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SUMMARY OF ACTIVITIES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

UNDER THE CHAIRMANSHIP OF

Senator ABRAHAM RIBICOFF

94TH, 95TH AND 96TH CONGRESSES

1975–1980

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STATEMENT BY THE CHAIRMAN

It has been my privilege to serve as Chairman of the Senate Committee on Governmental Affairs in the 94th, 95th and 96th Congresses—a period of six years.

A central concern of the country during these six years has been to make the government programs already in existence work better, to find ways to restore confidence in the integrity of government, and to better define the relationship between the Congress and the Executive.

During my tenure as Chairman, the Governmental Affairs Committee was at the forefront of the efforts of Congress to meet these concerns. Measures processed by the Committee and enacted into law helped to provide standards to enable the government to carry out its increasingly complex and difficult responsibilities.

During the 94th, 95th and 96th Congresses, a total of 955 Senate and House bills and resolutions, 83 nominations and 10 reorganization plans were referred to the Committee on Governmental Affairs for consideration. Of the total number, 111 were enacted into law and one was vetoed. Another 29 were approved by the Senate, but failed of passage in the House of Representatives. In addition, during this six-year period, the Committee filed 312 reports, of which 188 accompanied legislation and 124 reported on special studies and inquiries.[1]

Principal areas on which the Committee concentrated, during the period under consideration, included (a) improving the quality and operation of the Federal Government; (b) improving the delivery of services to the public; (c) insuring greater public access to governmental proceedings; (d) preserving and promoting the accountability and integrity of public officials and of the institutions of the Federal Government; (e) revising and streamlining the Federal civil-service system; (f) improving the structure, performance and staffing of Federal regulatory agencies; (g) providing for energy conservation and centralization of Federal energy activities; (h) reappraising the nature and extent of U.S. participation in 65 international organizations; (i) providing a more effective and efficient control over the proliferation of nuclear explosive capability; (j) providing a more effective and efficient control of world-wide terrorism activities; (k) reducing the paperwork burden on all Americans; (l) streamlining and simplifying Federal assistance and grant programs; (m) improving governmental control over Federal banking agencies; (n) correcting inequities in the Federal civil-service survivor annuity system; (o) correcting deficiencies in the District of Columbia Government; and (p) providing for improvements in the U.S. Postal Service.

[1] As of October 30, 1980.

In my estimation, the Nation owes a great debt to the Senators who have served on the Committee during this period and to the staff members who assisted in the work of the Committee. Every Senator made significant contributions to the endeavors of the Committee to report excellent legislation to the Senate.

Special tribute must be paid to the Chairmen and Members and staffs of the Subcommittees which, in many instances, handled the hearings, initial processing and formulation of numerous measures which were approved by the full Committee and enacted into law.

A summary of the Committee's major accomplishments follow.

ABRAHAM RIBICOFF.

CIVIL SERVICE REFORM

The enactment of the Civil Service Reform Act of 1978 (P.L. 95–454) accomplished the most comprehensive reform of the Federal civil service system since its establishment nearly 100 years ago. The philosophy underlying this legislation is that both the public and those in government have the right to the most effective possible civil service; that is, one in which employees are hired and removed on the basis of merit, and one which is accountable to the public through its elected leaders.

Prior to the enactment of this legislation, protection of the merit principle in Federal employment had been accomplished through the enactment of numerous laws, rules and regulations. Assaults on the merit system were taking place despite, and in some instances because of, the complicated rules and procedures that had developed over the past century, and the welter of inflexible strictures, developed over the years, threatened to asphyxiate the merit principle itself.

When the Committee began its consideration of this legislation, it found that the civil service system was an outdated patchwork of statutes and rules, built up over almost a century. Federal management practices were antiquated in comparison with the current state of managerial art, and research experimentation concerning management practices were virutually nonexistent.

In considering this legislation, the Committee held 12 days of hearings, receiving testimony from 86 witnesses representing 55 public and private organizations; received written comments from 44 experts; and devoted 6 days to markup.

As enacted, the Act set forth for the first time the basic principles of the merit system which are to guide the personnel policies of all Federal agencies; and codified prohibitions of certain personnel practices, such as discrimination, preferential treatment of employees or applicants, the use of official authority to coerce political activity, and retaliation against employees who disclose violations of law, rules or regulations, gross waste, inefficiency or danger to public health and safety.

The Civil Service Commission was abolished and its functions were divided between a newly established Office of Personnel Management and a three-member Merit Systems Protection Board and a Special Counsel of the Board. The Director of the Office of Personnel Management, the Members of the Merit Systems Protection Board and the Special Counsel are appointed by the President, subject to Senate confirmation, for terms of 4 years, 7 years and 5 years, respectively. Members of the Board and the Special Counsel may only be removed for cause.

The Office of Personnel Management is charged with responsibility for setting Government-wide personnel policies, and its Director is authorized to delegate to agency heads authority for personnel actions. The Merit Systems Protection Board, established as an independent agency, was given primary responsibility for adjudicating employee appeals from adverse action, disciplining officials who commit prohibited personnel practices, monitoring the merit system to assure its safety from abuse, and reviewing regulations of the Office of Personnel Management.

The Special Counsel of the Merit Systems Protection Board is authorized to investigate allegations of prohibited personnel practices, and is empowered to initiate, before the Board, disciplinary actions against employees responsible for prohibited practices. In addition; he is authorized to investigate alleged reprisals against employees who disclose unlawful or improper government activity, and he is required to refer any substantive allegation of wrongdoing made by an employee to the appropriate agency for investigation and report. Finally, he may seek a stay from the Merit Board of any action which the Special Counsel has reason to believe that a prohibited practice was or is about to be committed.

The Act also established new incentives for hiring and promotions, including a new Senior Executive Service (SES), based upon the concept of rank-in-person. It provides for advancement, promotion, pay and bonuses, based upon the performance of the individual executive, rather than on seniority, so that an individual executive will be judged on the overall success and performance of the programs and personnel for which such executive is responsible.

Other features of the Act include the establishment of limitations on the number of political appointees to the higher ranks of the Federal service; a requirement that a minimum number of positions be set aside for career executives; a merit system for mid-level managers; and conduct of research and demonstration projects by the Office of Personnel Management in personnel management techniques.

Underlying the establishment of the Senior Executive Service and a merit pay system for mid-level managers was a finding by the Committee that, despite a critical need to recruit and develop the highest quality Federal executive, no fully effective governmentwide system existed for selecting, preparing, advancing and managing the men and women who administer the programs which are so important to the Nation. Further, neither the Congress nor the President had any effective control over the size and distribution of executive level employees; the existing system for designating career and noncareer positions failed to provide adequate protection against politicization of the career service; and it was difficult to reward executives whose work was outstanding, and to reassign or remove those whose performance was unacceptable.

To correct this situation, the Act created the Senior Executive Service to which most senior positions in Grades GS–16 through Executive Level IV have been assigned. They are now subject to removal for inadequate performance with a guaranteed right to a career position at GS–15 without a loss in pay, unless they are removed for misconduct, neglect of duty or malfeasance. Senior Executive Service executives are now eligible for annual cash performance awards not to exceed 20 percent of their base pay, as well as awards for sustained excellence or sustained extraordinary accomplishments.

The merit pay system for both the Senior Executive Service and the mid-level managers was based upon the fact that, under the old system, rewarding excellence and discouraging lackluster performance was very difficult. Thus, performance appraisals were virtually meaningless and pay increases were awarded almost automatically. The merit pay and cash awards system was established to correct this situation by providing for a meaningful performance appraisal and by basing advancement and pay, at least in part, upon the quality of the work of the employee rather than upon seniority alone.

Finally, a Federal Labor Relations Authority was created, as an independent agency, with responsibility for overseeing the operations of a newly established statutory Federal labor-management relations program. Unfair labor practices and the scope of collective bargaining are defined and provision is made for appeals relative to unfair labor practices and adverse actions.

The Civil Service Reform Act was signed into law on October 13, 1978. (P.L. 95–454)

ETHICS IN GOVERNMENT

As an aftermath of Watergate, the Committee devoted much time and effort to the development of legislation designed to promote the accountability and integrity of public officials. As a result of its efforts, the Congress enacted the Ethics in Government Act of 1978 (P.L. 95-52) which accomplished the first major comprehensive reorganization of the patchwork of laws governing conflict of interest, malfeasance and misfeasance and questionable activities by higher-level officers and employees of all branches of the Federal Government.

The Committee found that five major areas had to be dealt with in order to correct existing deficiencies and major weaknesses, and to restore some measure of public confidence in the integrity of Federal officials: (1) public financial disclosures by all higher-level officials in all branches of the Federal Government; (2) establishment of uniform official standards of conduct and policies for officers and employees of the executive branch; (3) promulgation of uniform and meaningful restrictions on post-service activities by officials and employees of the executive branch; (4) authorization for the appointment by the court of an independent special prosecutor, to investigate and prosecute alleged violations of official standards and policies, so as to eliminate possible institutional conflicts of interest created by the investigation of high-level executive branch conduct by the Department of Justice; and (5) establishment of an Office of Congressional Legal Counsel to defend the Constitutional powers of the Congress in proceedings before the courts.

With respect to public financial disclosures, the Committee found that such disclosures increase public confidence in government, demonstrate the high level of integrity of the vast majority of government officials, deter conflicts of interest, deter some persons who should not be entering public service from doing so if their personal finances will not bear up under public scrutiny, and would better enable the public to judge the performance of public officials.

The Committee found further that existing public financial disclosure requirements for legislative, executive and judicial branch officers and employees were inadequate and inconsistent.

With respect to uniform official standards of conduct, the Committee found numerous deficiencies in existing procedures designed to disclose potential conflicts of interest. These included inadequate interpretation of standards of conduct regulations, ineffective procedures to ensure collection, review and control of statements, and ineffective and untimely monitoring and resolution of conflicts of interest.

With respect to restrictions on post-service, the Committee found that existing laws and procedures restricting activities of former executive branch officials in doing business with the Government were not sufficiently effective. In the judgment of the Committee, former officials should not be permitted to either exercise, or give the appearance of exercising, influence over former colleagues, still in office, in matters pending before the agencies; or to utilize information on specific cases gained during government service, for their own benefit and that of private clients.

With respect to authorization for appointment of a temporary special prosecutor, the Committee found that, over the years, temporary special prosecutors have been appointed, on many occasions, to investigate alleged criminal wrongdoing by high-level Federal Government officials. However, the responsibility for law enforcement is placed upon the executive branch of the Government, and in carrying out that responsibility, there are of necessity policy judgments even in the area of criminal prosecution. Under our system of government, the President and the Attorney General must have policy control to make discretionary enforcement decisions. However, where the alleged criminal conduct of high-level administration officials is involved, this argument must bow to the fundamental principle that no man can be prosecutor or judge in his own case. The Attorney General and his principal assistants are appointees of the President and members of an elected administration. The Committee concluded that it would clearly be a conflict of interest for them to investigate their own campaign or, thereafter, any allegations of criminal wrongdoing by high-level officials of the executive branch. The appearance of conflict is as dangerous to public confidence in the administration of justice as true conflict itself. Thus, it is not sufficient to rely on the President or the Attorney General to appoint a temporary special prosecutor the next time the Attorney General or the President has a conflict of interest or the appearance thereof.

Current interest in the need for specific statutory authority for the appointment of a temporary special prosecutor by an impartial appointing authority was revived when the first revelations surfaced in the Watergate affair. The events which followed demonstrated conclusively that the Department of Justice has had difficulty in conducting investigations and in prosecuting high-level officials, and that an independently-appointed prosecutor would be freer to act according to politically neutral principles of fairness and justice.

With respect to the establishment of an Office of Congressional Legal Counsel, the Committee found that the Congress, its officers, Members and committees have been involved in various types of litigation arising out of the exercise of its constitutional powers throughout its existence; and the volume of such litigation had been increasing in recent years. Representation of congressional interests in such litigation has been provided on an ad hoc basis by the Department of Justice and by private legal counsel, specially retained for such litigation. Because no permanent Office had ever been given the responsibility to monitor and defend these interests, congressional interests had often been inadequately represented or not represented at all.

The Committee found further that the only statutory authority for such practice (Department of Justice representation) was contained in an 1875 statute requiring the Department of Justice, upon request, to defend an "officer" of either House of Congress for acts performed in the discharge of official duties. The Department has represented Members and committees, as well, when requested, although there was no direct statutory basis for this practice. The Committee concluded that specific statutory authority should be provided for the

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Congress to have its own Counsel and its own authority to enforce congressional subpenas so that recourse to the Department of Justice or private counsel would not be necessary.

As enacted, this legislation mandated public financial disclosure for high-ranking officials in all branches of the Federal Government; established an Office of Government Ethics in the Office of Personnel Management to supervise financial disclosure and coordinate government policy concerning conflict of interest for the executive branch; strengthened the provisions of the Federal Criminal Code which deal with restrictions on post-service activities by officials and employees of the executive branch; established a standby mechanism for the appointment of temporary special prosecutors in cases presenting an institutional conflict of interest for the Department of Justice; and created an Office of Senate Legal Counsel [2] to represent the Senate in civil litigation raising questions relating to the scope of Senate powers and responsibilities; and conferred on the Federal courts authority to enforce Senate subpenas.

This legislation also requires full and public disclosure by high-level officials in all three branches of the Government. It covers the President, Vice President, Members of Congress, Justices and judges of the United States, officers and employees of the Federal Government in grade GS–16, or above, on the general salary schedule, and members of the military in grade O–7, or above. Included are candidates for nomination for election to the Office of President, Vice President or Member of Congress.

The Ethics in Government Act of 1978 was signed into law on October 26, 1978 (P.L. 95–521).

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[2] The House of Representatives did not agree to the establishment of a Congressional Legal Counsel for its body.

ELIMINATION OF FRAUD, WASTE AND ABUSE IN FEDERAL PROGRAMS

Continuing its efforts to correct major deficiencies in the functioning of the Federal Establishment, the Committee developed and acted upon legislation which became the Inspector General Act of 1978 (P.L. 95–482). This Act was based upon clear evidence that fraud, abuse and waste in the operations of Federal departments and agencies and in federally funded programs had reached epidemic proportions.

The Act established an Office of Inspector General in 12 major executive departments and agencies and consolidated in one Office the agency's auditing and investigative efforts to combat fraud, waste and abuse in Federal programs. Each Inspector General is appointed by the President subject to Senate confirmation, without regard to political affiliation, solely on the basis of integrity and ability in accounting, auditing, financial analysis, law, management analysis, public administration or investigations. An Inspector General may be removed by the President, but the President is required to communicate the reasons for such action to both Houses of Congress.

Each Inspector General reports to, and is under the supervision of, the agency head, but such agency head cannot prohibit, prevent, or limit the Inspector General from undertaking and completing any audit or investigation, or from issuing any subpenas, which the Inspector General deems necessary.

The Act further vests in each Inspector General broad responsibilities for all policies dealing with fraud, abuse and waste in agency programs or operations, including the supervision of audit and investigative efforts; coordinating relationships between Federal, State and local governments; and reviewing existing and proposed legislation and regulations so as to keep agency heads and the Congress informed relative to any problems of enforceability. The Act also requires Inspectors General to keep the Congress fully and currently informed with respect to fraud and other serious problems in the operation of programs, by providing comprehensive semiannual reports to the Congress on the activities of the Office, including a description of serious problems, abuses and inefficiencies in programs and operations, recommendations for improvements, and identification of all previous and significant recommendations in which corrective action has not been completed.

These semiannual reports will go first to the agency head who is then required to forward them to the Congress within 30 days following receipt. Although the agency head may add whatever comments he deems appropriate, he cannot delete material from the report or prevent it from going forward to the Congress. In addition, the Inspector General is authorized access to all records, reports or materials available to the agency relating to programs over which the Inspector General has responsibility and to subpena such reports if he deems it necessary. Finally, each Inspector General is authorized to receive and investigate employee complaints, and is required to keep the complainant's identity confidential and to protect complainants from any reprisals from their employers.

The Inspector General Act of 1978 was signed into law on October 12, 1978 (P.L. 95–452).

NUCLEAR NON-PROLIFERATION

It has long been recognized that meaningful international cooperation was necessary to control nuclear technology and production and to direct its utilization to peaceful purposes. The Nuclear Non-Proliferation Act of 1978 was the first major legislation designed to develop and establish a more effective framework for international cooperation to meet energy needs of all nations and to insure that the worldwide development of peaceful nuclear activities does not contribute to proliferation. The Act was designed to strengthen U.S. policies on non-proliferation and to reorganize certain export functions of the Federal Government to promote more efficient administration of such functions. The legislation also sought to achieve the additional purposes of (a) authorizing the United States to take such actions as are required to insure that it can act reliably in authorizing the export of nuclear reactors and fuel to nations which share our non-proliferation policies; (b) providing incentives to other nations to join in international cooperative efforts and to ratify the Non-Proliferation Treaty; and (c) insuring effective controls by the United States over exports of nuclear materials and equipment and nuclear technology.

As enacted, the legislation (1) established for the first time specific criteria to govern the Nation's nuclear exports; (2) set forth specific goals for international proliferation control; (3) reorganized U.S. export control functions by establishing procedures, criteria, organization and jurisdiction for Federal control of U.S. nuclear exports, including new requirements for Presidential and congressional review; (4) authorized negotiations to establish an International Nuclear Fuel Authority for the handling of nuclear fuel; (5) altered the basis for negotiation of agreements for cooperation with other nations and specified conditions for the enrichment of exported material and for the export of critical components for enrichment, reprocessing or heavy water production; (6) provided for measures designed to strengthen the International Atomic Energy Agency's safeguard system, including training in safeguards and physical security· and (7) provided for measures to deal with nations which violate non-proliferation commitments and subnational groups which engage in nuclear theft or sabotage.

The Nuclear Non-Proliferation Act of 1978 was signed into law on March 10, 1978 (P.L. 95–242)

DEPARTMENT OF ENERGY

The Committee on Governmental Affairs has long been concerned with the diffusion of responsibility for energy matters among numerous departments and agencies of Government. Responding to the Nation's energy needs, the Committee processed legisation in the 94th Congress establishing a new Federal Energy Administration and transferred to it certain powers and authority to enable it to manage the powers granted by emergency energy and mandatory fuel allocation legislation.

In reporting a bill providing for an eighteen-month extension of the Federal Energy Administration, in 1976, the Committee noted, in its report, that the Federal Government's responsibilities for energy needs were presently diffused among many different departments and agencies. This lack of a central focal point for such activities, coupled with a lack of centralized responsibility and authority for national energy planning, had resulted in a situation in which various Federal agencies were moving ahead with plans and programs in an uncoordinated manner.

In the Conference report, which approved the extension, it was stated that this period of time (18 months) should provide adequate opportunity for the Congress to develop a permanent agency responsible for energy matters as a replacement for the Federal Energy Agency, which was originally established as an agency with a fixed and short life span.

Following receipt of President Carter's proposal for the establishment of a Department of Energy, and 10 days of hearings thereon, the Committee proceeded to develop legislation to establish a permanent Cabinet-level Department of Energy in the executive branch which would bring together in one Department all of the major energy programs in the Federal Government, including those relating to economic regulation of energy supply systems.

The legislation also sought to achieve the following additional purposes: the provision of an appropriate organizational framework for the implementation of energy programs; the provision of an effective permanent mechanism for the development and implementation of a comprehensive national energy policy; the creation and implementation of a comprehensive national energy conservation strategy; the assurance of a coordinated and effective energy research, development, demonstration, and commercialization program within the framework of a comprehensive energy policy; the provision of a strong and effective organizational framework for development of energy supply and energy conservation technology and initiatives, interrelating and balancing these programs within the context of national energy strategy; continuation and improvement of an effective, objective, central energy data-collection and analysis program; establishment of an effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of the strategic petroleum reserve; protection of consumers' interests in assuring an adequate and reliable supply of energy at reasonable costs; assignment of a policy formulation role with respect to the participation of the United States in international energy programs and initiatives to the new Department; encouragement of cooperation of Federal, State, and local governments, and all other interested parties in the development and achievement of national energy objectives and policies; fostering and assurance of competition among parties engaged in the supply of energy; facilitation of local and individual initiatives in the development of energy supplies and technology; incorporation of national environmental protection goals in the formulation and implementation of energy programs, and the advancement of goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety; engaging in and support of basic research in the physical sciences related to and underlying the development of energy sources and utilization technologies; establishment of effective mechanisms to allow direct participation of State governments in the energy policymaking process so as to insure the development of a truly national energy policy; establishment of an effective intergovernmental network to facilitate the development of impending energy programs; and assurance that private enterprise will be utilized in the development and achievement of the above purposes.

As amended by the Committee, the bill set forth (1) extensive congressional findings concerning the need for, and purpose of, the Department of Energy; (2) the basic organizational structure of the new Department; (3) the transfers of agencies and programs to the Department; (4) the structure, authorities, responsibilities and procedures of a three-member Energy Regulatory Board, to (a) handle actions which directly establish rates and charges under the Natural Gas Act and the Federal Power Act, (b) to issue certificates of public convenience and necessity for pipeline routes, and (c) to have primary jurisdiction over major energy actions of the Emergency Petroleum Allocation Act; (5) the administrative procedures applicable to the Department, Regulatory Board, and procedures for judicial review; (6) the administrative provisions applicable to the Department of Energy, including conflict of interest provisions; (7) a requirement for a national energy policy plan; (8) administrative matters which were necessary to the establishment of the Department; and (9) the establishment of regional advisory boards to advise the Secretary in the development and implementation of national energy policy.

As finally enacted, following the House-Senate Conference, the legislation expanded the findings and purposes of the Department, established its primary components and their functions, powers and authorities, to include the Federal Energy Regulatory Commission (FERC), the Energy Information Administration (requiring an Energy Industry Profile), an Economic Regulatory Administration, an Office of Inspector General, an Office of Energy Research, and a Leasing Liaison Committee. The legislation provided further for the transfer of authority to the Department of Energy from other agencies, established active liaisons between the Department of Energy and departments and agencies whose functions were not transferred, and set forth general administrative and procedural provisions governing rulemaking and other proceedings as well as procedures for judicial review, and provisions designed to eliminate or minimize conflicts of interest, or the appearance of such conflicts, by employees of the new Department.

The Department of Energy Organization Act was signed into law on August 4, 1977 (P.L. 95–91).

DEPARTMENT OF EDUCATION

The enactment of the Department of Education Organization Act (P.L. 96–88) culminated three years of work by the Committee on Governmental Affairs. Although various bills to establish a Cabinet-level Department of Education had been referred to the Committee over a period of many years, it was not until March 1977 that serious consideration was given to the urgent need for action because education was not receiving the attention it deserved in the burgeoning and increasingly unmanageable Department of Health, Education, and Welfare (HEW).

Between March 1977 and final enactment in 1979, the Committee held 12 days of hearings on bills to create a Department of Education, hearing testimony from some 150 witnesses. Following careful study and consideration, the Committee found that (1) there was a significant, but carefully restrained, Federal role in education; (2) total Federal spending for education amounted to in excess of $25 billion annually; (3) the Federal effort was severely hampered by its burial in HEW, its confusing lines of authority and administration, its fragmentation and its obvious lack of direction; (4) a hampered and deficient Federal education effort placed an adverse strain on State, localities, and public and private educational institutions; and (5) establishment of a Cabinet-level Department would go far toward remedying these problems, thereby enabling the Federal Government to improve its contribution to the betterment of American education.

As enacted, the legislation (1) established within the Executive Branch a new Cabinet Department—the Department of Education; (2) provided that the new Department shall be headed by a Secretary of Education; (3) transferred to the new Department the education and education-related functions of HEW as well as some of the education-related functions of several other departments and agencies; (4) established within the new Department various offices to oversee its major functions; and (5) redesignated the Department of Health, Education, and Welfare as the Department of Health and Human Services.

The Department of Education Organization Act was signed into law on October 17, 1979 (P.L. 96–88).

PAPERWORK MANAGEMENT AND REDUCTION

Over a period of many years, the Committee on Governmental Affairs has been concerned about the ever-increasing burden of the Federal Government's information requests on the American people, in general and the American business community, in particular. The only statute which attempted to regulate the continuous flow of Federal paperwork was the Federal Reports Act of 1942, as amended.

Although the Committee held hearings and considered numerous bills designed to alleviate or control this burden, no satisfactory solution was forthcoming, and it was clear that the 1942 Act was not operating in an effective and meaningful manner. In order to obtain reliable information with respect to the full extent of the problems generated by the paperwork burden, the Committee requested the Comptroller General to make a pilot study of the paperwork generated by the agency which issued the largest number of public-use forms, the Department of Labor. During the same period, the Office of Management and Budget contracted with a private management firm for a complete study.

The Committee's own studies revealed that 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 Committee concluded that the cumulative impact is excessive, too many paperwork requirements are unnecessary and wasteful, and that it was important to recognize that every one percent reduction achieved is a billion dollar effort saved.

Public agitation became so great that the Congress, deciding not to wait for the results of the OMB study, established, in 1974, the Commission on Federal Paperwork and directed it make a complete study of the situation and recommend some means to minimize the burden of Federal paperwork requirements. The Commission issued its final report in October 1977. Among its findings were an estimate that, using 1977 figures, the cost of Federal paperwork requirements amounted to $100 billion annually.

The Paperwork Reduction Act of 1980 (P.L. 511), which represented the culmination of many years of work by the Committee, embodied many of the Commission's recommendations.

As enacted, this legislation replaced existing law and took the statutory steps needed to reduce and minimize the burden Government paperwork imposes upon the public. As stated in the statute, its major purposes are to:

(1) Minimize the Federal paperwork burden for individuals, businesses—in particular, small businesses—State and local governments, and other persons;

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

(3) Maximize the usefulness of information collected;

(4) Coordinate and integrate Federal information policies and practices; and

(5) Ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government to improve service delivery and program management, increase productivity, and reduce the information processing burden for both the Government and the public.

The Act's major provisions—

(1) Established a goal to reduce the 1980 paperwork burden existing today by twenty-five percent in three years.

(2) Created an institutional framework to carry out recommendations of the Commission on Federal Paperwork.

(3) Consolidated within the Director of OMB and the Office of Information and Regulatory Affairs the following information management policy functions: general information, paperwork clearance, statistical activities, records management, privacy, and automatic data processing and telecommunications.

(4) Ensured that paperwork required from the public is first checked to see whether information requested is:

(a) Needed;

(b) Not duplicative; and

(c) Collected efficiently.

(5) Made the Director of OMB accountable for this checking and responsible for preventing duplicative and unnecessary paperwork burdens.

(6) Required all information requests of the public to display a control number, an expiration date, and indicate why the information is needed, how it will be used, and whether it is a voluntary or mandatory request. Requests which do not reflect a current OMB control number or fail to state why not, are "bootleg" requests and may be ignored by the public.

(7) Established a Federal Information Locator System to:

(a) Identify duplication in agencies' reporting and recordkeeping requirements:

(b) Locate existing information that may meet the needs of Congress, executive agencies, and the public: and

(c) Assist in deciding which agency requests for information collection should be approved.

(8) Rewrote the original Federal Reports Act of 1942 and eliminated all agency exemptions to the Act except the Federal Election Commission. A disapproval of an information request of the public which has been made by an independent regulatory agency may be overridden by a majority vote of the members of that agency.

The Paperwork Reduction Act of 1980 was signed into law on December 11, 1980 (P.L. 96–511).

REORGANIZATION PLANS

During the 95th and 96th Congresses, the Committee processed 10 reorganization plans dealing with a variety of subjects. No such plans were submitted in the 94th Congress, since the President's authority to submit plans had expired.

The Reorganization Act of 1977 (P.L. 95–17) renewed the previously expired authority of the President to submit reorganization plans to the Congress proposing reorganization of Federal agencies. These plans become effective 60 days after they have been submitted, unless disapproved by a simple majority of either House of the Congress.

Reorganization Plan No. 1 of 1977 restructured and streamlined the Executive Office of the President and reduced the size of the White House and EOP staffs.

Reorganization Plan No. 2 of 1977 consolidated responsibility for the international communications programs of the USIA, and the international educational and cultural exchange activities previously conducted by the State Department's Bureau of Educational and Cultural Affairs, into a new International Communication Agency.

Reorganization Plan No. 1 of 1978 streamlined civil rights enforcement functions and expanded the role of the Equal Employment Opportunity Commission.

Reorganization Plan No. 2 of 1978 established the organizational groundwork for the Civil Service Reform Act—the Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, and the Federal Labor Relations Authority.

Reorganization Plan No. 3 of 1978 improved and reorganized Federal emergency management and assistance into a new Federal Emergency Management Agency.

Reorganization Plan No. 4 of 1978 simplified and improved administration requirements of the Employee Retirement Income Security Act (ERISA).

Reorganization Plan No. 1 of 1979 created the Office of Federal Inspector for the Alaska Natural Gas Transportation System.

Reorganization Plan No. 2 of 1979 consolidated certain foreign assistance activities of the U.S. Government.

Reorganization Plan No. 3 of 1979 consolidated certain trade functions of the U.S. Government.

Reorganization Plan No. 1 of 1980 was designed to strengthen the management of the Nuclear Regulatory Commission in order to foster safety in all of the agency's activities.

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