civic sector—a place in which the bonds of community can flourish.

Edmund Bennett, Thomas Kelaher and Robert Ogle recognize that civil society is the place where Americans make their home, sustain their marriages and raise their kids. They know that civil society is in our schools, fraternities, community centers, churches, PTAs, libraries and local voluntary associations. They recognize that a sense of common purpose and consensus need to be forged to tackle our nations' problems. Civil society is the sphere of our most basic humanity the personal, everyday realm that is governed by values such as responsibility, trust, fraternity, solidarity and love. With every meeting attended, board sat on, speech delivered and helping hand that is extended, these three men challenge the notion that life today is too fastpaced and global in scope for individuals to make a difference in their own communities. I salute Edmund Bennett, Thomas Kelaher and Robert Ogle for their spirit of volunteerism, leadership among local voluntary organizations and their continuing contributions to their commu-

COMMEMORATING THE SESQUI-CENTENNIAL OF McCARTER & ENGLISH OF NEWARK, NJ

Mr. BRADLEY. Mr. President, I rise today to commemorate the sesquincentennial anniversary of the founding of McCarter & English, the oldest and largest law firm in New Jersey.

Originally a small firm with fewer than a dozen lawyers, McCarter & English has grown in both size and prominence in the century and a half since its founding. At its current size of 210 lawyers, with five offices and a sizable international legal services group, McCarter & English has established a reputation as one of the preeminent firms in New Jersey and the country.

If you were to ask a member of the New Jersey business community to describe McCarter & English, they might use the word prestigious or perhaps venerable; if you were to ask a New Jersey historian the same question they would undoubtedly use a much different word and it would be colorful. Since its founding by Thomas Nesbitt McCarter in 1845, McCarter & English's unique history of legal representation has included: handling legal matters for one of New Jersey's most famous historical figures, Thomas Alva Edison; defending one-time client Annie Oakley in a libel case and successfully contesting the New Jersey Senate election of 1893

McCarter & English has contributed more than just color to New Jersey's legal history, it has also provided the State with many fine public and business leaders throughout the 15 decades since its founding. These leaders have included the founder's son Robert, who

became New Jersey attorney general, son Uzal, who founded First Fidelity Bank and a third son, Thomas Jr. who created Public Service. This history of leadership in both the public and private sector continues today. McCarter & English plays an on-going leadership role in support of charitable, educational, cultural and civic organizations in the State. Generous contributions to the New Jersey Center for Performing Arts and other projects have played a vital role in the revitalization of downtown Newark. This commit-ment to the city of Newark, where McCarter & English has been headquartered since it moved from Newton, Sussex County in 1865, has helped Newark weather difficult times over the past three decades.

McCarter & English has played an historic role in the development of New Jersey's business and legal communities and continues to play a vital role in these arenas. Once again, I congratulate McCarter & English on its 150th anniversary.

CONFERENCE REPORT ACCOM-PANYING S. 244, THE PAPER-WORK REDUCTION ACT OF 1995

Mr. NUNN. Mr. President. I rise in strong support of the Conference Report on the "Paperwork Reduction Act of 1995". S.244. a bill which I introduced on January 19, with strong bipartisan support. I anticipate that the conference report will be accepted by the Senate. The leadership of the House is eager to take action before the recess. Representatives of the administration have stated that the President is equally eager to sign into law this legislation to substantially strengthen the Paperwork Reduction Act of 1980, and reauthorize appropriations for the Office of Information and Regulatory Affairs [OIRA], which has been without an authorization since October of 1989.

Mr. President, before making some observations about the substance of the conference report upon which the Senate is about to act, I would like to briefly share with some of our newer colleagues some highlights of the very long march that had to be taken to get us to this point.

The effort has spanned more than 5 years, beginning in 1989. In the fall of 1989, the small business community sought the assistance of members of the Committee on Small business to advance a package of amendments to S. 1742, legislation in the 101st Congress. They asserted that these amendments were desperately needed if the effectiveness of the Paperwork Reduction Act was to be preserved. These proposed amendments garnered bipartisan support within the Small Business Committee and were advanced during the Governmental Affairs Committee's consideration of the bill. S. 1742 was not passed by the Senate before the end of the 101st Congress.

With the beginning of the 102d Congress, I offered the "Paperwork Reduc-

tion Act of 1991", the first predecessor to the legislation being considered today. From the outset, this legislation has garnered strong bipartisan support, especially within the membership of the Committee on Small Business. Successive ranking Republican Members of the Committee on Small Business, including Senators Boschwitz, Kasten, and Pressler, have all been original cosponsors. My friend from Arkansas [Mr. BUMPERS], then chairman of the committee, has each time consented to serve as the principal Democratic cosponsor.

With the introduction of S. 1139, the effort has had the strong support of a broad Paperwork Reduction Act Coalition, representing virtually every segment of the business community, but especially the small business community.

Mr. President, I will have more to say about the Paperwork Reduction Act Coalition later in my remarks.

The 102d Congress ended without seeing any action on S. 1139. Consideration of that bill became ensnared in the controversies regarding OIRA's regulatory review activities on behalf of the President, conducted pursuant to executive order, and the activities of the Council on Competitiveness, chaired by Vice President Quayle.

At the beginning of the 103d Congress, I introduced S. 560, again with strong bipartisan support. Our former colleague from Missouri, Senator Danforth, served as the principal Republican cosponsor. Senator Danforth had been the principal Republican cosponsor of the legislation sponsored by our former colleague from Florida, Lawton Chiles, that became the Paperwork Reduction Act of 1980.

During the last Congress, progress was finally made. S. 560 was skillfully blended with Senator GLENN's bill, S. 681. Both had the same basic objective—to reauthorize appropriations for OIRA and to strengthen the Paperwork Reduction Act of 1980. Each bill, however, reflected substantially different perspectives of how the Paperwork Reduction Act should be strengthened. A committee substitute for S. 560 was developed, reflecting the core of both bills. My friend from Ohio [Mr. GLENN], then chairman of the Governmental Affairs Committee displaying skillful leadership and tenacity to break the logjam. Progress would not have been possible without the steadfast support of my friend from Delaware [Mr. ROTH], and many of my Republican friends on the Governmental Affairs Committee. Before the end of the last Congress, we were able to have the Paperwork Reduction Act of 1994, S. 244, as amended, approved by the Senate not once but twice in the closing days of the 103d Congress. S. 560 passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, and returned to the House. Unfortunately, neither bill was cleared for action before adjournment of the 103d Congress.

With the convening of the 104th Congress, I introduced the Paperwork Reduction Act of 1995, S. 244, a bill substantially identical to the text of S. 560, as passed by the Senate.

A substantially identical House companion, H.R. 830, was introduced in the House. H.R. 830 was passed by the House on February 22 by a rollcall vote of 418-0.

Given all of the bipartisan consensus that had been developed around S. 560 during the prior Congress, the Senate was able to promptly turn to the consideration of S. 244, following its being unanimously ordered reported by the Committee on Governmental Affairs on February 1. On March 7, the Senate passed S. 244 by a rollcall vote of 99–0.

Since the version of the Paperwork Reduction Act of 1995 passed by the House contained virtually all of the provisions of S. 244, as reported by the Governmental Affairs Committee, the conferees' focus was on those provisions of the House-passed bill that sought to further strengthen provisions of the 1980 act and the provisions added during consideration on the Senate floor.

Mr. President, the text of S. 244 is truly not the least common denominator of the two versions of the bill, but rather almost an aggregation of the best features of both. Those who have worked long and hard on this effort over the years, within this body, within the House, and especially the organizations that comprise the Paperwork Reduction Act Coalition, can be justifiably proud of what has been accomplished. Only the fewest of House provisions to further strengthen the 1980 act were not included in the conference report.

S. 244 forcefully reaffirms the fundamental congressional objective of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on the public. It improves the act's effectiveness as a restraint on the natural tendencies of individual Federal agencies to levy a relentless stream of paperwork requirements on businesses, small and large, State and local governments, educational institutions, non-profit organizations, and individual citizens.

S. 244 makes a series of specific amendments to the Paperwork Reduction Act of 1980, based upon almost 15 years of experience under the act. These amendments reemphasize the fundamental responsibilities of each agency to carefully consider each proposed paperwork requirement to determine if it meets the act's fundamental standards of need and practical utility. And, if needed, assures that the proposed requirement imposes the least burden on those segments of the public against whom the paperwork requirement is directed.

S. 244 also substantially improves the opportunity for public participation in the review of proposed paperwork burdens. Under the changes made by the Paperwork Reduction Act of 1995, the

public will have a chance to review and comment on the proposed paperwork requirement, while the agency is conducting its review, so that the public comments or suggestions for a less burdensome alternative approach can more effectively influence the final outcome.

S. 244 will not merely preserve, but substantially enhance the role of OIRA, which was created by the 1980 act. Located within the Office of Management and Budget, OIRA was from the outset expected to regulate the regulators in the words of President Carter, when he signed the orginal Paperwork Reduction Act into law. OIRA brings a Government-wide perspective to the act's implementation, serving as both traffic cop and honest broker, regarding paperwork requirements advanced by individual Federal agencies without regard to related burdens being imposed by other Federal agencies. We all hear complaints that it is the cumulative effect of Federal paperwork burdens that so infuriates the public.

To demonstrate congressional confidence in OIRA, the conference agreement on S. 244 provides a 6-year authorization of appropriations. The conferees rejection of the provision from the House-passed bill providing a permanent authorization of OIRA's appropriations should not be construed negatively. In fact, most of the pending legislation relating to reform of the regulatory process expands OIRA's role as the focal point within the Executive Office of the President for the fight to minimize regulatory and paperwork burdens which Government imposes on the public.

S. 244 begins that process. Under the provisions of the Paperwork Reduction Act of 1995, OIRA has more authority and more responsibility to spur individual agencies in the direction of minimizing regulatory paperwork burdens

For example, S. 244 reaffirms OIRA's authority to prescribe standards under which agencies estimate the number of burden hours imposed by a proposed paperwork requirement. Today, too many agency paperwork estimates severely underestimate the total burden likely to be imposed. It is not merely the time needed to complete the form. That is just part of the burden. The time needed to understand the paperwork requirement, collect the information, and then array it in the manner requested, cannot be ignored. Further, if the paperwork requirement is to be a recurring requirement, it may require the establishment of a special record keeping system and the associated equipment and personnel. S. 244 modifies the Act's definition of burden to capture the full range of regulatory paperwork compliance costs.

S. 244 clarifies and strengthens the act's public protection features. The act currently permits a member of the public to ignore a paperwork collection requirement that does not display a

valid OMB control number, indicating that the paperwork collection requirement has been approved by OIRA, and that approval has not expired. The conference agreement makes explicit that the protection afforded by the act may be asserted or raised in the form of a complete defense at any time if the agency should seek to enforce compliance with the unapproved collection of information or impose a penalty through administrative or judicial action

The enhanced public protection provision of S. 244 also requires the agencies to provide an explicit notice on the form that the public need not comply with a paperwork requirement that fails to display a valid control number. Such a warning label should help educate the public regarding the protections afforded them by the act against unauthorized collections of information.

The conference agreement reflects another provision of S. 244 designed to empower individual members of the public to help police unauthorized paperwork requirements. Under S. 244, a member of the public empowered to seek a determination from the OIRA Administrator regarding whether the manner in which an agency is implementing a paperwork requirement is in conformity with the act. The provision establishes response times and provides the OIRA Administrator with authority to seek appropriate remedial action by the agency, if warranted.

The conference agreement also includes a substantially strengthened requirement relating to paperwork reduction goals. S. 244 requires the establishment of a Government-wide paperwork burden reduction goal of at least ten percent for each of the fiscal years 1996 and 1997. A Government-wide goal of at least 5 percent would be required in each the fiscal years 1998 through 2001. After the establishment of the Government-wide goals, goals would be negotiated between OIRA and the individual agencies, which reflect the maximum practicable opportunity for paperwork burden reduction.

More important than the simple establishment of more aggressive Government-wide paperwork reduction goals is the provision adopted from the House-passed bill which will contribute to making them a reality. Under the conference agreement, OIRA's annual report to the Congress would identify those agencies which had failed to attain their burden reduction, set forth the reasons given by the agency for such failure, and specify the agency's proposals for remedial action.

Mr. President, such a burden reduction program is sorely needed. In fiscal year 1994, the American people spent more than 6.6 billion hours filling-out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that's the equivalent of 3 million Americans being employed fulltime solely to meet the Government's

paperwork demands. And, these are conservative estimates, compiled by OIRA on the basis of the burden hour estimates assigned by the agencies to their approved paperwork burdens. Burden estimates, which many in the private sector, those on the receiving end of these paperwork demands, believe to be very low. These estimates are contained in an Information Collection Budget, annually published by OIRA. Our former colleague. Lawton Chiles, the father of the Paperwork Reduction Act, used the word budget to emphasize that Federal paperwork requirements impose real costs on the public and the Nation's economy.

Mr. President, at the same time. there can be no doubt that Government requires information to serve the people. We are in the Information Age. In the words frequently used by my colleague from Georgia the Speaker of the House the "Third Wave" is upon us.

With respect to Government's real need for information, the key is to obtain only what is necessary and to do so in the least burdensome manner. Improving the Government's use of information technology is, and should be, an important function of OIRA. It can simultaneously lessen the burden of information collection on the public, enhance Government's effective use of the information collected, and foster dissemination of Government information for the benefit of the public. Although the product of an era in which mechanical typewriters dominated Government offices, the Paperwork Reduction Act provides the broad legislative foundation to serve as a key tool for copping with the new demands being placed upon the Federal Government. That foundation was broadened and substantially enhanced by the provisions in the Senate's version of S. 244 derived from the work of my good friend from Ohio [Mr. GLENN].

Mr. President, I would like to highlight one additional point about S. 244, although it was not an issue in conference since both versions of the bill contained identical language. The Paperwork Reduction Act of 1995 clarifies the 1980 Act to make explicit that it applies to Government-sponsored thirdparty paperwork burdens. These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency.

In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act. The Court's decision in Dole versus United Steelworkers of America created a potentially vast loophole. The public could be denied the act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worth noting that Lawton Chiles filed an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. Given the plain words of the statute, the Court decided otherwise.

S. 244 makes explicit the act's coverage of all Government-sponsored paperwork burdens. We can feel confident. that this major loophole is closed. But given more than a decade of experience under the act, it is prudent to remain vigilant to additional efforts to restrict the act's reach and public protections.

The Paperwork Reduction Act of 1995, like its predecessor bills, has enjoved the steadfast support of the Paperwork Reduction Act Coalition, representing virtually every segment of the business community. Participating in the Coalition are the major national small business associations—the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU], as well as the many specialized national individual small business associations, like the American Subcontractors Association, that compromise the membership of SBLC or NSBU.

Other business associations participating in the coalition represent many types of manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services and the wholesalers and distributors who support them. I would like to identify a few of the coalition's member organizations: the Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the American Subcontractors Association [ASA], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Commu-Industries Association nications [ICIA], the National Association of Wholesalers and Distributors, the National Association of Manufacturers [NAM], the National Tooling and Ma-Association [NTMA], chining Printing Industries of America [PIA]. and the Professional Services Council

Leadership for the Coalition is being provided by the Council on Regulatory and Information Management [C-RIM] and by the U.S. Chamber of Commerce. C-RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for a half century.

The coalition also includes many other professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. Because of their efforts, two deserve special mention. The Association of Records Managers and Administrators [ARMA] have worked long and hard. The conference agreement reflects their valuable contribution—a requirement that any collection of information imposing a record-

keeping requirement also specify how long the public must retain the required record. According to ARMA, tens of millions of dollars are being wasted in the needless retention of records.

The coalition has also been substantially enhanced by the participation of Citizens for a Sound Economy [CSE]. With this victory nearly at hand, CSE has been working hard at reform of the Government's basic regulatory proc-

Given the regulatory burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the various associations representing our Nation's elected officials. As Governor of Florida, Lawton Chiles, has worked hard for the cause with the National Governors Association [NGA]. NGA adopted a resolution in support of this legislation during its 1994 annual meeting, thanks to the work of Governor Chiles and others.

Mr. President, I ask unanimous consent to insert in the RECORD a list of the membership of the Paperwork Reduction Act Coalition.

Mr. President, I urge my colleagues to join me in supporting the conference report on S. 244, the Paperwork Reduction Act of 1995.

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

THE PAPERWORK REDUCTION ACT COALITION Aerospace Industries Association of Amer-

Air Transport Association of America.

American Consulting Engineers Council. American Institute of Merchant Shipping. American Iron and Steel Institute. American Petroleum Institute.

American Subcontractors Association. American Telephone & Telegraph.

Associated Builders & Contractors Associated Credit Bureaus

Alliance of American Insurers.

Associated General Contractors of America.

Association of Records Managers and Administrators.

Association of Manufacturing Technology Automotive Parts and Accessories Association.

Biscuit and Cracker Manufacturers' Association.

Bristol Myers.

Chemical Manufacturers Association.

Chemical Specialties Manufacturers Association.

Citizens Against Government Waste.

Citizens For A Sound Economy.

Computer and Business Equipment Manufacturers Association.

Contract Services Association of America. Copper & Brass Fabricators Council.

Dairy and Food Industries Supply Association

Direct Selling Association.

Eastman Kodak Company.

Electronic Industries Association.

Financial Executives Institute.

Food Marketing Institute.

Gadsby & Hannah.

Gas Appliance Manufacturers Association.

General Electric.

Glaxo, Inc.

Greater Washington Board of Trade.

Hardwood Plywood and Veneer Associa-

Independent Bankers Association of Amer-

International Business Machines.

International Communication Industries Association. International Mass Retail Association.

Kitchen Cabinet Manufacturers Associa-

Mail Advertising Service Association International.

McDermott, Will & Emery.

Motorola Government Electronics Group. National Association of Homebuilders of the United States.

National Association of Manufacturers. National Association of Plumbing-Heating-Cooling Contractors.

National Association of the Remodeling Industry.

National Association of Wholesalers-Distributors

National Federation of Independent Business

National Food Brokers Association.

National Food Processors Association.

National Foundation for Consumer Credit.

National Glass Association.

National Restaurant Association.

National Roofing Contractors Association.

National Security Industrial Association. National Small Business United.

National Society of Professional Engineers.

National Society of Public Accountants. National Tooling and Machining Association.

Northrop Corporation.

Packaging Machinery Manufacturers Insti-

Painting and Decorating Contractors of America.

Printing Industries of America.

Professional Services Council.

Shipbuilders Council of America.

Small Business Legislative Council. Society for Marketing Professional Serv-

ices.

Sun Company, Inc.

Sunstrand Corporation.

Texaco.

United Technologies.

Wholesale Florists and Florist Suppliers of America.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America. Alliance for Affordable Health Care.

Alliance of Independent Store Owners and Professionals.

American Animal Hospital Association.

American Association of Nurserymen.

American Bus Association.

American Consulting Engineers Council. American Council of Independent Labora-

tories. American Floorcovering Association.

American Gear Manufacturers Association. American Machine Tool Distributors Association.

American Road & Transportation Builders Association.

American Society of Travel Agents, Inc.

American Sod Producers Association. American Subscontractors Association.

American Textile Machinery Association.

American Trucking Associations, Inc. American Warehouse Association.

American Wholesale Marketers Associa-

AMT-The Association for Manufacturing

Technology. Apparel Retailers of America.

Architectural Precast Association. Associated Builders & Contractors.

Associated Equipment Distributors.

Associated Landscape Contractors America.

Association of Small Business Development Centers.

Automotive Service Association.

Automotive Recyclers Association. Bowling Proprietors Association of Amer-

Building Service Contractors Association International.

Business Advertising Council.

Christian Booksellers Association.

Council of Fleet Specialists.

Council of Growing Companies.

Direct Selling Association.

Electronics Representatives Association. Florists' Transworld Delivery Association. Health Industry Representatives Associa-

Helicopter Association International.

Independent Bakers Association.

Independent Bankers Association of Amer-

Independent Medical Distributors Association. International Association of Refrigerated

Warehouses.

International Communications Industries Association

International Formalwear Association

International Television Association. Machinery Dealers National Association.

Manufacturers Agents National Association.

Manufacturers Representatives of America, Inc.

Mechanical Contractors Association of America, Inc.

National Association for the Self-Employed.

National Association of Catalog Showroom Merchandisers.

National Association of Home Builders.

National Association of Investment Com-

National Association of Plumbing-Heating-Cooling Contractors.

National Association of Private Enter-

National Association of Realtors.

National Association of Retail Druggists. National Association of RV Parks and Campgrounds.

National Association of Small Business Investment Companies.

National Association of the Remodeling Industry

National Association of Truck Stop Operators.

National Association of Women Business Owners.

National Chimney Sweep Guild.

National Association of Catalog Showroom Merchandisers.

National Coffee Service Association.

National Electrical Contractors Association.

National Electrical Manufacturers Representatives Association.

Naitonal Food Brokers Association.

National Independent Flag Dealers Association.

National Knitwear Sportswear Association.

National Lumber & Building Material Dealers Association.

National Moving and Storage Association. National Ornamental & Miscellaneous Metals Association

National Paperbox Association.

National Shoe Retailers Association

National Society of Public Accountants. National Tire Dealers & Retreaders Association.

National Tooling and Machining Association.

National Tour Association.

National Venture Capital Association.

Opticians Association of America.

Organization for the Protection and Advancement of Small Telephone Companies.

Passenger Vessel Association.

Petroleum Marketers Association of Amer-

Power Transmission Representatives Association.

Printing Industries of America, Inc.

Promotional Products Association International.

Retail Bakers of America.

Small Business Council of America, Inc.

Small Business Exporters Association.

SMC/Pennsylvania Small Business. Society of American Florists.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL EN-DOWMENT FOR THE ARTS FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

It is my special pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for the fiscal year 1993.

The National Endowment for the Arts has awarded over 100,000 grants since 1965 for arts projects that touch every community in the Nation. Through its grants to individual artists, the agency has helped to launch and sustain the voice and grace of a generation—such as the brilliance of Rita Dove, now the U.S. Poet Laureate, or the daring of dancer Arthur Mitchell. Through its grants to art organizations, it has helped invigorate community arts centers and museums, preserve our folk heritage, and advance the performing, literary, and visual arts.

Since its inception, the Arts Endowment has believed that all children should have an education in the arts. Over the past few years, the agency has worked hard to include the arts in our national education reform movement. Today, the arts are helping to lead the way in renewing American schools.

I have seen first-hand the success story of this small agency. In my home