter is an appropriate form of congressional recognition.

Mr. President, there have been many people who have tirelessly helped in getting this measure through both Houses of Congress and I would like to express my public appreciation to them. In the Sen-

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LINGS, Mr. CHILES, Mr. BIDEN, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. EXON, Mr. BELLMON, Mr. DOMENICI, Mr. ARMSTRONG, and Mr. PACKWOOD conferees on the part of the Senate.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 119 be indefinitely postponed.

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

Mr. BAKER. Mr. President, when the Senate convened for this lameduck session a few days ago, I indicated I would prefer not to consider a budget resolution in this session. It was equally clear that notwithstanding that, we will not be able to conclude this appropriations process in the few days remaining to us in this session. A continuing resolution will be necessary to tide us over until the bills can be considered by the new Congress in January. The necessity to pass a budget resolution appears to be compelling.

In view of this, it originally seemed preferable to me to hold the budget resolution over until next year. But, I have been persuaded by the distinguished Senator from New Mexico (Mr. DOMENICI), who will assume the chairmanship of the Budget Committee in January, by the distinguished Senator from Oklahoma (Mr. BELLMON), the outgoing ranking member of the committee, and by others that we would be better served by preserving the integrity of the budget process through the passage of the resolution before we adjourn sine die.

It is for this reason that I voted for final passage of this budget resolution, and encouraged others to do so, as well.

But this is certainly not a final budget in any sense of the word. At best, it is but an interim resolution which will inevitably be amended or alternatively, superceded by a third concurrent resolution.

And such revision is undoubtedly necessary. We must bring swollen spending levels back in line with the numbers assumed by the second concurrent resolution. The need to control Federal expenditures and the rate of that Federal spending, as well as to enforce the requirements of reconciliation, is undeniable.

I would like to commend the outgoing ranking member of the Budget Committee, my good friend, Senator HENRY BELLMON. I know that all of us in this Chamber are saddened by his pending departure from our ranks. HENRY BELLMON has served his State, his Senate, and his Nation with excellence and great honor for the past 12 years. He will be sorely missed in these Halls.

I would also like to congratulate the incoming chairman of the committee, also a good friend, Senator PETE DOMENICI. I am certain he will become an extraordinary and splendid chairman. I pledge him my complete cooperation.

Finally, Mr. President, I would be remiss if I failed to make mention of the outstanding contributions to both our budget process and the Senate as a whole of the current chairman of the Budget Committee, the distinguished Senator from South Carolina (Mr.

HOLLINGS) and his predecessor at that committee, our former colleague and our current distinguished Secretary of State, Ed Muskie.

Their stewardship of this critical committee, through a difficult and often tempestuous time, has been nothing less than exemplary. They are to be commended.

#### ORDER FOR RECESS UNTIL 10 A.M. NOVEMBER 20, 10 A.M. NOVEMBER 21, AND 12 NOON NOVEMBER 24

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 o'clock tomorrow morning.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until the hour of 10 o'clock Friday morning.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday it convene at 12 noon following the recess.

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

#### ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I will not ask consent until Mr. BAKER or someone representing him is here, but I would like to go to the paperwork bill. I suggest the absence of a quorum with the understanding that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the paperwork reduction bill, S. 1411, Calendar Order No. 1015, with the understanding that no nongermane amendments be in order.

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

Mr. BAKER. Mr. President, would the majority leader be willing to vacate that for one brief moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I previously advised the majority leader that I was agreeable to that and am now told that we have one more notation on our calendar that may take just a few moments to clear.

Mr. ROBERT C. BYRD. All right.

Mr. President, I temporarily withhold my request and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PAPERWORK REDUCTION ACT OF 1980

Mr. GOLDWATER. Mr. President, sometime ago, when S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management and for other purposes, came on the calendar, I raised an objection. My objection pertained only to intelligence.

The Senator from Florida has informed me that, since that time, he has worked this out with intelligence; and because I was in the hospital at the time, I was not told of it, and I apologize for not having been aware of it. My staff tells me that, so far as intelligence is concerned, it is now all right.

However, and this does not come under my purview, because I am not chairman of the Armed Services Committee—the Secretary of Air has complained about some aspects of the bill only in the last few days.

I will withdraw my objection, and I do not believe Senator Tower or Senator STENNIS have entered an objection, so I imagine that it is all right to go ahead with the matter, unless the Armed Services Committee might hold an objection about which I do not know.

Mr. CHILES. I thank the distinguished Senator from Arizona.

I had tried to work it out, and I am sorry if I was excited when I talked with the Senator. I thought we had worked out those areas.

Senator JACKSON is coming to the Chamber with some amendments concerning the armed services aspects of the act in addition to intelligence, and we are going to take those amendments.

Mr. GOLDWATER. There is no objection of which I know.

Mr. CHILES. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arizona (Mr. GOLDWATER).

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered.

#### BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration Calendar Order No. 1074, Senate Resolution 516, the budget waiver with respect to the paperwork reduction bill.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, it is my privilege now to advise the

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distinguished majority leader and the majority manager of this bill, the Senator from Florida, that all the objections on this side to the paperwork bill have been cleared and we will have no objection to the request and, of course, that extends necessarily to the consideration of the budget waiver just identified by the majority leader.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 516) waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 1411.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 516) was agreed to, as follows:

## S. RES. 516

*Resolved*, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1411. Such waiver is necessary because provisions of S. 1411 establish a goal to reduce the burden of Federal paperwork requirements on the public by 25 per centum in three years, which would be difficult to accomplish if the small amount of resources required in fiscal 1981 were not available to the Office of Information and Regulatory Affairs. Reductions in paperwork for all sectors of the economy are expected to reduce inflationary pressures. The committee regrets it was unable, due to the lengthy consideration of regulatory reform and lobbying reform to meet the May 15 date for the Paperwork Reduction Act. The committee believes the potential savings and reduced inflation due to reduced paperwork burden should not be foreclosed. The committee's letter to the Budget Committee pursuant to the requirements of section 301(c) of the Congressional Budget Act of 1974 did discuss S. 1411, the Paperwork Reduction Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## PAPERWORK REDUCTION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I renew my previous request that the Senate proceed to the consideration of Calendar Order No. 1015, S. 1411, with the proviso that no nongermane amendments be in order.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk read as follows:

A bill (S. 1411) to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Paperwork Reduction Act of 1980".

Sec. 2. (a) Chapter 35 of title 44, United States Code, is amended to read as follows: "CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.

"3501. Purpose.

"3502. Definitions.

"3503. Office of Information and Regulatory Affairs.

"3504. Authority and functions of Director.

"3505. Assignment of tasks and deadlines.

"3506. Federal agency responsibilities.

"3507. Public information collection activities—submission to Director; approval and delegation.

"3508. Determination of necessity for information; hearing.

"3509. Designation of central collection agency.

"3510. Cooperation of agencies in making information available.

"3511. Establishment and operation of Federal Information Locator System.

"3512. Public protection.

"3513. Director review of agency activities; reporting; agency response.

"3514. Responsiveness to Congress.

"3515. Administrative powers.

"3516. Rules and regulations.

"3517. Consultation with other agencies and the public.

"3518. Effect on existing laws and regulations.

"3519. Access to information.

"3520. Authorization of appropriations.

"§ 3501. Purpose

"The purpose of this chapter is—

"(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

"(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

"(3) to maximize the usefulness of information collected by the Federal Government;

"(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) to ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to the Federal Government; and

"(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency,

but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

"(3) the term 'collection of information' means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.

"(4) the term 'data element' means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

"(5) the term 'data element dictionary' means a system containing common definitions and cross references for commonly used data elements;

"(6) the term 'data profile' means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a list of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

"(7) the term 'Director' means the Director of the Office of Management and Budget;

"(8) the term 'directory of information resources' means a catalog of information collection requests, containing a data profile for each request;

"(9) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(10) the term 'information collection request' means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, or other similar method calling for the collection of information;

"(11) the term 'information referral service' means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

"(12) the term 'information systems' means management information systems;

"(13) the term 'person' means an individ-

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ual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(14) the term 'practical utility' means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion;

"(15) the term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records; and

"(16) the term 'telecommunications' equipment, technology, functions, activities, or needs means the equipment, technology, functions, activities, or needs used solely for (A) the 'collection of information' as defined in subsection (3) of this section, or (B) the processing, storage, and transmission of such collected information.

#### "§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Associate Director, who shall be appointed by and shall report directly to the Director. The Associate Director shall serve as principal adviser to the Director on Federal information policy. The Director may delegate to the Associate Director functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Director may not delegate any function under this chapter to any other officer or employee of the Office of Management and Budget except the Associate Director.

#### "§ 3504. Authority and functions of Director

"(a) The Director shall provide overall direction in the development and implementation of Federal information policies, principles, standards, and guidelines, including direction over the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include—

"(1) establishing uniform information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

"(2) initiating and receiving proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

"(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

"(c) The information collection request clearance and other paperwork control functions of the Director shall include—

"(1) reviewing and approving information collection requests proposed by agencies;

"(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests—

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

"(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

"(5) setting goals for reduction of the burdens of Federal information collection requests;

"(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

"(7) designating and operating, in accordance with section 3511, the Federal Information Locator System.

"(d) The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) overseeing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.

"(e) The records management functions of the Director shall include—

"(1) providing advice and assistance to the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;

"(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and

"(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

"(f) The privacy functions of the Director shall include—

"(1) establishing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by agencies;

"(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

"(3) monitoring compliance with section

552a of title 5, United States Code, and related information management laws.

"(g) The Federal automatic data processing and telecommunications functions of the Director shall include—

"(1) establishing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949;

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(g) of such Act;

"(3) providing advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing and telecommunications equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made therein.

"(h) The Director shall, subject to section 3507(c) of this chapter, ensure that, in developing rules and regulations, agencies—

"(1) utilize efficient means in the collection, use, and dissemination of information;

"(2) provide an early and meaningful opportunity for the public to comment on proposed means for collection of information; and

"(3) assess the consequences of alternative means for the collection, use, and dissemination of information.

#### "§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) upon enactment of this Act—

"(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

"(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

"(2) within one year after the effective date of this Act—

"(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders;

"(B) establish the Federal Information Locator System;

"(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

"(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

"(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated

with the administration of Federal grant programs; and

"(3) within two years after the effective date of this Act—

"(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(B) identify initiatives to improve productivity in Federal operations using information processing technology;

"(C) develop a program to (1) enforce Federal information processing standards at all Federal installations and (2) revitalize the standards development program established pursuant to section 759(f) (2) of title 40, United States Code, and separate such program from technological advisory services;

"(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

"§ 3506. Federal agency responsibilities

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Loca-

tor System, including necessary screening and compliance activities.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

"(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

"(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

"(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission; and

"(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

"(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

"(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under sections 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the overriding authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

"(d) The Director may not approve an information collection request for a period in excess of three years.

"(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific pro-

gram areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

"(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within one working day after its receipt and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agen-



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cy, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law or policy.

"(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereinafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the register of all information collection requests.

"(b) In designing and operating the System, the Director shall—

"(1) design and operate an indexing system for the System;

"(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

"(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

"(A) agency officials who are planning new information collection activities; and

"(B) on request, members of the general public; and

"(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) The Director shall, with the advice and assistance of the Administrator of General Services, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

"(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

"(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House

Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

"§ 3514. Responsiveness to Congress

"(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

"(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

"(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

"(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable identification of statutes and regulations which impose the greatest number of reporting hours;

"(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

"(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

"(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

"(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

"(8) with respect to recommendations of the Commission on Federal Paperwork—

"(A) a description of the specific actions taken on or planned for each recommendation;

"(B) a target date for implementing each recommendation accepted but not implemented; and

"(C) an explanation of the reasons for any delay in completing action on such recommendations.

"(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director may promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"In the development of information policies, plans, rules, regulations, and proce-

dures, and in approving information collection requests, the Director shall provide affected agencies and persons early and meaningful opportunity for consultation.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c) (1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter affects in any way an existing authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 313 of the Budget and Accounting Act of 1921, as amended, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

"§ 3520. Authorization of appropriations

"There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed \$8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed \$8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed \$9,000,000 for the fiscal year ending September 30, 1983."

(b) The item relating to chapter 35 in the table of chapters for such title is amended to read as follows:

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"35. Coordination of Federal Information Policy.

(c) (1) Section 2904(10) of such title is amended to read as follows:

"(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Administrator deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations."

(2) Section 2905 of such title is amended by redesignating the text thereof as subsection (a) and by adding at the end of such section the following new subsection: "(b) The Administrator of General Services shall assist the Associate Director for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies."

SEC. 3. (a) The President and the Director of the Office of Management and Budget may delegate to the Associate Director for the Office of Information and Regulatory Affairs all functions, authority, and responsibility under section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 186). The Director may not delegate such functions, authority, and responsibility to any other officer or employee of the Office of Management and Budget.

(b) The Director of the Office of Management and Budget may delegate, but only to the Associate Director for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759). The Director may not delegate such functions, authority, and responsibility to any other officer or employee of the Office of Management and Budget.

SEC. 4. (a) Section 400A of the General Education Provisions Act is amended by (1) striking out "and" after "institutions" in subsection (a)(1)(A) and inserting in lieu thereof "or" and (2) by amending subsection (a)(3)(B) to read as follows:

"(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act."

(b) Section 201(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.

(c) Section 708(f) of the Public Health Service Act (42 U.S.C. 292h(f)) is repealed.

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Associate Director, Office of Information and Regulatory Affairs, Office of Management and Budget."

SEC. 5. This Act shall take effect on October 1, 1980.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, the purpose of S. 1411, which is now before the Senate, is to eliminate unnecessary paperwork burdens imposed by the Federal Government upon the public and minimize the cost of collecting and using information for Government information.

The bill establishes a goal to reduce the paperwork burden by 25 percent and establishes a reasonable set of controls to accomplish this objective and make the shower of paperwork requirements that rain upon the public more manageable.

#### NEED FOR LEGISLATION

The Federal Paperwork Commission estimated 3 years ago that the cost of Federal paperwork requirements amounted to \$100 billion a year—some \$500 for every man, woman, and child in this country. Much of that cost does not show up as an expenditure in the Federal budget. Instead, the public spends the time, money, and effort in "hidden taxes" at home, in their business, or by way of higher consumer prices.

Federal paperwork requirements, whether they are tax forms, medicare forms, financial loans, job applications, or compliance reports, are something each individual touches, feels, and works on. The cumulative impact is excessive, too many paperwork requirements are unnecessary and wasteful. Every 1 percent reduction achieved is a billion dollars saved.

Today many Federal programs attempt to serve large numbers of people in a variety of ways, such as protecting civil rights, providing decent housing and insuring safe and healthy working conditions.

In those and other areas, Congress has made critically important commitments to the people of this Nation. In order to be effective, many of those programs must collect information from the public in order to make intelligent decisions on standards, benefits, and other Government actions. In other cases, information must be collected in order to inform the public of various matters of general concern.

The Paperwork Reduction Act has a twofold objective. First, it will insure that agencies make only necessary—and I underline that, Mr. President, necessary—information requests of the public. And second, those burdens which are found to be unnecessary and wasteful will be eliminated.

During field hearings on Federal paperwork problems that I and Senator DANFORTH held, we received testimony from people in all walks of life and learned that paperwork costs go beyond financial costs.

Several small business counselors testified that many clients refuse to expand their business because of the added paperwork they would face. One counselor

taped together the forms any potential small business person must know just to think about getting into business. They stretched across an entire room. Small business is being strangled to the point of closing their doors.

The burden of filling out forms is causing doctors to discourage medicare business. Processing a medicare claim has become a nightmare for many older Americans. Hospitals have witnessed an explosion in paperwork since the advent of medicare. One hospital president testified his institution's clerical staff increased 15 percent in the first year of medicare.

A young doctor, just entering practice, estimated that only 15 percent of the doctors in Jacksonville will ever accept medicare patients in their office because of paperwork requirements.

A pharmacist demonstrated how it takes some 7 minutes to fill a prescription and get paid if someone walks off the street, but as a medicare provider to nursing homes he is lucky to get paid in 7 months.

Classroom teachers reported that at a minimum, it takes 26 extra working days a year to fill out their paperwork. That is class time taken away from children or time at home without pay.

State and local government officials, university presidents, and community leaders repeatedly estimated that 10 to 30 percent of Federal grant funds are wasted in unnecessary paperwork costs. That is money lost, at least \$8 billion nationally, that could be going to needed program services.

A CETA administrator from Orlando showed me a single funding application that was 5,814 pages and required 46 original signatures from the mayor and chairman of the board of county commissioners.

Most frightening was the testimony of several witnesses who said they were "afraid of their Government." They have been bombarded with Government forms, neglected or wrongly answered some particular form, and were afraid that the "Government" was going to "get" them as a result—a nagging feeling of fear.

The frustration and fear expressed by witnesses revealed the human dimension of unnecessary Federal paperwork requirements. There is a strong feeling among many citizens of this country that Federal paperwork requirements are "out of control."

I think every Senator is familiar with the horror stories of Federal paperwork. We hear about them every time we go home, and they are by no means new to the Congress. But thus far we have had a hard time getting a grip on them or starting to do something about it.

I want to especially note Senator NELSON, the chairman of the Small Business Committee, Senator BAYH, Senator ROTH, and Senator BELLMAN, all of whom have introduced bills to reduce paperwork. S. 1411 is a comprehensive effort which incorporates provisions from all these bills and I want to thank them for their assistance.

The Paperwork Reduction Act is a response to the need to eliminate unneces-

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sary Federal paperwork demands. The committee benefited considerably from its own hearings, and the work and recommendations of the Federal Paperwork Commission, the General Accounting Office, the White House Conference on Small Business, the President's Federal data processing reorganization project, and other Senate bills.

The Government-wide management system created should not only help solve information management problems we have today, but for the future as well. Federal paperwork problems are often a physical manifestation of a Federal role in society. Citizens should be able to feel confident that the Federal role is necessary and managed competently.

## WHAT THE BILL DOES

The bill mandates a goal of 25 percent reduction of paperwork burden over 3 years, after which the Sun sets on the bill's authorization.

The legislation assures that paperwork and reports required by the Federal Government are checked to see whether information requested is first, needed; second, not duplicative, and third, collected in an efficient manner.

The Director of OMB will be accountable for this checking and will have responsibility for preventing duplicative and unnecessary paperwork burdens.

All requests of the public will reflect an OMB control number, an expiration date, and a statement on why the information is needed, how it will be used and whether it is a voluntary or mandatory request.

Requests which do not reflect their purpose and a control number will be "bootleg" forms and will not have to be honored by the public.

The "public protection" section in this bill enables every citizen, State and local government, university or college, or small business to participate in minimizing unnecessary paperwork by ignoring "bootleg" forms.

The bill will put together the following information policy functions in an Office of Information and Regulatory Affairs within OMB: General information, paperwork clearance, statistical policy, records management, privacy, and automatic data processing and telecommunications.

A senior official within each agency will insure a greater agency role in managing information resources.

A Federal information locator system is established to assist agencies and the director of OMB manage information resources and prevent duplicative reporting burdens on the public.

The Paperwork Reduction Act is a rewrite of the Federal Reports Act of 1942 and implements key recommendations of the Federal Paperwork Commission. Significantly, all exemptions to the original reports act, except the Federal Election Commission, will be eliminated. Independent regulatory commissions will have the authority to override any disapproval of an information request of the public by a majority vote.

A companion bill, H.R. 6410, has been passed by the House.

Mr. President, I have found paperwork demands are one thing growing faster

than inflation. I believe this legislation establishes meaningful controls and I encourage the Senate to take this opportunity to pass this important legislation.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CHILES. Yes. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I repeat I was not here when this matter had all been worked out. I might outline why the Intelligence Committee and, I think for the same reasons, the Armed Services Committee were opposed to this. It was wrapped up in the computer. Have you worked that out?

Mr. CHILES. Yes, I think we have, and the distinguished Senator from Washington (Mr. JACKSON) is on the floor and will have some amendments. But we have expressly said, among other things, that nothing in this bill shall affect the intelligence-gathering operation apparatus of the United States, and we are putting that in by virtue of amendment, and also putting that in the report.

I think we are about ready now to go to the Senator from Washington who has some amendments which, I believe, will clear up any problems in this area.

Mr. GOLDWATER. I have just two other short questions.

Mr. CHILES. Yes.

Mr. GOLDWATER. On page 36 of the bill, section 3503, Office of Information and Regulatory Affairs, can the Senator tell me about how large this Office of Information and Regulatory Affairs might be?

Mr. CHILES. I would say to the distinguished Senator from Arizona that basically what we are doing is aggregating personnel who are already there, and trying to bring them into this office. I do not envision they should need any more than a few additional personnel, if any. But certainly we are not talking about a large office. We are not talking about another bureaucracy in itself. We are talking about really combining some people who are already there.

I just wanted to say in passing that former Senator McINTYRE, who happens to be walking on the floor right now, is the one who sort of got me started in paperwork reform. He headed up a commission, the commission that we had, that did this 3-year study on paperwork, and found what we were talking about in the waste here. In no way are we trying to start another bureaucracy by that. Senator McINTYRE and his leadership really started the ball rolling.

Mr. GOLDWATER. Mr. President, I thank my friend for yielding. I am very glad he has gotten this thing worked out because I am as much opposed to paperwork as anyone in this Chamber. I serve on three different hospital boards, and I know that possibly the biggest reason why the people of this country are paying more money for hospital rooms today is the fact that paperwork has to be done.

I know of one hospital I have worked with which has had to hire 60 extra people just to keep up with the paperwork.

So I thank the Senator for making the changes.

If the Senator would not object, I would like to join him as a cosponsor.

Mr. CHILES. I would be delighted to have the Senator from Arizona as a cosponsor.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may be added as a cosponsor.

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

Mr. GOLDWATER. I thank my friend. Mr. RANDOLPH. Mr. President, will the Senator from Florida also give me the opportunity to join the Senators from Arizona and from Florida as a cosponsor?

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

## UP AMENDMENT NO. 1776

Mr. CHILES. Mr. President, I send to the desk some amendments on behalf of Senator JACKSON and ask for their immediate consideration.

The PRESIDING OFFICER. Is the Senator asking that they be considered en bloc?

Mr. CHILES. Mr. President, I ask unanimous consent that they be considered en bloc.

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

The clerk will state the amendments. The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), on behalf of Mr. JACKSON, proposes an unprinted amendment numbered 1776.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendments en bloc are as follows:

On page 46, line (18), after the word "or", insert the following: "in the case of military departments, and the Office of the Secretary of Defense,".

On page 46, line (20), after the word "chapter.", add the following: "If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated."

On page 32, between lines 22 and 23, insert the following:

"(2) The terms 'automatic data processing,' 'automatic data processing equipment,' and 'telecommunications' do not include any data processing & telecommunications system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management. Redesignate paragraphs (2) through (16) of section 3502 as paragraphs (3) through (17), respectively.

(A) On page 36, strike out lines (6) through (12).

(B) On page 63, in line (5), insert "under Executive Order 12046 and Reorganization Plan No. 1 for telecommunications," after "code."

On page 44, line (8), insert the following immediately before the semicolon: "or for

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cryptologic activities that are communications security activities".

On page 60, line (3), insert the following immediately before the period: ", or during the conduct of cryptologic activities that are communications security activities".

On page 59, line 8, after the term "Secretary of Commerce", add "or the Director of the Office of Management and Budget"

Mr. JACKSON. Mr. President, an important reason for the addition of a definition of ADPE in S. 1411 is to insure that the Department of Defense and intelligence agencies have the flexibility to proceed with timely procurement of needed systems and that sensitive information concerning such systems be restricted to those who have a need to know such information. The detailed budget review process provides more than adequate safeguards without having to add additional review, approval and oversight authorities.

Is it the Senator's understanding that Congress originally intended that similar considerations should pertain to the authorities of the administrator of GSA under Public Law 89-306 and that the administrator should, in fact, delegate general procurement authority to agencies and departments that procure systems for intelligence, cryptologic and direct military purposes?

Mr. CHILES. Yes, section 111(b)(2) provides the administrator with the specific authority to make such broad delegations and I would think that the administrator should make liberal use of that authority for the categories of ADPE described in the definition of ADPE contained in S. 1411. One criterion for a delegation is that it is essential to national defense or national security. The agencies charged with responsibility for defense and security matters are clearly in the best position to determine whether their ADPE needs meet this essentiality standard. Therefore, the GSA administrator should defer to the defense and security agencies on these matters.

I also agree that it is particularly important that information concerning the use, type, location and other information pertaining to the application of ADPE to intelligence, cryptologic sensitive military communications, command and control and weapons systems be protected and not disseminated throughout the Government.

The General Services Administration, the Office of Management and Budget and the General Accounting Office should reexamine their present review and audit procedures to insure that these efforts do not impinge upon these areas, as specified in the definition of ADPE in S. 1411. In addition, the Department of Commerce should look at its standard procedures for granting waivers to insure that waivers in this area are not arbitrarily denied, and that such procedures do not involve burdensome paperwork or public disclosure.

Such actions would ensure that Public Law 89-306 would be applied as originally intended, and that ADPE could be acquired by intelligence, cryptologic and military agencies and departments without unnecessary delays, paperwork, ac-

cess by individuals without a need-to-know, and public disclosures.

In summary, it is our view that Public Law 89-306 should be applied in ways so as to protect national security and intelligence activities from undue harassment. Further, if there is harassment in the future, then appropriate statutory remedies will be sought.

Is it the Senator's understanding that the definition now provided in S. 1411 for ADPE is operative only for this act, and is consistent with the provision of S. 1411 which states that—

Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget?

Mr. JACKSON. Yes, that is my understanding. Moreover, the definition will have no effect upon automatic data processing equipment procured and used by the intelligence and military agencies for administrative and business applications such as payroll, finance, logistics and personnel management. In addition, to the maximum degree feasible and consistent with U.S. national security interests, publicly advertised, competitively bid procedures would continue to be employed in the acquisition of commercially available ADP equipment used in support roles for military and intelligence activities.

Mr. CHILES. Mr. President, these are the amendments that Senator JACKSON and other Members that were concerned about intelligence activities and the activities dealing with the Armed Forces were concerned about. These are the amendments that we consented to place in on that basis.

Mr. President, I move the amendments be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendment (UP No. 1776) was agreed to, en bloc.

## UP AMENDMENT NO. 1777

Mr. CHILES. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY) I send amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc.

The clerk will report the amendments. The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES) on behalf of Mr. KENNEDY proposes an unprinted amendment numbered 1777.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendments en bloc are as follows:

On page 60, line (20), after the word "offices", insert ", including the substantive authority of any Federal agency to enforce the civil rights laws".

On page 59, line (25), after the word "Act", insert "and section 13 of the Federal

Trade Commission Improvements Act of 1980".

On page 58, strike lines (20) through (24) and insert: "In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment."

On page 58, line (12), after the word "shall", insert ", to the extent practicable,".

On page 49, line (7), after the word "request" insert "and shall make such decisions publicly available".

On page 43, strike lines (1) through (11), and insert:

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section."

"(2) Within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in Section 3508 on the collection of information requirement contained in the proposed rule."

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments."

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within 60 days of the notice of proposed rulemaking."

"(5) Nothing in this section prevents the Director, in his discretion—

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within 60 days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable."

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule."

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision."

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c)."

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments."

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule."

Mr. CHILES. Mr. President, I appreciate the concerns raised by the Senator

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from Massachusetts and am glad that we are able to accommodate those concerns. S. 1411 was designed to insure that all agencies can vigorously enforce their substantive mandates from the Congress. Section 3518 specifically states that this bill does not change existing relations of the President and OMB with respect to the substance of agency programs. Moreover, it is important to recognize that section 3518 of S. 1411 specifically recognizes the special agency needs attached to the enforcement of the laws by singling out information requests associated with specific enforcement activities and exempting them from OMB review. For example, the bill as reported by committee, exempts information collections associated with Federal criminal investigations, with compulsory process under the Antitrust Civil Process Act and so forth. The section 3518 exemption does not apply, however, to general agency information requests. In all instances except the specific enforcement activities spelled out in section 3518, the general scheme of the bill, with its OMB review of all agency information collection request, would apply.

What we are doing with this amendment is providing the same sort of exemption for the enforcement of civil rights laws. Senator KENNEDY feels, and I agree with him, that we need to recognize the special emphasis our Constitution places upon guaranteeing civil rights for all Americans, and the special role the Federal Government is asked to play in enforcing that constitutional guarantee. In amending the section 3518 exemptions to include civil rights enforcement actions, it should be understood that the scope of the exemption is similar to the scope of the exemptions currently provided in the bill for other enforcement activities.

In other words, section 3518, as amended, would make a distinction between specific information collection requests associated with civil rights enforcement actions which would be exempt from OMB review, and other more general information requests by agencies charged with enforcing the civil rights laws, which would still be subject to OMB review. The mere fact that an information request is being issued by an agency charged with enforcing the civil rights laws does not exempt it from OMB review. The key consideration in terms of the section 3518 exemption is that the request itself be related to a specific enforcement action.

This is my understanding of the effects of the amendment and I think it is important to make that understanding clear at this point in the legislative history.

● Mr. KENNEDY. Mr. President, I would like to express my support for the passage of the Paperwork Reduction Act of 1980, S. 1411, which is designed to reduce the amount of unnecessary paperwork and "redtape" imposed on the American public without unduly interfering with the ability of Federal agencies to accomplish important national goals.

As reported out of the Governmental Affairs Committee, the legislation raises

some serious concerns about the role of the Office of Management and Budget (OMB) in overseeing the information collection activities of Federal agencies. While I certainly support strong executive management of the Federal regulatory system, this management objective should be tempered by other legitimate public policy concerns. This legislation would permit the director of OMB to overturn a rule which was adopted by an agency without providing any procedural rights for the people affected by the rule or for the agency that promulgated the rule. Thus, even if any agency has complied with all the appropriate procedural requirements for public notice and comment, and has spent years compiling an adequate agency record, this legislation would permit OMB to overturn that agency decision without even requiring OMB to justify its decision publicly. This violates basic notions of fairness upon which the Administrative Procedure Act is based, as well as concepts of due process embodied in the U.S. Constitution.

Mr. President, I have proposed several amendments, accepted by the Governmental Affairs Committee, which deal with this, and other concerns, raised by S. 1411. Most importantly, I have sponsored an amendment which limits the authority of OMB to overturn reporting, recordkeeping, and other information collection requirements adopted by a Federal agency in a rulemaking proceeding. This amendment establishes a procedural scheme which governs OMB's relationship with the Federal agencies.

First, an agency is required to notify OMB as soon as possible, but no later than the date upon which a notice of proposed rulemaking is published in the Federal Register, of a proposed information collection requirement.

Second, the director of OMB is required to comment on the agency's information collection requirements in the proposed rule within 60 days or forfeit its rights to review those requirements at a later time. In these comments, the director of OMB would suggest alternative methods of collecting information more efficiently.

Third, when the agency adopts its final rule, it must respond to those comments by modifying the information collection requirements or by explaining why it rejected OMB's suggestions.

If the agency does not forward a copy of its proposed information collection requirements to OMB, OMB retains its right to review that request even though it has not filed comments during the rulemaking proceeding. Moreover, if an agency intends to modify substantially the information collection requirements which were in the proposed rule, this amendment insures that OMB has at least 60 days to comment on these modified requirements before the final rule is issued.

This amendment would provide the final power to OMB to overturn an agency's recordkeeping or reporting requirements only if it made a public finding that the agency's response was "unreasonable." With respect to independent agencies, a majority of the members

of the agency would retain the right to override OMB under section 3507(e).

This amendment would not affect OMB's right to review forms or other information collection requests which were not specifically required by an agency rule.

In essence, this amendment is designed to force the agency and OMB to consider information collection requirements early in the process with a meaningful opportunity for public comment on OMB's alternatives.

As chairman of the Senate Judiciary Committee—the committee which has primary responsibility for the civil rights laws—I was also concerned about the impact of this legislation on civil rights enforcement. Therefore, I proposed another amendment, which was accepted by the Governmental Affairs Committee, to clarify section 3518(e) to show that nothing in the act will affect the substantive authority and responsibility of the Justice Department and of the Equal Employment Opportunity Commission or any other Federal agency under law or executive order to enforce the civil rights laws of the United States and to supervise the enforcement of the civil rights laws by other departments and agencies of the Federal Government.

This amendment responds to my concerns, and the concerns of many civil rights groups, that the legislation may have jeopardized the responsibility of the Justice Department to supervise enforcement of title VI fund cutoffs by other departments under executive order or the power of the EEOC to monitor enforcement of title VII and, in particular, Federal contract compliance programs. This amendment reflects the particular concern which the Congress has for vigorous enforcement of the civil rights laws by those agencies entrusted with this duty.

The Governmental Affairs Committee has accepted other minor amendments which were intended to make the OMB oversight of information collection activities more open to the public by creating procedural rights for interested members of the public and the affected agencies.

In closing, Mr. President, I would like to reiterate my support for this legislation as amended, and to commend Senator CHILES for his work in this area. As one who has fought long and hard for airline deregulation, trucking deregulation and comprehensive regulatory reform legislation, I support all responsible measures to make regulatory activities of the Federal Government more effective and less burdensome without hamstringing agencies in their efforts to accomplish statutory goals.

Mr. DANFORTH. Mr. President, I am willing to accept the Kennedy amendment, which is intended to clarify the authority of the Director of the OMB to review Federal rules and regulations to determine their impact on Federal paperwork. Essentially, as I understand it, the purpose of the Kennedy amendment is to prevent OMB from undoing a collection of information requirement specifically contained in an agency rule after

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that requirement has gone through the administrative rulemaking process if the OMB Director ignored the rulemaking process. This seems fair enough.

I note, however, that this limitation on OMB's authority is confined to requirements specifically contained in agency rules. It does not disturb OMB's authority to block information collection requests issued pursuant to rules, neither is it license to agencies to avoid OMB review of paperkeeping requirements bootstrapped to vague requirements in agency rules.

With this understanding, the amendment is acceptable.

Mr. CHILES. Mr. President, I move that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1777) was agreed to.

## UP AMENDMENT NO. 1778

Mr. CHILES. Mr. President, I send to the desk some clarifying amendments that bring the bill into conformation with the agreements that we have made with the respective parties and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES) proposes an unprinted amendment numbered 1778.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendments en bloc are as follows:

On page 33, in line 20, strike out "common" and insert "standard and uniform".

On page 34, in line 1, strike out "list" and insert "description".

On pages 36 and 37, strike out subsection (b) of section 3503 and insert the following new subsection:

"(b) There shall be at the head of the office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy."

On page 37, strike out subsection (a) of section 3504 and insert the following new subsection:

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing, telecommunications and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law."

On page 37, in line 16, strike out "establishing uniform" and insert "developing and implementing uniform and consistent".

On page 40, in line 9, strike out "overseeing" and insert "developing and implementing".

On page 41, in line 12, strike out "establishing" and insert "developing and implementing".

On page 41, in line 15, after the word "by", insert "or on behalf of".

On page 41, in line 24, strike out "establishing" and insert "developing and implementing".

On page 45, strike out lines 10 through 16, and insert the following:

"(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;"

On page 51, strike out lines 12 through 16, and insert the following: "day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information".

On page 53, in line 7, strike out "or policy".

On page 54, in line 1, add "authoritative" before "register."

On page 57, in line 3, after the word "practicable" add "the direct budgetary costs of the agencies and".

On page 58, in line 16 strike out "may" and insert "shall".

On page 60, in line 16 strike the words, "affects in any way an existing" and insert "shall be interpreted as increasing or decreasing the".

On page 62, in line 18, strike out "may" and insert "shall"; in line 22, strike out "186" and insert "18b"; and strike out the last sentence of section 3(a).

On page 63, in line 2 strike out, "may delegate, but only" and insert "shall delegate"; in lines 5 and 6, strike out "sections 110 and" and insert "section"; in line 7, strike "757 and"; and delete the last sentence of section 3(b).

On page 64, in line 13, strike "October 1, 1980" and insert "April 1, 1981".

Wherever found in this bill the "Associate Director" shall be deleted and in lieu thereof "Administrator" shall be inserted,

On page 62, line 12.

On page 62, lines 18 and 19.

On page 63, line 2.

On page 64, line 10.

Mr. CHILES. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida (Mr. CHILES).

The amendment (UP No. 1778) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. CHILES. Mr. President, I ask unanimous consent that S. 1411 be temporarily set aside to take up the power bill and then we will come back to S. 1411.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 885.

The PRESIDING OFFICER (Mr. BOREN) laid before the Senate the amendment of the House of Representatives to the bill, S. 885, to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

(The amendment of the House is printed in the RECORD of November 17, 1980, beginning at page H10661.)

Mr. JACKSON. Mr. President, S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, now pending before the Senate is the product of more than 5 years of public debate, hard work, and cooperation among a wide variety of regional interests and bipartisan congressional efforts to develop workable solutions to extremely complex utility planning problems. The bill before us is the result of a legislative process of consensus and compromise in which an effort has been made at every stage to accommodate the views of every interest group and every member of the Northwest delegation to the maximum extent possible. The Northwest power bill has been the subject of closer legislative scrutiny than any regional legislation in my memory. I believe that the bill has benefited at every stage of the legislative process from the careful attention which has been devoted to every detail and I am proud to be associated with the end product of this process.

Reduced to one sentence the heart of the regional power bill is the authority for BPA to acquire from non-Federal entities additional electric power resources, including conservation, to meet the electric needs of Northwest consumers.

Why is it necessary to give this authority to Bonneville instead of relying solely on existing utility systems, public and private, to meet growth needs?

The reason is that we are on the verge of a decade-long legal and administrative battle over the allocation of the large but limited pool of low-cost Federal power. Unless the allocation issue is resolved promptly through legislation, no utility will be able to dependably plan its future