

Cox
Cramer
Crane
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DeLay
Diaz-Balart
Dickey
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Duncan
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Ehrlich
Emerson
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Ensign
Everett
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Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner

NOT VOTING—7

Browder
Ehlers
Farr

□ 1600

Mr. HOKE changed his vote from “aye” to “no.”

Mr. PAYNE of Virginia changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bilely
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Jones
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Clyburn
Collins (GA)
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Diaz-Balart
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Emerson
English
Ensign
Everett
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Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly

NAYS—165

Abercrombie
Ackerman

Gilchrest
Gillmor
Gilman
Myrick
Nethercutt
Ney
Gordon
Goss
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Kluge
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)

Murtha
Myers
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Furse
Gephardt
Graham
Green
Gutierrez
Gutknecht
Hall (OH)

Klug
LaFalce
Lantos
Largent
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy

NOT VOTING—7

Blute
Browder
Ehlers

□ 1618

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I was unavoidably detained during the vote on final passage of H.R. 889, making emergency supplemental appropriations and rescissions. Had I been present I would have voted “aye.”

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

□ 1620

PAPERWORK REDUCTION ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call

Baessler
Baldacci

Barrett (WI)
Becerra

consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. The bill and the amendments recommended by the Committee on Government Reform and Oversight now printed in the bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. LAZIO). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 91 is a completely open rule providing for the consideration of H.R. 830, legislation that is designed to reduce the information collection burdens on the public, maximize the utility of Government information, and assure a more efficient and productive administration of information resources. In short, this legislation reasserts and enhances the commitment of Congress to uphold the principles of the Paperwork Reduction Act of 1980.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform and Oversight, after which time any member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit. Under this rule, members may offer amendments to H.R. 830 at any time, regardless of whether they have been preprinted in the RECORD.

family to engage in extensive debate and offer significant amendments on every piece of legislation considered this year.

It has been a busy 50 days with more to come, and I believe that the efforts by every member of the Rules Committee to open the process have empowered us all to work in bipartisan fashion.

I am pleased this bill will be considered under an open rule, which was unanimously approved by the Rules Committee yesterday. While the chairman and the ranking minority member of the Government Reform and Oversight Committee testified to the Rules Committee that they do not expect many amendments, there were a number of amendments that were either withdrawn or not approved during committee consideration of H.R. 830. Hopefully, this rule will provide these Members and the entire House with sufficient time to review these amendments and express any persisting apprehension about the bill.

I strongly support the goals and purpose of the 1980 Paperwork Reduction Act. However, it is clear the bill was not entirely effective in reducing the paperwork burden, as the total pages of rules printed in the Federal Register increased from an average of 50,618 during President Reagan's terms, to an average of 53,596 during President Bush's term, to an average of 61,000 pages during President Clinton's term.

The 1995 Paperwork Reduction Act is designed to reduce these paperwork burdens, and H.R. 830 has received considerable support. I believe that the Government Reform and Oversight Committee has crafted a good piece of legislation, and the members of the Rules Committee simply want to enable any member to offer perfecting amendments to the whole House that may enhance the benefits of legislation to the American people.

Mr. Speaker, H.R. 830 was favorably reported out of the Committee on Government Reform and Oversight by a vote of 40 to 4, and this rule received unified support from the Rules Committee. I urge my colleagues to support this rule, and I look forward to a thoughtful and deliberative debate on H.R. 830.

Mr. Speaker, I reserve the balance of my time.

fact, it is exactly the kind of rule that we all think of when we hear the term open rule: There is no limit on the time for considering amendments; there are no waivers of rules; there are no preprinting provisions; there are no conditions or requirements of any kind.

This is a completely unrestricted open rule, and it has our full support.

Furthermore, the bill which this rule makes in order, the Paperwork Reduction Act of 1995 is, itself, relatively noncontroversial and has substantial support on both sides of the aisle. The one provision in the bill that is a major point of contention for Members on our side will be debated when the gentlewoman from Illinois, the ranking minority member of the Committee on Government Reform and Oversight, Mrs. COLLINS, offers her amendment.

The Collins amendment would strike the provisions of H.R. 830 that allow the Office of Management and Budget to review and reject Federal regulations that require businesses to disclose information to third parties, including their employees and the public.

This amendment would preserve the 1990 Supreme Court decision in the case of Dole versus the United Steelworkers of America, which held that OMB did not have the authority to review OSHA requirements that companies post safety notices in the workplace. In other words, the amendment would prevent the Paperwork Reduction Act from being used as a mechanism to deny workers the right to know about hazards they face in the workplace.

Other amendments we are anticipating include: one to be offered by the gentleman from Vermont [Mr. SANDERS] which would place a priority on reducing paperwork for very small businesses; one to be offered by the gentleman from Idaho [Mr. CRAPO] addressing the right of private citizens to seek court actions challenging Federal agency information collection activities that have not been cleared by OMB; and one to be offered by the gentlewoman from New York [Mrs. MALONEY] which would sunset this bill after 5 years.

Mr. Speaker, again, the rule before us is a completely unrestricted open rule, and I urge its adoption.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None

H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision.	N/A
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive: 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive: 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 729	Death Penalty/Habeas	N/A	Restrictive: brought up under UC with a 6 hr. time cap on amendments.	N/A
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive: makes in order only the Gibbons amendment; waives all points of order; contains self-executing provision.	TD
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive: makes in order only the Obey Substitute	TD

71 percent restrictive; 29 percent open. These figures use Republican scoring methods from the 103d Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, and H.R. 440.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], the chairman, for reporting this unrestricted rule to the House floor and I want to acknowledge the gentleman from California [Mr. BEILENSON] for his support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 91 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 830.

□ 1628

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentleman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor today the first reauthorization of the Paperwork Reduction Act since it expired in 1989. This bill continues the very long tradition of seek-

ing to reduce the burdens of Federal regulations on individuals and businesses which first began with the Commission on Federal Paperwork in 1977. The report of that Commission, chaired by our former good friend and colleague, Frank Horton, led to the establishment of the Office of Information and Regulatory Affairs at OMB, or IRA, and the passage of the Paperwork Reduction Act of 1980.

The Paperwork Reduction Act of 1995 was reported out of the Committee on Government Reform and Oversight on February 10 of this year with an overwhelming 40-to-4 vote, obviously a very broad bipartisan vote. I am here today to encourage all of my colleagues to support the passage of this important measure today.

As I say, the legislation is premised on the continuing belief in the principles and requirements of the Paperwork Reduction Act of 1980. All of the legislation's amendments to the 1980 act, as amended in 1986, are intended to further its original purposes, to strengthen OMB and agency paperwork reduction efforts, to improve OMB and agency information resources management, including in specific functional areas such as information dissemination, and to encourage and provide for more meaningful public participation in paperwork reduction and broader information resources management decisions.

□ 1630

With the regard to the reduction of information collection burdens, the legislation increases the act's 1986 goal of an annual 5 percent reduction in public paperwork burdens to a full 10 percent. OMB is required to include in its annual report to Congress, recommendations to revise statutory paperwork burdens. The legislation includes third-party disclosure requirements in the definition of collection of information to overturn the Supreme Court's decision, *Dole versus United Steelworkers of America*. This will ensure that collection and disclosure requirements are covered by the OMB paperwork clearance process, and this

will be the subject of an amendment later in this debate. The Act is also amended to require each agency to develop paperwork clearance process to review and solicit public comment on proposed information collections before submitting them to OMB for review. Public accountability is also strengthened through requirements for public disclosure of communications with OMB regarding information collections—with protections for whistleblowers complaining of unauthorized collections—and for OMB to review the status of any collection upon public request. In combination with more general requirements, such as encouraging data sharing between the Federal Government and State, local, and tribal governments, the legislation strives to further the act's goals of minimizing government information collection burdens, while maximizing the utility of government information.

The legislation also adds further detail to strengthen other functional areas, such as statistical policy and information dissemination. The dissemination provisions, for example, delineate clear policies that were not articulated in the act's previous references to dissemination. These provisions require OMB to develop governmentwide policies and guidelines for information dissemination and to promote public access to information maintained by Federal agencies. In turn, the agencies are to: First, ensure that the public has timely and equitable access to public information; second, solicit public input on their information dissemination activities; and third, not establish restrictions on dissemination or redissemination of government information. Emphasis is placed on efficient and effective use of new technology and a reliance on a diversity of public and private sources of information to promote dissemination of government information, particularly in electronic formats.

With regard to over-arching information resources management [IRM] policies, the legislation charges agency heads with the responsibility to carry out agency IRM activities to improve

lection burdens on the public.

To improve accountability for agency IRM responsibilities, as well as responsibilities for paperwork reduction, the agency responsibilities provided in the act are amended to complement and more directly parallel OMB's functional responsibilities.

Finally, Mr. Chairman, I want to comment on a very minor section of the bill that was later removed during the committee's consideration which would have codified OMB circular A-130, a long-standing executive branch policy which states that the government should not compete with the private sector in using public information.

Single issue interest groups have distorted, I think, and misrepresented this provision to suggest that it was included in this bill solely to benefit one specific company. And I agreed to remove this provision from the bill, and it is not in the bill, and would consider it at another time, but I do want to state for the RECORD that as a matter of policy Congress should not condone the Government competing against the private sector, which was the concern raised in this amendment. But because it became extraordinarily controversial and because it was presented and seen as benefiting one company, although that was not the purpose, it has been deleted from this measure.

I am aware that a number of amendments will be offered to this bill. While many of these amendments were offered and defeated in the committee, I appreciate all of the constructive efforts that have been made by Members on both sides to improve this bill.

Let me say, Mr. Chairman, that I have given what is contained in the bill, but the bottom line is when you forget all about the technicalities of the bill, the effort here is to reduce the paperwork burden which has proliferated over the years the incredible mountain of information that the government demands be collected and reported and recorded. Very, very, many of these requirements are necessary, many of them are clearly not. And the bottom line is we are attempting to bring some sort of reasonable restraints on the ability and the power of the Federal Government to impose these burdens on the private sector and on local and State governments.

So at the end of the amendment process, which we will hopefully begin soon, I hope all Members will join what has really been a very long and bipartisan effort to minimize Federal paperwork requirements imposed on American citizens and taxpayers. This bill, I

and Regulatory Affairs. That is also a mistake. Without the threat of reauthorization, agencies grow complacent. Without the need for reauthorization, it is too easy for agencies to ignore congressional oversight. Congresswoman MALONEY will offer an amendment to sunset this bill after 5 years, and I support her amendment.

So we have an opportunity to do something here this afternoon and evening on a very bipartisan basis, which is good government, not very exciting, not very sexy issue, but it is one that I think is extraordinarily important for every small and large business, every household, every municipality in this country, and that is to reduce the crushing burden of paperwork requirements the Federal Government imposes.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, today we are considering the reauthorization of the Paperwork Reduction Act. For many years, this act, and its subsequent reauthorizations, have been bipartisan.

Similarly, this bill contains many provisions of bipartisan agreement. However, a problem continues with this act, because it expands the authority of OMB to interfere with agency decisions for reasons other than paperwork reduction.

Over the years of Republican administrations, OMB became a haven for special interests to quietly plead for lesser regulations than those imposed by the Federal agencies. This backdoor special interest access came after these business lobbyists failed to get their way at the agencies.

No records were kept of these meetings. No one knew what went on behind those closed doors. However, we did witness the OMB cancellation of regulation after regulation. We also saw White House officials stonewall all questions about who came to the Office of Management and Budget, and what was said.

Let me give you an example of OMB's interference with agency regulations. In one case, it blocked regulations that required companies to post a notice to their workers of any toxic chemicals used at the work site, after companies complained about the posting requirements, even though OMB did not have the authority to do so.

Mr. Chairman, I reserve the balance of my time.

When the case reached the Supreme Court, it ruled that OMB did not have the authority to act. This bill would overturn that Supreme Court decision known as Dole versus Steelworkers of

and Regulatory Affairs. That is also a mistake. Without the threat of reauthorization, agencies grow complacent. Without the need for reauthorization, it is too easy for agencies to ignore congressional oversight. Congresswoman MALONEY will offer an amendment to sunset this bill after 5 years, and I support her amendment.

Mr. Chairman, there are some good provisions in H.R. 830, but I urge my colleagues to consider our amendments carefully, and give them your support.

□ 1640

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I wanted to rise today in support of this legislation.

Let me explain that it was my experience working with Vice President Quayle at the Competitiveness Council that this paperwork act is vitally important in reducing the amount of paperwork burden that the Federal Government puts on private employers and ultimately, therefore, consumers and workers.

The legislation that we have before us today does several very important things. Chief among them is the permanent reauthorization of that act so that we will be assured that all Government paperwork is reviewed by OMB in a central reviewing process to make sure we do not place unnecessary burdens, that we do not have forms that are duplicative, that we do not ask people to fill out forms for no good reason, if the Federal Government is involved.

The second very important provision in this bill is to close one of the loopholes created by a Supreme Court case called the Steelworkers' case which said that if the Government required people to fill out a form or disclose a particular form to another party but not send that form back to Washington, then it would be exempt from this review process. The problem with that particular loophole is that we have seen a mushrooming of paperwork that fits that description.

In our subcommittee we held hearings on this bill. One of my constituents who is from Shelbyville, IN, a gentleman named Bob Stolmeier, came and talked about the duplicative paperwork he has to fill out in his small business.

In particular he talked about the hazard notification forms that he has

the potential hazards related to these plastic bags. It is something he says nobody has ever asked him to take a look at. It is not a hazardous material the way we think of a chemical or nuclear materials that could be threatening to health and safety, but the Government regulations require him to go through that each time he sets up business and every time he ships his product. It is an enormous cost. It is a self-imposed cost that affects our competitiveness. He is in direct competition with manufacturers of the same product overseas and says they do not have to supply that same paperwork.

Those are some of the things that this bill would accomplish for men and women around the country. Let me say in general that if you stop and take a look at the magnitude of the problem, the Federal Government requires so much paperwork to be filled out that it would take over a million people working full time at entire year to fill out all of the forms that are required by the Federal Government. That is a million people doing nothing more than filling out forms and sending them in to Washington or having them there in their worksite.

We need to cut back on this unnecessary paperwork, free up our workers, free up our farmers, reduce prices for the consumers, and help to eliminate unnecessary paperwork and redtape.

Mr. Chairman, I rise in support of this bill. I am glad to see that it has broad bipartisan support and is not a huge controversial measure. The American people can rest assured that this change will do us a lot of good.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, we had a couple of other requests, but I do not see them on the floor. I think this is evidence of what a bipartisan bill this is and how Members are convinced that we have a good piece of legislation here.

Mr. LATOURETTE. Mr. Chairman, 50 days ago I was a county prosecutor in Lake County, OH, so I'm somewhat new at this job. I am not new, however, at hearing people gripe about the Federal Government, Washington, DC., and the Congress.

It has been my experience that when folks are not chastising us for being a group of self-serving politicians, they are blasting us for being a part of the place that reeks of inefficiency and waste. Washington could literally bury itself under the mountain of paperwork it insists others complete. And do not for a moment think that thought has not crossed the minds of many a business owner.

Regulatory Affairs Committee.

Mr. Koebnitz, the CEO of a Cleveland-area company, explained how during each Congressional cycle the Chamber surveys its Members and asks them to rank issues of importance to them. Of the 64 issues identified for this Congress, paperwork reduction was No. 3, ranking behind only unfunded mandates and welfare reform.

Mr. Koebnitz and Chamber officials were kind enough to provide my office with the following examples of paperwork nightmares, all from the same Pennsylvania independent laboratory—a company with just 10 full-time employees. If these examples do not convey the message that paperwork reduction is necessary, nothing will.

The company had to establish an entirely new and separate bookkeeping system just to keep up with the paperwork required by the Family and Medical Leave Act.

To comply with a routine Affirmative Action Audit in 1988, the company had to expend approximately 600 hours of staff time to prepare and facilitate the process. And when we say "mountain of paperwork" it is no exaggeration. The completed paperwork package to comply with this, again—routine audit, weighed 13 pounds.

I ask you, how much does the paperwork from an audit weigh when it is not routine? Thirty-seven pounds? One hundred and fourteen pounds? It is one thing to comply with regulations, but quite another to bury companies under excessive and needlessly complex documentation.

I applaud Mr. Koebnitz for bringing this problem to the attention of the Congress and concur with the message he gave to the committee:

We should let the American business community get back to the business of running their companies rather than spending ridiculous amounts of time complying with federal government edicts.

I urge my colleagues to support H.R. 830.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of H.R. 830, the Paperwork Reduction Act of 1995.

I am pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Small Business Committee and the Committee on Government Reform. This bill has been developed on a bipartisan basis and has received considerable bipartisan support. I want to particularly acknowledge the work of the gentleman from Pennsylvania [Mr. CLINGER] and of the gentleman from Virginia [Mr. SISKY] who as a member of my Small Business Committee, has been most persistent on this legislation.

Both gentlemen sponsored similar legislation last Congress, H.R. 2995, which had over 100 cosponsors, evenly split between Republicans and Democrats. I also want to acknowledge the support of the gentleman from New York [Mr. LAFALCE] who as the ranking mem-

ber of the Paperwork Reduction Act, and the strengthening amendments to the Regulatory Flexibility Act we will be considering next week, are precisely the kind of commonsense regulatory reforms that this Congress can enact for the benefit of small businesses and all the American people.

On January 27, the Small Business Committee held a hearing on legislative proposals for paperwork reduction. The Administrator of the White House Office of Information and Regulatory Affairs [OIRA], Mrs. Sally Katzen, indicated the administration fully supported the bill we have before us today. After describing problems this administration has in implementing the Act as a result of the 1990 Supreme Court decision in *Dole versus Steelworkers of America*, she specifically stated the Clinton administration supports overturning that decision. She further echoed the testimony of our small business witnesses that strengthening amendments to the Paperwork Reduction Act are needed.

Authorization for appropriations to OIRA expired in 1989. The Supreme Court decision followed in 1990. Our small business witnesses noted that the Act's promise to protect them from bureaucratic excesses and unnecessary regulations has significantly eroded during the past 5 years. They gave three reasons: The Court decision which gave agencies an excuse to avoid the Act's requirements, the growing tendency of agencies to ignore the Act's requirements, and the inability of the Executive branch and the Congress to come to an agreement during the past three Congresses on what amendments are needed to the Act.

Put simply, this legislation needs to be enacted to strengthen the tools in the Act that encourage small businesses to participate in reducing the cumulative burdens of regulatory paperwork. The Act needs to be strengthened, corrected, and renewed, not weakened by time and neglect.

One of our witnesses estimated that 510 billion dollars worth of time and effort are spent by the American public meeting the Federal Government's information needs. Those are the hidden taxes, the off-budget costs of government programs. We need to be sure that we keep these costs to a minimum. The ability of small businesses, for example, to create new jobs and retain existing ones, depends on keeping the costs to a minimum.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community' ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations. Small business organizations such as National Federation of Independent Businesses, National Small Business

day for small business. And it is—just as surely—a great day for this House.

Today we have a chance to really change the way Government does business. Paperwork reduction is not something that only academics and bureaucrats care about. It is a reform that will have a direct impact on millions of people—and especially small businesses—on a day-to-day basis.

If we really want to reinvent Government, we must constantly be thinking of ways for Government to perform its necessary functions without imposing a crushing burden on small businesses.

This administration has received praise from many quarters for its reinventing Government initiative. I, for one, think this praise is well-deserved. The National Security Committee, on which I serve, worked hand in hand with the administration last year to craft sweeping legislation to reinvent the Government procurement system.

However, despite this and other successes, much more remains to be done. If you ask small businesses how they think Government should be reinvented, I think most would say paperwork reduction is a good place to start. As a senior member of the Small Business Committee, I know that small businesses rank paperwork reduction as one of their highest priorities.

Small firms are forced to spend billions of dollars each year filling out Government paperwork. We sometimes forget that many small businesses, especially the smallest of the small, have a hard time just keeping their heads above water. Government paperwork is really a hidden tax on small business, and it makes it that much harder for them to survive.

Since small businesses are responsible for creating most new jobs in today's economy, it only makes sense to do what we can to eliminate this impediment to small business job creation. Paperwork reduction is a reform that both Democrats and Republicans can enthusiastically support.

We can be proud that the original Paperwork Reduction Act, as well as H.R. 830, have been genuinely bipartisan efforts. In the last Congress, Mr. CLINGER joined me in introducing a very similar bill, cosponsored by a bipartisan group of 120 Members. In this Congress, I had the pleasure of joining with Mr. CLINGER in renewing this effort. Both H.R. 830 and its Senate counterpart enjoy the backing of the Clinton administration.

I think that this legislation is an encouraging example of how Members of both parties can put aside partisan differences when it comes to small business and job creation, and I hope it can serve as a model for constructive bipartisan cooperation in the future.

Mr. Chairman, today we have a chance to help small businesses in America do what they do best—create more jobs. I strongly urge my Democratic and Republican colleagues to give their wholehearted support to H.R. 830.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

- "Sec.
 "3501. Purposes.
 "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 Government Information Locator Service.
 "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. Purposes

- "The purposes of this chapter are to—
 "(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;
 "(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;
 "(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;
 "(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;
 "(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 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—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

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

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, 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,

tures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance 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;

“(6) the term ‘information resources’ means information and related resources, such as personnel, equipment, funds, and information technology;

“(7) the term ‘information resources management’ means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

“(8) the term ‘information system’ means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

“(9) the term ‘information technology’ has the same meaning as the term ‘automatic data processing equipment’ as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

“(10) the term ‘person’ means an individual, 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;

“(11) the term ‘practical utility’ means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

“(12) the term ‘public information’ means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

“(13) the term ‘recordkeeping requirement’ means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

“(A) retain such records;

“(B) notify third parties or the public of the existence of such records;

“(C) disclose such records to third parties or the public; or

“(D) report to third parties or the public regarding such records.

“§ 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 Administrator who shall be appointed by the President, by and with the advice and

“(a)(1) The Director shall—

“(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

“(B) provide direction and oversee—

“(i) the review and approval of the collection of information and the reduction of the information collection burden;

“(ii) agency dissemination of and public access to information;

“(iii) statistical activities;

“(iv) records management activities;

“(v) privacy, confidentiality, security, disclosure, and sharing of information; and

“(vi) the acquisition and use of information technology.

“(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

“(b) With respect to general information resources management policy, the Director shall—

“(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

“(2) foster greater sharing, dissemination, and access to public information, including through—

“(A) the use of the Government Information Locator Service; and

“(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

“(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

“(4) oversee the development and implementation of best practices in information resources management, including training; and

“(5) oversee agency integration of program and management functions with information resources management functions.

“(c) With respect to the collection of information and the control of paperwork, the Director shall—

“(1) review and approve proposed agency collections of information;

“(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

“(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

“(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

“(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

“(d) With respect to information dissemination, the Director shall develop and over-

coordination, the Director shall—

“(1) coordinate the activities of the Federal statistical system to ensure—

“(A) the efficiency and effectiveness of the system; and

“(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

“(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

“(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

“(A) statistical collection procedures and methods;

“(B) statistical data classification;

“(C) statistical information presentation and dissemination;

“(D) timely release of statistical data; and

“(E) such statistical data sources as may be required for the administration of Federal programs;

“(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

“(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

“(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

“(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

“(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

“(A) be headed by the chief statistician; and

“(B) consist of—

“(i) the heads of the major statistical programs; and

“(ii) representatives of other statistical agencies under rotating membership; and

“(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

“(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

“(B) all costs of the training shall be paid by the agency requesting training.

“(f) With respect to records management, the Director shall—

“(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

“(2) review compliance by agencies with—

“(A) the requirements of chapters 29, 31, and 33 of this title; and

“(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

“(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

“(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

“(h) With respect to Federal information technology, the Director shall—

“(l) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

“(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

“(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

“(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

“(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

“(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

“(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

“(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

“(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

“§ 3505. Assignment of tasks and deadlines

“(a) In carrying out the functions under this chapter, the Director shall—

“(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

“(A) reduce information collection burdens imposed on the public that—

“(i) represent the maximum practicable opportunity in each agency; and

“(ii) are consistent with improving agency management of the process for the review of

information needs and develop strategies, systems, and capabilities to meet those needs.

“(b) With respect to general information resources management, each agency shall—

“(1) manage information resources to—

“(A) reduce information collection burdens on the public;

“(B) increase program efficiency and effectiveness; and

“(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

“(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

“(3) develop and maintain an ongoing process to—

“(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

“(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

“(C) establish goals for improving information resources management’s contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

“(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency’s information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

“(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

“(c) With respect to the collection of information and the control of paperwork, each agency shall—

“(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

“(A) review each collection of information before submission to the Director for review under this chapter, including—

“(i) an evaluation of the need for the collection of information;

“(ii) a functional description of the information to be collected;

“(iii) a plan for the collection of the information;

“(iv) a specific, objectively supported estimate of burden;

“(v) a test of the collection of information through a pilot program, if appropriate; and

“(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

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“(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

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“(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

“(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

“(C) establish goals for improving information resources management’s contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

“(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency’s information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

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“(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

“(C) establish goals for improving information resources management’s contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

“(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency’s information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

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“(v) a test of the collection of information through a pilot program, if appropriate; and

“(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

“(3) develop and maintain an ongoing process to—

“(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

“(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

“(C) establish goals for improving information resources management’s contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

“(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency’s information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

person receiving the collection of information—

“(I) the reasons the information is being collected;

“(II) the way such information is to be used;

“(III) an estimate, to the extent practicable, of the burden of the collection; and

“(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

“(C) assess the information collection burden of proposed legislation affecting the agency;

“(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

“(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

“(ii) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information;

“(iii) enhance the quality, utility, and clarity of the information to be collected; and

“(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

“(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

“(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

“(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

“(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

“(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

“(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

“(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

“(iii) an exemption from coverage of the collection of information, or any part thereof;

“(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

the processing of information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

“(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

“(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

“(d) With respect to information dissemination, each agency shall—

“(1) ensure that the public has timely, equal, and equitable access to the agency’s public information, including ensuring such access through—

“(A) encouraging a diversity of public and private sources for information based on government public information,

“(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

“(C) agency dissemination of public information in an efficient, effective, and economical manner;

“(2) regularly solicit and consider public input on the agency’s information dissemination activities;

“(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

“(4) not, except where specifically authorized by statute—

“(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

“(B) restrict or regulate the use, resale, or redissemination of public information by the public;

“(C) charge fees or royalties for resale or redissemination of public information; or

“(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

“(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

“(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

“(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

“(e) With respect to statistical policy and coordination, each agency shall—

“(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

“(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

“(6) make data available to statistical agencies and readily accessible to the public.

“(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

“(g) With respect to privacy and security, each agency shall—

“(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

“(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

“(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

“(h) With respect to Federal information technology, each agency shall—

“(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

“(2) assume responsibility and accountability for information technology investments;

“(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

“(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

“(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

“(A) integrated with budget, financial, and program management decisions; and

“(B) used to select, control, and evaluate the results of major information systems initiatives.

“§ 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 collection of information—

“(1) the agency has—

“(A) conducted the review established under section 3506(c)(1);

“(B) evaluated the public comments received under section 3506(c)(2);

“(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations,

“(III) a brief description of the need for the information and the proposed use of the information;

“(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

“(V) an estimate of the burden that shall result from the collection of information; and

“(VI) notice that comments may be submitted to the agency and Director;

“(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

“(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

“(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

“(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

“(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

“(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

“(A) the approval may be inferred;

“(B) a control number shall be assigned without further delay; and

“(C) the agency may collect the information for not more than 1 year.

“(d)(1) For any proposed collection of information contained in a proposed rule—

“(A) as soon as practicable, but no later than the date of 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 and any information requested by the Director necessary to make the determination required under this subsection; and

“(B) 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 contained in the proposed rule;

“(2) When a final rule is published in the Federal Register, the agency shall explain—

“(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

“(B) the reasons such comments were rejected.

“(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

“(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

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

“(D) from disapproving any collection of information contained in a final rule, if—

“(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

“(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

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

“(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

“(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

“(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

“(3) This subsection shall not require the disclosure of—

“(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

“(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

“(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

“(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

“(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

“(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

“(g) The Director may not approve a collection of information for a period in excess of 3 years.

“(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

“(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

“(2) if under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

“(A) publish an explanation thereof in the Federal Register; and

“(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

“(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

“(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information 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 collections of information in specific program areas, for specific purposes, or for all agency purposes.

“(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information 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.

“(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

“(A) a collection of information—

“(i) is needed prior to the expiration of such time periods; and

“(ii) is essential to the mission of the agency; and

“(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

“(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

“(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

“(2) The Director shall approve or disapprove any such authorization request

“Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall 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 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 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 the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) 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 agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

“(b)(1) 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.

“(2) 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 Government Information Locator Service

“In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

“(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the ‘Service’), which shall identify the major informa-

tion and the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

“(4) consider public access and other user needs in the establishment and operation of the Service;

“(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

“(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

“§ 3512. Public protection

“Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

“(1) does not display a valid control number assigned by the Director; and

“(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

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

“(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

“(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

“(1) be taken to address information resources management problems identified in the report; and

“(2) improve agency performance and the accomplishment of agency missions.

“§ 3514. Responsiveness to Congress

“(a)(1) The Director shall—

“(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

“(B) submit a report on such activities 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.

“(2) The Director shall include in any such report a description of the extent to which agencies have—

“(A) reduced information collection burdens on the public, including—

“(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

“(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

“(B) improved the quality and utility of statistical information;

“(C) improved public access to Government information; and

“(D) improved program performance and the accomplishment of agency missions through information resources management.

“(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and 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, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

“§ 3516. Rules and regulations

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

“§ 3517. Consultation with other agencies and the public

“(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

“(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

“(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

“(2) take appropriate remedial action, if necessary.

“§ 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 resources management activities is subject to the authority of the Director under this chapter.

“(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget 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 shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions 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 shall be interpreted as increasing or decreasing the 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, including the substantive authority of any Federal agency to enforce the civil rights laws.

"(f) Notwithstanding any other provision of this chapter or any other law—

"(1) any public information that an agency discloses, disseminates, or makes available to the public may be used by any person for profit or nonprofit activities; and

"(2) if any person adds value to the public information, the Federal Government shall not have any right to obtain, collect, acquire, disseminate, use, or convert—

"(A) the resulting data, database, or other information product, or

"(B) any method used by the person to identify such resulting data, database, or information product, except under terms that are expressly agreed to by such person.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, 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 the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§ 3520. Authorization of appropriations

"There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

The first committee amendment was agreed to.

Mr. CLINGER. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, and I will not object, it is correct that this en bloc amendment is solely in compliance with the amendments adopted in committee?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, that is correct. This just incorporates those amendments which were adopted in the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will designate the remaining committee amendments.

The text of the remaining committee amendments is as follows:

Committee amendments: On page 12, line 22, insert ", and payment" after "acquisition".

In the proposed section 3505 (page 19, line 18), strike "five" and insert "10".

In the proposed section 3514 (page 51, line 14), strike "5" and insert "10".

In the proposed section 3518 strike subsection (f).

The CHAIRMAN. The question is on the remaining committee amendments.

The remaining committee amendment were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: Page 6, beginning at line 23, strike "soliciting, or requiring the disclosure to third parties or the public," and insert "or soliciting,".

Page 9, beginning at line 18, strike "records," and all that follows through page 10, line 2, and insert "records,".

Page 49, beginning at line 12, strike "maintain, provide, or disclose information to or for any agency or person" and insert "maintain or provide information to or for any agency".

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, my amendment would strike from the bill those provisions giving the Office of Information and Regulatory Affairs authority to block regulations concerning so-called third-party communications. These regulations involve requirements for companies to provide notifications to third parties, for example, their workers, about matters such as safety problems in the workplace.

Let me discuss the history of this issue and explain why it is so important. OSHA issued a rule in 1987 to private companies requiring that they post signs in the workplace to notify workers of the chemical hazards that they may face. After some companies complained to OMB, its Office of Information and Regulatory Affairs, using the Paperwork Reduction Act as its authority, overturned the rule. OMB claimed that the signs posted for the workers were covered by the act, and thus were a paperwork burden.

Mr. Chairman, we are talking about a small poster telling workers of the hazards in the workplace. Removing these warnings is not paperwork reduction, it is safety reduction. Yet OMB, in the name of paperwork reduction, said that employers do not have to warn workers about the hazards they face at work.

The Steelworkers, on the other hand, believe workers have a right to that information, and challenged that authority in court. The Supreme Court in 1990 agreed in a decision known as Dole versus the United Steelworkers of America and found that OMB had no authority over these notifications. Now, this bill overturns that hard fought victory of the workers.

Overturning Dole, as this bill does, says to workers that relieving the paperwork burden on business is more important than their health and safety on the job. Overturning Dole opens the door for political influence to prevail over scientific judgment within the corridors of the Office of Management and Budget. Overturning Dole opens the door for political favoritism over common sense.

A number of justifications are given for overturning Dole, but each is a smoke screen to hide the fact that the back door has been opened for businesses to plead their case in private after losing before an agency. The issue in this case was not the paperwork, but

this authority be used to cancel notification on the safety of children's toys? Will it be used to remove the hazard warnings from packs of cigarettes? If the safety of the work place is not beyond reach, then very little is.

Of course, others greet this expanded authority with gusto. They have something to gain. If the government requires something of you, and you have the necessary political clout, you needn't worry. A brief visit to the proper officials by the appropriately connected lobbyists will relieve your burden. There will be no questions about scientific evidence. There will be no public forum in which the ideas must be defended. Instead there will be a quiet meeting in a room off to the side where deals are struck. No records will be kept, and there will be no paper trail. After all, we're reducing paperwork here.

The pesticides and herbicides that farmers use are labeled to warn of the hazards of exposure to the skin or by breathing. Are we going to put farmers at risk in the name of paperwork reduction?

Day-in and day-out the American worker is exposed to hazards at the work place. And as manufacturing gets more complicated those hazards increase. The process of refining petroleum, making plastic, etching silicon chips for computers each involve potentially toxic chemicals. The workers in these industries have a right to know what risks surround them.

Let there be no mistake about it. Overturning the Dole decision creates the opportunity for OMB to keep workers in the dark about those dangers. My amendment merely preserves the current law on this issue. History has taught us that despite the many benefits of the Paperwork Reduction Act, it can be abused. There is no reason to overturn the Supreme Court decision that ensured workers the right to know about hazards at the workplace.

Mr. Chairman, I urge support for my amendment.

□ 1650

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, regrettably, I must oppose the gentlewoman's amendment.

One of the really important accomplishments, I think, of H.R. 830 is that it overturns the Dole decision and includes third-party disclosure requirements within the provisions of the bill.

The basic reasons, the fundamental reasons for insuring that third-party disclosure requirements are clearly

encompassing the information themselves, they have increasingly turned to require third parties to collect that information and transmit it. Third-party disclosure has increased partly because agencies which have had limited resources to collect and analyze information—and I think that capability clearly is going to be even less in the future; they will have even more limited resources to collect and analyze information—these agencies have discovered that their program objectives can be met by requiring private parties to provide information directly to the intended beneficiary or to the enforcer, which, in effect, totally eliminates the Federal middle man in this operation. It becomes a federally directed, unfunded mandate by saying, "We don't have the resources to collect this information and transmit it, so we are going to impose that requirement on you to collect it and transmit it because we don't have to be concerned where you get the resources to do this with."

So in order to decrease the direct cost of government services, agencies may also adopt third-party disclosure in the form of self-certification and recordkeeping by private entities to replace extensive information collections.

And the third reason, Mr. Chairman, why I think this reversal of the Dole decision is important to be included in this legislation is that the Federal Government has dramatically increased the use of third-party disclosure by having private institutions and individuals report to State and local governments, again totally leaving the Federal Government out of the loop.

States, for example, are often charged with the responsibility for implementing and enforcing Federal program requirements with extensive information collection. In such situations, the Federal agency may not actually receive the information that is collected, but require the States to retain the reports and the public for possible State or Federal inspection or having States send the Federal agency only a summary of the information reported to them.

So, we have really gotten this whole process fairly far distantly removed from the actual Federal involvement, processing, evaluating of the information that is being collected.

So, Mr. Chairman, Federal paperwork burdens, as we all agree, are skyrocketing and the language contained in this bill is designed to close a very, very wide loophole, one that, as I say, we have not reauthorized this whole bill

must appear in gentleman's amendment and urge a vote against the amendment.

Mr. MASCARA. Mr. Chairman, I move to strike the required number of words.

Mr. Chairman, I rise in strong support of this important amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

As I mentioned during committee consideration of this amendment, I know first-hand the importance of enforcing health and safety laws which protect workers from dangers on the job.

My father was a steel worker who died as a result of a work-related injury. And I represent thousands of workers who toil daily in the steel industry and mining industries.

These are dangerous jobs and these workers face many hazards. They deserve laws that protect, not the provisions contained in H.R. 830 which would deny them their right to know and be informed about safety and health hazards in the workplace.

The language contained in H.R. 830 would in a few lines overturn an important worker-safety decision handed down by the Supreme Court in 1990 in *Dole vs. The United Steelworkers of America*.

After 9 years of struggle, the steelworkers urged and got the top Court in this land to agree that companies had to provide so-called third party notices to their workers to make them aware of potential exposure to chemical and safety hazards in the workplace.

I find it amazing that in an effort to ensure that every last collection and disclosure requirement is covered by the Office of Management and Budget, the committee's bill so blatantly throws out this important protection for workers.

Most of the notifications involved here, Mr. Chairman, are simple notices posted on worker bulletin boards. We are not talking about any great or burdensome requirements. We are simply telling workers "beware."

In his opinion on *Dole*, Justice Brennan wrote, "Disclosure rules protect by providing access to information about what dangers exist and how they can be avoided."

Let us not take this important protection away from workers. I urge those who say they care about working men and women to support the Collins amendment.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

unnecessary and burdensome disclosures to third parties.

I received a letter from the National Federation of Independent Businesses, who have indicated that they strongly oppose this amendment. They believe that the requirements for unchecked disclosure and paperwork fall disproportionately upon small businesses in this country and that on behalf of their 600 members they are urging Members of Congress to vote against this amendment and have indeed indicated that they would have it as a key vote in their ratings of how Congress Members vote in support of small businesses.

Mr. Chairman, I urge us to vote against this amendment and retain the bill in its full form.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Illinois. This amendment will remove from the bill the provision which would overturn the 1990 Supreme Court decision in the Dole versus United Steelworkers case.

The Paperwork Reduction Act can be an appropriate response to the problem of excess government forms, surveys, and paperwork collected by government for its own use. I support the ability of OMB to develop uniform information policies for government agencies in order to reconcile unnecessary and redundant information requests. However, the dissemination of vital information from private entities to the public is a completely different matter.

Without this amendment we will be expanding the powers of the federal government, specifically OMB, to regulate non-governmental third parties. Prior to the Dole decision, OMB was able to function as a "super regulator"—utilizing ideologically-driven actions to override the scientific and technical determinations of regulatory agencies. In one case, OMB sought to diminish the worker safety requirements of the Hazard Communications Standard which had been promulgated by OSHA. The Hazard Communications Standard required that companies compile "material safety data sheets" to disclose what hazardous materials are present in the workplace.

It was because of the MSDS requirement that employees of a small metals processor were able to correct a dangerous situation in their workplace. This company used a variety of chemicals, including potassium cyanide, which was stored in close proximity to acidic cleaning solutions. When cyanide

is listed OMB as a federal "superagency", able to indiscriminantly use non-scientific political or economic judgments with little or no accountability. I support real regulatory reform, but giving OMB arbitrary power over all regulatory agencies is not my idea of reform.

□ 1700

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I voted for this bill in committee, and this amendment corrects one of the oversights that I noticed in the bill that we lost on it in committee. I support the amendment offered by my distinguished ranking member, the gentlewoman from Illinois [Mrs. COLLINS].

As currently written, the bill will overturn a 1990 Supreme Court decision that assures workers of their right to know about hazards in the workplace.

In the Dole versus U.S. Steelworkers case the Supreme Court said that the OMB had no authority to block another agency's decision that businesses disclose information on health and safety to their employees or the public.

The specific matter in the Dole case was an OSHA regulation that required employers to make sure that their employees were told of potential hazards posed by chemicals in the workplace.

Justice William Brennan wrote:

Because Congress expressed concern only for the burden imposed by requirements to provide information to a federal agency, and not for any burden imposed by requirements to provide information to a third party, OMB review of disclosure rules would not further this congressional aim.

By a 7-2 margin the Court upheld the agency's right of action in this case. Among those supporting the decision were Justices Scalia, O'Connor, and Kennedy.

Supporters of this provision will argue that the existence of questionable regulations prove that the right-to-know is an outmoded concept. I do not believe that protecting the safety of workers in the refineries in my district is an outmoded concept.

I do not believe that protecting the safety of the workers and the retirees in my district is an outmoded concept. These employees and these workers have a right to know, and I would hope that in—to sacrifice them in this bill in the reduction of paperwork that we could really have both ways. We can

peared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 10, as follows:

[Roll No. 155]

AYES—170

Abercrombie	Gibbons	Ortiz
Ackerman	Gordon	Orton
Baessler	Green	Owens
Baldacci	Gutierrez	Pallone
Barcia	Hastings (FL)	Pastor
Barrett (WI)	Hefner	Payne (NJ)
Becerra	Hilliard	Pelosi
Beilenson	Hinchev	Peterson (MN)
Bentsen	Holden	Pomeroy
Berman	Hoyer	Poshard
Bevill	Jackson-Lee	Rahall
Bishop	Jacobs	Rangel
Bonior	Jefferson	Reed
Borski	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E. B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roemer
Bryant (TX)	Kaptur	Roybal-Allard
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	Klecicka	Schumer
Coleman	Klink	Scott
Collins (IL)	LaFalce	Serrano
Collins (MI)	Lantos	Skaggs
Condit	Levin	Slaughter
Conyers	Lewis (GA)	Spratt
Costello	Lipinski	Stark
Coyne	Lowe	Stokes
de la Garza	Luther	Studds
DeFazio	Maloney	Stupak
DeLauro	Manton	Tejeda
Dellums	Markey	Thompson
Deutsch	Martinez	Thornton
Dicks	Mascara	Thurman
Dingell	Matsui	Torres
Dixon	McDermott	Torricelli
Doggett	McHale	Towns
Doyle	McKinney	Trafficant
Durbin	Meehan	Tucker
Edwards	Menendez	Velazquez
Engel	Mfume	Vento
Eshoo	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Minge	Ward
Fazio	Mink	Waters
Fields (LA)	Moakley	Watt (NC)
Filner	Mollohan	Waxman
Flake	Moran	Williams
Foglietta	Murtha	Wilson
Ford	Nadler	Wise
Frank (MA)	Neal	Woolsey
Frost	Ney	Wyden
Furse	Oberstar	Wynn
Gejdenson	Obey	Yates
Gephardt	Olver	

NOES—254

Allard	Bateman	Bryant (TN)
Andrews	Bereuter	Bunn
Archer	Bilbray	Bunning
Armey	Bilirakis	Burr
Bachus	Bliley	Burton
Baker (CA)	Blute	Buyer
Baker (LA)	Boehert	Callahan
Ballenger	Boehner	Calvert
Barr	Bonilla	Camp
Barrett (NE)	Bono	Canady
Bartlett	Boucher	Cardin
Barton	Brewster	Castle
Bass	Brownback	Chabot

Crane	Johnson (CA)	Ros-Stein
Crapo	Johnson, Sam	Rose
Cremins	Jones	Roth
Cubin	Kasich	Roukema
Cunningham	Kelly	Royce
Danner	Kim	Salmon
Davis	King	Sanford
Deal	Kingston	Saxton
DeLay	Klug	Scarborough
Diaz-Balart	Knollenberg	Schaefer
Dooley	Kolbe	Schiff
Doolittle	LaHood	Seastrand
Dornan	Largent	Sensenbrenner
Dreier	Latham	Shadegg
Duncan	LaTourette	Shaw
Dunn	Laughlin	Shays
Ehrlich	Lazio	Shuster
Emerson	Leach	Sisisky
English	Lewis (CA)	Skeen
Ensign	Lewis (KY)	Skelton
Everett	Lightfoot	Smith (MI)
Ewing	Lincoln	Smith (NJ)
Fawell	Linder	Smith (TX)
Fields (TX)	Livingston	Smith (WA)
Flanagan	LoBiondo	Solomon
Foley	Lofgren	Souder
Forbes	Longley	Spence
Fowler	Lucas	Stearns
Fox	Manzullo	Stenholm
Franks (CT)	Martini	Stockman
Franks (NJ)	McCarthy	Stump
Frelinghuysen	McCollum	Talent
Frisa	McCrery	Tanner
Funderburk	McDade	Tate
Gallely	McHugh	Tauzin
Ganske	McInnis	Taylor (MS)
Gekas	McIntosh	Taylor (NC)
Geren	McKeon	Thomas
Gilchrest	McNulty	Thornberry
Gillmor	Metcalf	Tiahrt
Gilman	Meyers	Torkildsen
Goodlatte	Mica	Upton
Goodling	Miller (FL)	Vucanovich
Goss	Molinari	Waldholtz
Graham	Montgomery	Walker
Greenwood	Moorhead	Walsh
Gunderson	Morella	Wamp
Gutknecht	Myers	Watts (OK)
Hall (TX)	Myrick	Weldon (FL)
Hamilton	Nethercutt	Weldon (PA)
Hancock	Neumann	Weller
Hansen	Norwood	White
Harman	Nussle	Wicker
Hastert	Oxley	Wolf
Hastings (WA)	Packard	Young (AK)
Hayes	Parker	Young (FL)
Hayworth	Paxon	Zeliff
Hefley	Payne (VA)	Zimmer
Heineman	Peterson (FL)	
Herger	Petri	

NOT VOTING—10

Browder	Gonzalez	Rush
Dickey	Hall (OH)	Whitfield
Ehlers	Meek	
Fattah	Radanovich	

□ 1722

Mr. WICKER and Ms. DANNER changed their vote from "aye" to "no."

Mr. NEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that future votes will be limited to 17 minutes.

Are there further amendments to the bill?

quired to maintain the records specified; Redesignate the subsequent subparagraphs of the proposed section 3506(c)(3) accordingly.

Mrs. MEYERS of Kansas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to speak just very briefly about the importance of this bill to small business.

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I am very pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Committee on Small Business and the Committee on Government Reform and Oversight. This bill has been developed on a bipartisan basis and has received considerable bipartisan support.

I would like to point out particularly the strong support within the small business community for this legislation. We have had several hearings on this legislation, and this bill has a broad base of support from the Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations.

Small business organizations, such as the National Federation of Independent Business, National Small Business United, the Small Business Legislative Council, U.S. Chamber, and the National Association of Manufacturers, all of whom are members of this coalition, have independently indicated they will highlight a vote for this bill as an important pro-business, pro-small business vote.

Mr. Chairman, I would like to propose an amendment today that I think will improve this legislation. The amendment that I propose regards recordkeeping requirements. Simply put, my amendment would require all recordkeeping requirements to indicate how long records must be kept. Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information.

What my amendment does is explicitly add the requirement that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain

specializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs.

The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants and lawyers or professional managers to determine how long their records must be kept and frequently they do not have the space to keep them.

This amendment is supported by the Paperwork Reduction Act Coalition, a broad-based coalition of some 75 business, professional, and citizen associations. The coalition includes a number of small business groups, which I have previously named.

I believe this amendment is non-controversial. It will save taxpayers money. I understand the administration has no objection to it, and I urge my colleagues to adopt it.

Mr. Chairman, the amendment I propose regards recordkeeping requirements. Simply put, my amendment will require all recordkeeping requirements to indicate how long records must be kept.

Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information. What my amendment does is explicitly add the requirements that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain how long the specified records are to be kept.

This is a commonsense step. Witnesses before the Small Business Committee have repeatedly recommended that the Paperwork Reduction Act be explicit on this point. Testimony on behalf of the Association of Records Managers and Administrators, a professional association specializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs. The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants, lawyers, or professional managers to determine how long their records must be kept.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community's ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a

portant pro-small business vote.

I want to again commend the work of Chairman CLINGER on this legislation. I urge my colleagues to vote in support of H.R. 830.

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I want to commend the gentlewoman for this amendment. We have had a chance to review the amendment. I think it makes a valuable addition to the measure.

As the gentlewoman indicated, the administration has no objection and actually would support this. I know that the gentlewoman held hearings and this amendment was fashioned out of the hearings that were held on this matter. So we would be pleased to accept the amendment of the gentlewoman.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, the minority has reviewed the amendment. We have no objection, and we support the amendment. We think it is a good amendment.

The CHAIRMAN. Is there any further debate on the amendment?

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: On page 13, after line 9, add:

(6) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

On page 30, after line 16, add:

(4) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this amendment was brought up at the committee level. I believe it now has the support of the majority.

Mr. Chairman, my amendment is entirely consistent with the overall purpose of updating and revising the Paper Work Reduction Act. It is time for us to revisit and strike a new balance between the collection of vital informa-

tion requirements.

My amendment does just that. It requires the Director of the Office of Information and Regulatory Affairs within OMB to make it a priority to first consider the adverse effects on the smallest of small businesses—those employing 50 or fewer employees—when directing and overseeing efforts to cut Federal paperwork and information reporting. Currently, the Small Business Administration typically defines a small business as one that employs 500 or fewer employees.

This amendment also makes helping the smallest of small businesses a priority for voluntary pilot projects when OMB, other Federal agencies and non-Federal entities test alternative policies, practices, regulations, and procedures to reduce the Federal paperwork burden.

A few weeks ago I met with small business leaders from all across Vermont where most businesses have 10 or fewer employees. Repeatedly they expressed two overriding concerns: First, SBA and other Federal agencies don't appreciate the different problems and comparative risks confronting different-sized small businesses, and second, Uncle Sam does not pay his bills on time, thus making it very hard for small businesses with limited cashflow to sell goods and services to the Federal Government.

With this amendment and other provisions in this bill we can tackle both of these problems.

In conclusion, we live in a time when the Federal Government must learn to do more with less. Therefore, in setting out to cut Federal regulatory costs and paperwork for American businesses, we should first strive to help the truly vulnerable small enterprises who operate much closer to the margin and whose survival is always in greater jeopardy.

I urge my colleagues to support this amendment.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I am happy to yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, indeed, I would confirm what the gentleman from Vermont said. I think it is a good amendment. It did arise during our hearing, during the markup. We have worked with the gentleman on crafting the language, which I think now is a valuable addition. We are pleased to accept the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, I thank the chairman of the committee very much, and I thank his staff for their support as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

title 44, United States Code, is repealed.
(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 44, United States Code, is amended by striking the item relating to chapter 35.

(c) EFFECTIVE DATE.—This section shall take effect 5 years after the date of the enactment of this Act.

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, the Paperwork Reduction Act provides for permanent authorization for the Office of Information and Regulatory Affairs.

My amendment will place a limit on this authorization, by sunseting the agency after 5 years. This should not be a controversial amendment. Both Democrats and Republicans support the intent of this legislation: to reduce the unnecessary paperwork for businesses, citizens, and government.

My amendment would force Congress to re-evaluate the Office of Information and Regulatory Affairs by a date certain. After 5 years, Congress could decide if it, too, is creating unnecessary paperwork. We should force the agency to prove to Congress and the American taxpayer that it is actually meeting its objective, and based on our conclusions, we could reauthorize it, or decide that the agency has completed its mission and is no longer needed.

Or decide that it is just another Federal bureaucracy in need of a mercy killing. This body should have the option to make those decisions. But if we give this agency a permanent authorization, we will make it more difficult to make those decisions.

And if proponents of term limits have their way, many of us may not be here to participate in those decisions.

If some of my colleagues support sunseting a Member's elected service after 6 years, why wouldn't that person support sunseting a Federal bureaucracy after 5 years?

Mr. Chairman, sunseting this agency will also allow Congress to take into account new technologies developed over the next 5 years. Information technology is moving very quickly. It's impossible for us to anticipate the new means by which data will be collected and made available to the public.

Five years from now, the technology that we use today might be obsolete. It might even make paperwork obsolete. Consider how out-of-date technology from 1990 appears today.

outlived their usefulness.

The administration received bipartisan praise for trying to get rid of the useless redtape. On the House floor, my colleagues on the other side of the aisle insist there is too much Government, and too many Government bureaucracies.

So I ask my colleagues, why create yet another Federal agency with a permanent authorization?

It just does not make sense.

I'll give you an example: In the coming weeks and months, my Republican colleagues may promote legislation to abolish enormous Federal agencies, like the Department of Education. They might win. They might lose. But either way, they are going to have a titanic battle on their hands.

All my amendment says is let us install a simple mechanism to make eliminating this new Federal agency much easier.

If my Republican colleagues truly believe in reducing the Federal bureaucracy, they should welcome this amendment with open arms. I urge my colleagues—on both sides of the aisle—to support it.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must rise in opposition to the amendment of the gentleman from New York. I think as a general proposition, Mr. Chairman, I do support limited authorizations, but I think for every rule there has to be an exception. I would submit that this is one of those times.

The Office of Information and Regulatory Affairs, as we are hearing during this debate, performs a very, very vital service. Beyond implementing the Paperwork Reduction Act, which is a primary part of its responsibility, they also are charged with bringing a degree of sanity to the rulemaking process of the Federal Government. Basically, it is the nerve center of the regulatory control process in the Federal Government.

Like its counterpart, the Office of Federal Procurement Policy, OIRA needs a permanent authorization, and I would say that when we had a hearing on this matter the director of OIRA testified in support of a permanent authorization for that agency. Those Members who support strong efforts to limit Government regulatory burdens I would suggest should vote no on this amendment.

I also oppose the amendment due to the fact that, really, there has been a lack of comity that the House has shown in reauthorizing this important agency. Since the authorization ex-

unanimously passed by the other body.

An identical bill was introduced in this House with over 120 bipartisan cosponsors of that measure, and the gentleman from Virginia [Mr. SISISKY] who was a prime cosponsor of that measure, and I tried to move that piece of legislation through the House, and not a single hearing was held on the matter.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, if I understand the distinguished gentleman's statement in support of not sunseting this, it is that the head of the agency involved here does not think the agency should have temporary authorization?

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I recognize that the director of an agency would have a special interest, but I think she also does reflect why there is a need for a permanent authorization, because there needs to be some sort of continuity in the regulatory control process.

Mr. DOGGETT. Mr. Chairman, if the gentleman will yield further, I was just curious as to whether the gentleman had ever met a head of an agency or Government bureau anywhere that did not think it should be permanent.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for his comment, but I would say that the director of the agency also, I think, is entitled to have her opinion considered as to why it is necessary that she have that permanent authorization.

Mr. Chairman, if limited authorization means that the House can virtually ignore the subject of reauthorization, which I think is what we are dealing with here, then I must support permanent authority for this most important agency, and I would urge my colleagues to oppose this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Texas [Mr. COLEMAN].

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, H.R. 830 carries the benign title of the Paperwork Reduction Act. In many respects, the legislation is crafted to achieve the important goal described by that title. It reauthorizes the paperwork review and approval activities of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Furthermore, it amends the 1980

offered in tandem with provisions that amend the Paperwork Reduction Act's definition of "collection of information" to include "disclosure to third parties or the public" of information. This unreasonably expanded definition would have the practical result of overturning the 1990 Supreme Court Case Dole versus United Steelworkers of America, which prohibits the Office of Information and Regulatory Affairs from reviewing proposed Federal regulations requiring businesses to disclose certain information to parties other than the Government agency collecting the information. Under the definition of "collection of information" proposed in H.R. 830, the Office of Information and Regulatory Affairs would be allowed to review, and possibly reject, regulations that require businesses and Government agencies to disclose information to affected parties, including their own employees or the public.

This portion of the bill may indeed serve to reduce the amount of paperwork that a business or local government has to do. But it also has the potential to expose workers and the public to untold dangers. Indeed, as the Dole case vividly illustrates, such instances have occurred in the past. H.R. 830 is supposed to be aimed at eliminating unnecessary paperwork. Unfortunately, this provision will result in the elimination of paperwork that is very necessary to the protection of employees and the public.

Representative COLLINS has proposed an amendment that would strike provisions of the bill that extends the definition of the phrase "collection of information" to subsume requirements for third party disclosures. Because the Collins amendment thereby eliminates the unnecessary dangers posed by certain provisions of H.R. 830, it deserves strong bipartisan support. If the bill passes without this amendment, H.R. 830 will jeopardize workers and the American public. Countless individuals will not be informed about dangerous working conditions or the safety threats posed by a product should such warnings be deemed burdensome paperwork requirements by the OIRA. Therefore, I urge support for the Collins amendment. Without that amendment, this bill is no longer a good idea; it is a dangerous one.

Mr. DOGGETT. Mr. Chairman, I rise in support of the Paperwork Reduction Act. I think it is a good step forward, but I also rise in support of the gentleman's amendment.

Mr. Chairman, as I listen to the distinguished chairman argue against the amendment, I heard not one argument that was any different than that that comes from any government bureaucrat in his commitment or her commitment to the permanence of the Government agency.

There are some of us who think that just because a government bureaucrat thinks that a bureau should go on forever, that that is not reason enough.

continuation. It makes sense that when we have these new Government initiatives, whether they are good initiatives like this one or not so good initiatives, that we set up a process as the gentlewoman would do through her amendment to automatically review every one of these programs.

There are unintended consequences of the best-intentioned government program. It is just the nature of life that events change, that consequences that were never anticipated occur, and sunset is a way to ensure that we address these matters.

There are a couple of ways that we can handle this. The approach advanced, which is the traditional approach of this Congress against sunset, is that, "Well, we'll put the burden on the people that are against a new government program to come in and convince us to abolish it."

Under sunset under the approach advocated by the gentlewoman, the approach shifts the burden where it should be. The burden to keep Government going forever ought to be on the people that want the Government, not the people that want less Government.

Under the sunset amendment that is advanced here today, we would shift the burden to where it rightfully belongs. Sunset will build into the process a scheduled time at which the Congress will review this program and determine if it sounds as good then after we have seen it in practice as it sounds today.

If the Government initiative fails, we will not be stuck with it forever, regardless of whichever bureaucrat is in charge of the agency thinks it is a good idea at that time or not. Sunset will compel this Congress to automatically review this program or it will expire.

I find it not a little bit ironic, Mr. Chairman, that the only sunset initiatives that have been advanced in this Congress have been rejected by those who are today celebrating that they have a contract for a less burdensome, less intrusive, and more limited Government. What on this 50th day of the Congress could be more consistent with that than the whole approach of sunset, that government bureaus ought not to last forever, that these new initiatives, no matter how well-intentioned, ought not to last forever and that we ought to put a fixed life after which they will be reviewed.

We think of Government on this side of the aisle as not being in permanent terms but being limited and that is what the sunset process is all about. That is what this amendment will accomplish.

Act, would be the best way to apply it not only here but to set a precedent today in applying it to this act that every time we have new Government initiatives, every time we have new Government regulations, they will not go on forever, we will review them, we will concentrate on the laws we pass, not just on passing more laws.

I urge a vote for the Paperwork Reduction Act but to improve it with the Maloney amendment. I congratulate the gentlewoman on the excellent work that she has done on this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Maloney amendment would place a 5-year authorization on OMB's Office of Information and Regulatory Affairs, or IRA, which is the key agency charged with implementing the regulatory reduction goals of the Contract With America. Not a single hearing has been held on reauthorization of IRA since its current authority expired in 1989. We are making sure it does continue. Even the Clinton administration supports permanent authority for IRA.

I appreciate the fine work of the gentlewoman from New York and what she has done in committee. But we need to ensure that the paperwork reduction reforms that we have here in this bill continue unimpeded.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 265, not voting 13, as follows:

[Roll No. 156]

AYES—156

Abercrombie	Brown (FL)	DeLauro
Ackerman	Brown (OH)	Dellums
Baesler	Bryant (TX)	Deutsch
Baldacci	Clay	Dingell
Barcia	Clayton	Dixon
Barrett (WI)	Clement	Doggett
Becerra	Clyburn	Doyle
Beilenson	Coleman	Durbin
Bentsen	Collins (MI)	Engel
Berman	Condit	Eshoo
Bevill	Conyers	Evans
Bishop	Costello	Farr
Bonior	Coyne	Fazio
Borski	Danner	Fields (LA)
Boucher	de la Garza	Filner
Brown (CA)	DeFazio	Flake

Hinchey	Miller (CA)	Stark
Holden	Mineta	Stokes
Hoyer	Minge	Studds
Jackson-Lee	Mink	Stupak
Jacobs	Moakley	Thompson
Jefferson	Mollohan	Thornton
Johnson (SD)	Montgomery	Thurman
Johnson, E. B.	Moran	Torres
Johnston	Murtha	Torricelli
Kanjorski	Nadler	Towns
Kaptur	Neal	Trafficant
Kennedy (MA)	Oberstar	Tucker
Kennedy (RI)	Obey	Velazquez
Kennelly	Olver	Vento
Kildee	Owens	Volkmer
Klink	Pallone	Ward
LaFalce	Pastor	Waters
Lantos	Payne (NJ)	Watt (NC)
Levin	Pelosi	Williams
Lewis (GA)	Peterson (FL)	Wilson
Lipinski	Peterson (MN)	Wise
Lofgren	Rangel	Woolsey
Lowey	Reed	Yates

NOES—265

Allard	Dooley	Hutchinson
Andrews	Doolittle	Hyde
Archer	Dornan	Inglis
Armey	Dreier	Istook
Bachus	Duncan	Johnson (CT)
Baker (CA)	Dunn	Johnson, Sam
Baker (LA)	Edwards	Jones
Ballenger	Ehrlich	Kasich
Barr	Emerson	Kelly
Barrett (NE)	English	Kim
Bartlett	Ensign	King
Barton	Everett	Kingston
Bass	Ewing	Klug
Bateman	Fawell	Knollenberg
Bereuter	Fields (TX)	Kolbe
Bilbray	Flanagan	LaHood
Bilirakis	Foley	Largent
Bliley	Forbes	Latham
Blute	Fowler	LaTourette
Boehlert	Fox	Laughlin
Boehner	Franks (CT)	Lazio
Bonilla	Franks (NJ)	Leach
Bono	Frelinghuysen	Lewis (CA)
Brewster	Frisa	Lewis (KY)
Brownback	Funderburk	Lightfoot
Bryant (TN)	Furse	Lincoln
Bunn	Galleghy	Linder
Bunning	Ganske	Livingston
Burr	Gekas	LoBiondo
Burton	Geren	Longley
Buyer	Gilchrest	Lucas
Callahan	Gillmor	Manzullo
Calvert	Gilman	Martini
Camp	Goodlatte	McCarthy
Canady	Goodling	McCollum
Cardin	Gordon	McCreery
Castle	Goss	McDade
Chabot	Graham	McHugh
Chambliss	Greenwood	McInnis
Chapman	Gunderson	McIntosh
Chenoweth	Gutknecht	McKeon
Christensen	Hall (TX)	McNulty
Chrysler	Hamilton	Metcalf
Clinger	Hancock	Meyers
Coble	Hansen	Mica
Collins (GA)	Harman	Miller (FL)
Combest	Hastert	Molinari
Cooley	Hastings (WA)	Moorhead
Cox	Hayes	Morella
Cramer	Hayworth	Myers
Crane	Hefley	Myrick
Crapo	Heineman	Nethercutt
Cremeans	Hergert	Neumann
Cubin	Hilleary	Ney
Cunningham	Hobson	Norwood
Davis	Hoekstra	Nussle
Deal	Hoke	Ortiz
DeLay	Horn	Orton
Diaz-Balart	Hostettler	Oxley
Dickey	Houghton	Packard
Dicks	Hunter	Parker

Regula	Smith (NJ)	Weldon (FL)
Richardson	Smith (TX)	Weldon (PA)
Riggs	Smith (WA)	Weller
Roberts	Solomon	White
Roemer	Souder	Whitfield
Rogers	Spence	Wicker
Rohrabacher	Stearns	Wolf
Ros-Lehtinen	Stockman	Wyden
Roth	Stump	Wynn
Roukema	Talent	Young (AK)
Royce	Tanner	Young (FL)
Salmon	Tate	Zeliff
Sanford	Tauzin	Zimmer
Sawyer	Taylor (MS)	
Saxton	Taylor (NC)	

NOT VOTING—13

Browder	Gonzalez	Rush
Coburn	Klecza	Stenholm
Collins (IL)	Meek	Waxman
Ehlers	Payne (VA)	
Fattah	Radanovich	

□ 1801

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Radonovich against.

Mr. SHAYS changed his vote from "aye" to "no."

Mr. SCHUMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I would like to do is engage in a colloquy with the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER.]

Mr. Chairman, I want to commend you for all of your fine work on H.R. 830, the Paperwork Reduction Act. Your leadership on this issue is much appreciated especially by those of us on the committee where you have listened to all of the amendments and discussions.

Mr. Chairman, again, to the chairman of the committee, we really are grateful for the courtesy extended to all of the members of the committee and the suggestions that he has responded to.

I would like to engage in a colloquy about one section of the bill that has been brought to my attention by some of my constituents, section 3506(d)(4). As you know, Mr. Chairman, this section of the bill would permit the Office of Management and Budget to waive the cost of dissemination rule regarding information dissemination to the public. I know that you share my belief that the Federal Government should not be in the business of profiting from its information resources and that the report language in H.R. 830 reflects your convictions in this regard and,

pellings need, and that compelling need, Mr. Chairman, is to be directly related to the information in question rather than to any fiscal motivation on the part of Federal agencies.

Is that your understanding of the provision, Mr. Chairman?

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, the gentleman is absolutely correct.

Mrs. MORELLA. And also, in other words, Mr. Chairman, the committee is in no way authorizing the Office of Management and Budget to routinely permit the levying of broad user fees aimed at earning revenues for the Federal Government and, on the contrary, the committee has specifically stated in its report that the granting of waivers will be rare and that the authorized terms and conditions will narrowly circumscribe any waivers? Is that correct?

Mr. CLINGER. If the gentleman will yield further, that is absolutely correct. This is not a fundraising device. This is purely a very rare and probably exceptional kind of situation that might arise where an agency would be entitled to retain some of the funds, but it requires a very difficult procedure to get that approval and would be used in only exceptionally rare circumstances.

Mrs. MORELLA. I appreciate the gentleman stating this for the RECORD, and I know that you are committed to aggressively pursuing the intent of this bill with regard to this section and that the committee will act swiftly to curb any abuses of the provision.

I thank the gentleman very much for this very important clarification.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAPO: Page 48, strike line 24 and all that follows through line 8 on page 49, and insert the following:

"(a) 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 collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of

Mr. CRAPO. Mr. Chairman and Members of the House, we have heard a lot about the important need for the Paperwork Reduction Act in the legislation we are considering today. This amendment will give that legislation and that law some teeth to truly protect the private citizens in the United States.

Currently section 3512 of the act requires that before a regulation involving the collection of information can be effective that it must be submitted to the Office of Management and Budget and receive an OMB control number. When Congress enacted this legislation in 1981, it specifically included this public protection provision to prevent the unauthorized regulatory requirements from being imposed on the public. It was bipartisan legislation.

I would like to quote to you what its lead sponsors at that time said about it. Senator Danforth said if an information request goes out of Washington without being approved by the paperwork watchdog, the person who gets it does not have to answer it. Senator Chiles said a properly cleared form will have an Office of Management and Budget number in the right corner and if it is not there, it is going to be a bootleg form and everybody should be on notice that they can throw out that form, that they would not have to fill it out.

Mr. Chairman, the purpose of this amendment is to clarify that when an agency does not comply with the provisions of this act that its failure to comply is a complete defense to the enforcement of the regulations that violate the act.

The National Federation of Independent Businesses has been strongly in support of this approach. We would like to have inserted a private cause of action, but since that was not relevant to the germaneness of this bill, we have created a defense or a bar to action by the agency.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding, and would commend him on his effort. I think it does represent an improvement to the bill. It strengthens the bill. It recognizes that small business is particularly impacted by this overkill that we have on regulations and gives them some protection against this kind of activity.

So we are pleased to accept the amendment on behalf of the majority.

thank the gentleman for yielding.

Mr. Chairman, the minority has reviewed the amendment, and we have no objections.

Mr. CRAPO. I thank the gentleman. I appreciate that.

Mr. Chairman, if this amendment passes, then it will make it clear to the agencies, the regulators and the courts in this country, that we must start taking this act seriously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, pursuant to House Resolution 91, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, answered "present" 6, not voting 11, as follows:

[Roll No 157]

AYES—418

Abercrombie Allard Archer
Ackerman Andrews Arney

Bass Fawell
Bateman Fazio
Beilenson Fields (LA)
Bentsen Fields (TX)
Bereuter Filner
Berman Flake
Bevill Flanagan
Bilbray Foglietta
Bilirakis Foley
Bishop Forbes
Bibley Ford
Blute Fowler
Boehlert Fox
Boehner Frank (MA)
Bonilla Franks (CT)
Bonior Franks (NJ)
Bono Frelinghuysen
Borski Frisa
Boucher Frost
Brewster Funderburk
Brown (CA) Furse
Brown (FL) Gallegly
Brown (OH) Ganske
Brownback Gejdenson
Bryant (TN) Gekas
Bryant (TX) Gephardt
Bunn Geren
Bunning Gibbons
Burr Gilchrest
Burton Gillmor
Buyer Gilman
Callahan Gingrich
Calvert Goodlatte
Camp Goodling
Canady Gordon
Cardin Goss
Castle Graham
Chabot Green
Chambliss Greenwood
Chapman Gunderson
Chenoweth Gutierrez
Christensen Gutknecht
Chrysler Hall (OH)
Clay Hall (TX)
Clayton Hamilton
Clement Hancock
Clinger Hansen
Clyburn Harman
Coble Hastert
Coburn Hastings (FL)
Collins (GA) Hastings (WA)
Collins (MI) Hayes
Combust Hayworth
Condit Hefley
Conyers Hefner
Cooley Heineman
Costello Herger
Cox Hilliary
Coyne Hilliard
Cramer Hinchey
Crane Hobson
Crapo Hoekstra
Cremeans Hoke
Cubin Holden
Cunningham Horn
Danner Hostettler
Davis Houghton
de la Garza Hoyer
Deal Hunter
DeFazio Hutchinson
DeLauro Hyde
DeLay Inglis
Dellums Istook
Deutsch Jackson-Lee
Diaz-Balart Jacobs
Dickey Jefferson
Dicks Johnson (CT)
Dingell Johnson (SD)
Dixon Johnson, E. B.
Doggett Johnson, Sam
Dooley Johnston
Doolittle Jones
Dornan Kanjorski
Doyle Kaptur
Dreier Kasich
Duncan Kelly
Dunn Kennedy (MA)

Lanham Rangel
Lantos Slaughter
Larntos Smith (MI)
Largent Smith (NJ)
Latham Walsh
Reynolds Smith (TX)
Richardson Smith (WA)
Riggs Solomon
Lazio Souder
Rivers Spence
Roberts Spratt
Roemer Stark
Rogers Stearns
Rohrabacher Stockman
Ros-Lehtinen Stokes
Rose Studds
Lincoln Linder
Roth Roukema
Roukema Wise
Royce Stupak
Sabo Talent
Salmon Tanner
Sanders Tate
Sanford Tauzin
Sawyer Taylor (MS)
Saxton Taylor (NC)
Scarborough Tejeda
Schaefer Thomas
Schiff Thompson
Schroeder Thornberry

ANSWERED "PRESENT"—6

Becerra Owens Velazquez
Coleman Roybal-Allard Watt (NC)

NOT VOTING—11

Browder McDaniel Volkmer
Collins (IL) Meek Watts (OK)
Ehlers Rush Waxman
Fattah Stenholm

□ 1833

Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. VELÁZQUEZ changed their vote from "aye" to "present."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I inadvertently missed a vote on the Paperwork Reduction Act. Had I been present, I would have voted "yes."

GENERAL LEAVE; AUTHORIZATION FOR THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 830

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 830 and that the Clerk be allowed to make conforming and technical changes.

The SPEAKER pro tempore [Mr. NEY]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.