

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, 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. 2432.

□ 1705

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. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes, with Mr. ADERHOLT 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 Virginia (Mr. TOM DAVIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

There can be little question that sometime in the last decade, the United States entered a new and very different phase of its economic history. In this new phase of global competitiveness, this Nation is being challenged to step up once again and set new standards for innovation and efficiency. At the outset, it should be said that this country welcomes this challenge and we are confident that we have the tools necessary to succeed in this new economy that was largely created at our insistence.

The Paperwork and Regulatory Improvements Act of 2004 is designed to give Congress the tools it needs to respond to the challenge of a global open economy. This bill was originally sponsored by the gentleman from California (Mr. OSE) and is the result of 4 years of ongoing and consistent oversight by his Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs under the leadership of the gentleman from California. Oftentimes this work has been done with little fanfare, but his consistent hard work has borne great fruit. So before I say anything about the bill, I want to commend the gentleman from California for his commitment and dedication to great legislative oversight.

There is no doubt that the Nation's regulatory regime can achieve a great deal of good in the areas of environmental protection and worker health and safety. Beyond that, government has a legitimate need to know a great

deal about the corporate and, to a degree, even the personal financial activity of the Nation. Consequently, there will always be paperwork and regulatory demands.

However, when we look at the vast system of paperwork and regulatory demands that exist today, we see that this system is biased in favor of the good we hope to achieve and against the cost of achieving that good to society. Every rule or reporting requirement has a cost, but Congress is severely hampered in its efforts to understand these costs.

We in the Congress have grown comfortable throwing around huge statistics listing millions of hours to describe the paperwork burden government places on the Nation. But we seem to forget that these hours are spent one by one. It is as if we cannot see the forest for the regulatory trees. We may be numb to the burden we have created, but individuals and businesses are not.

When an American businesswoman spends several hours filling out a tax form, that is time she is not spending on her family or her clients. When a business has to hire an environmental specialist to complete an overly complicated, required report, that revenue is not spent in research and development or expansion of the business and hiring more people. These millions of hours are not just hours taken out of the business day; they are hours taken out of people's lives, and the loss of these hours should be taken seriously.

In the decades before the open global economy, Congress could lay these new burdens, one over the other, on the American worker with little concern about what the overall effect would be. But those days are gone. As the world has gradually opened its markets, this country has asked our workers to compete head to head on a global basis with highly skilled and motivated workers from all around the world.

This is a good thing. This competition will require our corporate community to be as efficient and as competitive as ever. But global competition requires our government to be more efficient as well. If we are going to ask the workers of this Nation to compete globally, then we must free them to be as competitive as possible.

Congress has an obligation to do the hard work to understand the costs of regulation as realistically as possible. This bill will give us some of the tools we need to make better decisions on the paperwork and regulatory burdens we place on our workers and businesses.

The bill requires the Office of Management and Budget, OMB, to submit a report to Congress identifying specific actions that the Internal Revenue Service can take to reduce the tax paperwork burden on small businesses. It assists Congress in its review of agency rules by establishing a permanent analytical function in the General Accounting Office to review proposed and

final rules for consistency with congressional intent and to ensure the accuracy and completeness of agency accompanying analyses.

Lastly, the bill requires a study to determine the feasibility of regulatory budgeting as a better way to manage regulatory burdens on the public.

The gentleman from California, the subcommittee chairman, has put in many years working on this important issue.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. OSE) and ask unanimous consent that he be permitted to manage that time.

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

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield my time to the gentleman from Massachusetts (Mr. TIERNEY) and ask unanimous consent that he be permitted to control the time.

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

There was no objection.

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

I rise to address H.R. 2432, the Paperwork and Regulatory Improvements Act of 2004. We are talking about this bill today because House Republicans are concerned that they are being criticized for the millions of jobs that have been lost under this administration.

House Republicans have decided that instead of taking action to create jobs, they would make a plan to talk about taking action to create jobs. Each week they have a different theme. This week they are talking about cutting red tape. The bill we are considering, however, does nothing to cut red tape.

As we will hear later from the gentleman from California (Mr. WAXMAN), this bill does nothing to reduce the hours that Americans spend filling out paperwork. In fact, the hours Americans must spend filling out paperwork has increased dramatically under the Bush administration.

This bill will also do nothing to improve the regulations issued by the Bush administration. In fact, some provisions of the bill will actually make the regulatory process worse.

I have a letter that I would like to enter into the RECORD to appear after my statement, Mr. Chairman, from the League of Conservation Voters opposing this bill. This letter states, "At best, this bill would result in a waste of money at a time when Federal resources are shrinking; at worst, it would contribute to a loss of vital protections for millions of Americans."

The League of Conservation Voters also expresses in their letter support for an amendment the gentleman from California (Mr. WAXMAN) and I are offering that would establish an independent commission of distinguished experts to investigate the politicization of science in the regulatory process. The League of Conservation Voters thinks this is such an

important issue that Members may find their votes in the League of Conservation Voters scorecard.

Leading scientists, including 20 Nobel Laureates, have said the political and ideological distortion of science is a major block to effective government action on a wide range of health and environmental issues. This administration is injecting itself into the regulatory process to manipulate science and to manipulate agency regulations to suit industry.

Over and over we hear about agency proposals that are rewritten by the Office of Management and Budget to fit the needs of industry without regard to the expertise of agency scientists and other experts. The administration's proposal on mercury pollution is one recent example. The gentleman from Maine (Mr. ALLEN) will describe these particular problems in more detail at a later time.

We should not be here just talking about cutting red tape, Mr. Chairman. We should not be passing legislation that will weaken important regulatory protections that aim to ensure a safe and healthy environment for our children. What we should be doing is taking positive steps to make the regulatory process better for all Americans.

LEAGUE OF CONSERVATION VOTERS,

May 18, 2004.

Re: Oppose H.R. 2342, Support the Waxman (D-CA)/Tierney (D-MA) Amendment

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose H.R. 2432, which would require the Office of Management and Budget (OMB) to assess the feasibility of imposing regulatory budgeting on major agencies. Regulatory budgeting is a misguided concept that elevates the interests of regulated industries over all other considerations. At best, this bill would result in a waste of money at a time when federal resources are shrinking; at worst, it would contribute to a loss of vital protections for millions of Americans.

Regulatory budgeting caps the costs that government can impose on the private sector each year, regardless of the need for public protections. Under this system, once the "budgeted" cap has been reached, agencies must cease fulfilling their mandates—polluters get a free pass, workplaces go unprotected, and hazardous foods move into commerce.

OMB should be directed to account for actions that have taken place over the past three years as scores of critical safeguards have been weakened, rescinded, or abandoned in progress. LCV has noted with alarm the accumulating threat to public health and the environment caused by the rollback of regulations intended, to prevent destruction of the ozone layer, reduce air pollution, prevent neurological harm to children, reduce public exposure to toxins and contaminants, preserve crucial habitat for endangered species, ensure clean drinking water.

LCV supports the Waxman-Tierney Amendment to create a Commission on

Politicization of Science in the Regulatory Process. The Commission would evaluate regulatory activities to determine the extent to which political considerations have undermined the quality and use of the science, and report within 18 months. This commission will address concerns among scientists and government professionals that political considerations are unduly influencing regulatory decisions.

Americans expect that the science used in development of regulations is not colored by politics. Please oppose H.R. 2432 and support the Waxman Amendment. LCV's Political Advisory Committee may consider including votes on this issue in compiling LCV's 2003 Scorecard. If you need more information, please call Betsy Loyless in my office at (202) 785-8683.

Sincerely,

DEB CALLAHAN,
President.

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

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

I want to start by expressing my thanks to Chairman DAVIS for his kind remarks and for his generosity in allowing us to proceed on this work. I want to add the compliments to my good friend and ranking member from Massachusetts, who has endured the past number of years through hearing after hearing after hearing and whose insights and suggestions have been most helpful. I am grateful to Chairman DAVIS for his becoming an original cosponsor of this bill.

As I mentioned in my support for today's rule, last June, with bipartisan cosponsorship, I introduced this bill. It makes incremental improvements in the existing processes governing paperwork and regulations instead of fundamentally changing the role of Congress in its oversight of agency rules.

As to the bill itself, it includes the following legislative changes. First, it seeks to ensure reduction in tax paperwork burdens on small business. It seeks to assist Congress in its review of agency regulatory proposals. And it seeks to improve public and congressional understanding of the true costs and benefits of regulations. My manager's amendment makes no changes to sections 1, 2, 3 and 4 of the reported bill.

□ 1715

I will discuss the changes to sections 5 and 6, which I included based on specific requests from the General Accounting Office and the Office of Management and Budget.

As to section 3, let me offer that the overall burden of Federal paperwork and regulatory requirements is staggering and it is a real drain on job growth, productivity, and American competitiveness. Incredibly, Federal paperwork and regulatory burdens have increased, not decreased, in each of the last 8 years. This occurs irrespective of who is in the White House and who is in control of Congress. Currently, the Internal Revenue Service accounts for 80 percent of the total government-wide paperwork burden on

the public of over 8 billion hours; that is billion with a "b." To reduce paperwork, section 3 requires that OMB, after consultation with the IRS and two other identified Federal offices, review and report to Congress on actions that the IRS can take to reduce the paperwork burden imposed on small business. For example, the IRS could introduce thresholds below which reporting is not required, they change existing threshold levels, or they could change the reporting frequency, the periodicity at which reports must be submitted.

Section 5 provides for assistance to Congress in its review of agency regulatory proposals. It permanently establishes a regulatory analysis function in the General Accounting Office. In the Truth in Regulating Act of 2000, Congress authorized a 3-year pilot test for this regulatory analysis function, but unfortunately it was never funded. This was partly due to the fact that GAO intended to use contractors instead of in-house expert staff during the test period, which is understandable. They did not want to tool up and then have the pilot test not be funded in the future; so they chose, frankly, a more prudent manner in doing it. The problem is the work never got done because it never got funded. This bill would ensure that the GAO has the in-house expertise comparable to the expertise in the OMB's Office of Information and Regulatory Affairs and that such services can be provided to Congress as proposals come forward.

On the eve of last Wednesday's full committee markup, GAO submitted a letter requesting various changes in the bill. I did not include these changes in my manager's amendment during the markup because GAO had not provided certain information that my subcommittee had previously requested and which was important to the bill.

OMB's current line item budget for OIRA is \$7 million. That is an annual budget. But OIRA has multiple functions besides review of agency paperwork and regulatory proposals and analyses. For example, OIRA is responsible for government-wide statistical policy, information policy, and information technology policy. Since GAO had not provided information about the share of OIRA's budget devoted to regulatory analysis activities, after the full committee markup I asked OMB what proportion of its budget is devoted to review of agency paperwork and regulatory proposals and the related regulatory analyses. The estimate came back at 65 to 70 percent.

As a consequence, my manager's amendment authorizes \$5 million in fiscal year 2005 and each year thereafter for GAO to perform its independent evaluations at the request of Congress of certain economically significant rules. GAO will be reviewing the various agency analyses such as its regulatory impact analysis and its regulatory flexibility analysis, the regulatory alternatives considered by the

agency, and the legislative history to ensure that the proposed and final agency rules are consistent with congressional intent.

In addition, GAO asked me to include a delayed effective date of 90 days after enactment, and this provision is included in a new section 5(b).

Section 6 requires certain changes to improve regulatory accounting. In 1996 Congress required OMB to submit its first regulatory accounting report. In 1998 and 2000, Congress enacted additional legislation to make OMB's regulatory accounting reports more useful. Currently, OMB is required to estimate the total annual costs and benefits for all Federal rules and paperwork in the aggregate, by agency, by agency program, and by major rule, and to prepare an associated report on the impacts of Federal rules and paperwork on certain groups such as small business.

To date, OMB has issued six final and a seventh draft regulatory accounting report. Each of the seven did not meet one or more of the content requirements under current statute. Part of the reason for this incompleteness is that OMB has not requested agency estimates, as it does annually for its Information Collection Budget for paperwork and for the President's budget, the fiscal budget of the United States. Section 6(a) requires Federal agencies to annually submit estimates of the costs and benefits associated with the Federal rules and paperwork for each of their agency programs. The caveat for agency input to be provided "to the extent feasible" was added to ensure that no further burden on or cost to the agencies occurred.

Currently, the economic impacts of Federal regulation receive much less scrutiny than programs in the fiscal budget. Both the introduced and reported bill versions of H.R. 2432 required OMB to integrate its annual regulatory accounting statement into the fiscal budget so that Congress can review simultaneously both the on-budget and off-budget costs associated with each Federal agency imposing regulatory or paperwork burdens on the public.

Current law requires OMB to submit its regulatory accounting report "with" the budget instead of "as part of" the budget. However, OMB has never submitted its final accounting statement with the budget. In fact, only once has OMB even published its draft in the Federal Register on the same day as the budget was submitted to Congress. Not submitting the regulatory accounting statement at the same time as the budget or publishing it separately from the budget in the Federal Register has precluded a timely side-by-side comparison for analytic purposes of the on-budget and off-budget costs associated with each major regulatory agency and each of its regulatory programs.

Last July, OMB's OIRA administrator testified that "OMB believes it

could be feasible to issue a separate volume with the budget that contains the final regulatory accounting report and perhaps some related budget information for comparison purposes."

Nonetheless, at the insistence of OMB, in a letter submitted yesterday to the gentleman from Virginia (Chairman TOM DAVIS), my manager's amendment reluctantly removes the integration requirement, taking from it the "as part of" language and leaving it as the "with" language. Congress still expects OMB to comply with the law, that is, to issue its final regulatory accounting statement and associated report at the same time as and in a document that accompanies the fiscal budget documents. The House report accompanying H.R. 2432, which is this legislation, provides ample justification for integration, including witness testimony in support of integration and my 9-page April 22, 2004, comment letter to OMB on its draft seventh regulatory accounting report.

Section 6(b) requires OMB to designate not less than three agencies, or perhaps offices within an agency, to participate in a study of regulatory accounting for fiscal years 2006 and 2007 and then report to Congress on this study. These test will determine if agencies can better manage regulatory burdens on the public. My manager's amendment ensures that OMB will consult with key congressional committees, the Committee on the Budget and the Committee on Government Reform in the House and the Committees on the Budget and Governmental Affairs in the Senate.

H.R. 2432 focuses on process and should result in needed paperwork and regulatory relief especially for small business, and it will help Congress fulfill its constitutional role as a co-equal branch of government.

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

Mr. TIERNEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the full committee.

Mr. WAXMAN. Mr. Chairman, today we are debating a bill that claims to improve Federal regulations, reduce red tape and paperwork. Unfortunately, the substance and the timing of this bill make it clear that we are engaged not in public policy but in public relations.

This bill is part of the congressional Republicans' Hire Our Workers plan, also called the HOW plan. This is a public relations strategy designed to make the public think that Republicans in Congress have a plan to increase jobs and revive the economy, but in reality the plan is all show and no substance.

My Republican colleagues are going to spend a lot of time today talking about their opposition to paperwork, but here is what they will not tell us. The Bush administration and the Republican Congress have presided over record increases in paperwork. Presi-

dent Bush consistently rails against paperwork. He urged paperwork reductions as a Presidential candidate, as President-elect, in every year of his administration, and on at least seven separate occasions thus far this year. Just 2 months ago, President Bush said: "We need to stop harassing small business owners and entrepreneurs with endless amounts of regulation and paperwork."

So how do his policies match up? Last year Americans spent 700 million more hours filling out government forms than they did during the last year of the Clinton administration. This was not an accident, and it was not the product of an out-of-control bureaucracy. Most of the increase came from legislation supported by the administration and passed by the Republican majority in the Congress. In fact, the major culprits are the tax bills that President Bush promoted and Congress passed.

The administration and the Republican leadership are putting this bill before the Congress so they proclaim they are doing something about governmental red tape.

They are doing something. They are increasing record levels of the amount of paperwork that we have to deal with.

The gentleman from Massachusetts (Mr. TIERNEY) and I released a reported today that documents how paperwork has increased under the Bush administration, and I am going to insert this report with my comments today. What is happening on paperwork is just like what has happened on so many other issues. The President says he is a fiscal conservative, but he has driven our Nation deep into debt. The President says he is behind education, he is the Education President, but he will not fund the No Child Left Behind Act.

And with this bill we see that when the President says he will cut paperwork, what actually happens is that he increases paperwork.

This public relations campaign on paperwork is especially distressing because there are real regulatory problems this Congress is ignoring. These include the increased politicization of science and the undue influence of special interests. But unless we adopt the amendment that the gentleman from Massachusetts (Mr. TIERNEY) and I will be offering, this bill will do nothing to address these fundamental problems. This legislation will not improve the economy, reduce paperwork, or enhance the well-being of this country. It will only make it harder for agencies to carry out their mandates to protect public health, the environment, and other values. This Congress should be taking real action to address real problems.

I urge my colleagues to vote for our amendment when we offer it later in the debate.

House of Representatives, Committee on Government Reform—Minority Staff, Special Investigations Division, Revised May 2004

GOVERNMENT PAPERWORK BURDENS HAVE INCREASED SUBSTANTIALLY UNDER THE BUSH ADMINISTRATION

(Prepared for Representative John F. Tierney, Representative Henry A. Waxman)

EXECUTIVE SUMMARY

President Bush has made reducing the burdens of completing government paperwork a key item in his economic agenda. In speech after speech, he emphasizes that “we must reduce unnecessary government regulation and red tape so businesses can focus on consumers and customers, not paperwork.”

Contrary to the President’s rhetoric, however, total government paperwork has increased substantially under the Bush Administration to an estimated 8.1 billion hours in fiscal year 2003. Last year, Americans spent over 700 million more hours filing out government paperwork than in the last year of the Clinton Administration. The largest annual increase in paperwork burden ever measured occurred under the Bush Administration in fiscal year 2002.

Government paperwork increased again in fiscal year 2003. In its most recent data on paperwork burdens, the Bush Administration relies on “adjustments” to show a nominal reduction in the federal paperwork burden in fiscal year 2003. However, adjustments in agency paperwork estimates do not necessarily reflect any actual reduction in the number of hours that Americans spend filling out paperwork. Focusing on the real impacts on Americans, GAO reports that “[d]uring fiscal year 2003, the total paperwork burden, exclusive of adjustments, increased again by about 72 million burden hours.”

Statutory changes promoted by President Bush and enacted by Congress, particularly to the tax code, are among the largest sources of the increased paperwork burden. The Administration is also pursuing new regulatory changes that will impose additional paperwork burdens on Americans, including increased paperwork requirements for low-income families.

I. PRESIDENT BUSH’S PROMISES TO REDUCE PAPERWORK

President George W. Bush has frequently criticized the amount of “paperwork” required by the federal government. From the very outset of his campaign for the presidency, President Bush emphasized his commitment to reduce government paperwork. In an address in Los Angeles in September 1999, for example, President Bush said:

“The only thing we know for sure is that federal money comes with a lot of regulations and paperwork. By one estimate, this consumes about 50 million hours each year—the equivalent of 25,000 full-time employees just to process the forms. . . . New layers of federal mandates and procedures have been added to the old until their original purpose is long forgotten. It is a sad story of high hopes, how achievement, grand plans, and unmet goals. My administration will do things differently.”

Since being elected, President Bush has continued to promise to reduce government paperwork burdens. He argues that paperwork “stifle[s] innovation and the entrepreneurial spirit,” and he has said that “we must reduce unnecessary government regulation and red tape so businesses can focus on consumers and customers, not paperwork.”

In a speech last December, President Bush stated:

“And a lot of times government has a tendency to over-regulate, which is a non-productive

cost to these small business owners who would rather be employing people and making it easier for somebody to find work, than filling out reams of paperwork that probably doesn’t get read anyway.”

President Bush has repeatedly stated his commitment to reducing federal paperwork requirements and he made doing so a key element of his “Six-Point Plan for the Economy.” In September 2003, President Bush stated: “We need to continue to work for regulatory relief on small and large businesses, so that instead of filing needless paperwork, you’re working to make your work force more productive and to meet the needs of your customers.” In November 2003, he stated: “We’ve got to cut useless government regulations. We need to do it at the federal level. . . . We need to make sure our entrepreneurs are focused on job creation, not filling out needless paperwork.” In March 2004, President Bush reiterated these points:

I bet you spend a lot of time filling out paperwork. I bet not much of your paperwork is ever read. The government needs to let you focus on your business, on developing goods and services. It needs to let you focus on hiring people, rather than spending hours filling out paperwork. In order for us to keep jobs here at home and expand the job base, we need better regulatory policy at the federal, state, and local level.

Just over a month ago, President Bush said: “We need to stop harassing small business owners and entrepreneurs with endless amounts of regulation and paperwork.”

President Bush has also touted actions he has taken to reduce paperwork. In May 2003, he highlighted the establishment of a task force on reducing paperwork:

To enhance economic security for working people throughout the economy we must reduce the burden of regulation and litigation on small businesses as well. Employers don’t want to spend their time and resources filling out forms or fighting junk lawsuits. They want to be out on the shop floor or behind the cash register creating profits and jobs. And that is why this administration has launched a task force to find ways to reduce paperwork and small-business owners in America. We must enact regulatory and lawsuit reforms so that our business owners can do what they do best: create jobs.

In June 2003, President Bush took credit for an executive order that purported to reduce paperwork burdens, stating: “I’m concerned and mindful about what paperwork and regulations do to small businesses. So I put down an executive order that requires all federal regulatory agencies to minimize the burden on our small businesses.”

II. PAPERWORK INCREASE UNDER THE BUSH ADMINISTRATION

There is a large gap between President Bush’s rhetoric about the need for paperwork reduction and the performance of his Administration. According to data from the General Accounting Office and the Office of Management and Budget, the burden of government paperwork on American citizens has actually increased substantially under the Bush Administration. At the same time as President Bush has been promising to reduce paperwork burdens, Americans are actually spending more time doing paperwork than ever before.

A. The Requirements of the Paperwork Reduction Act

The primary tool for measuring and controlling paperwork requirements imposed by federal law and regulations is the Paperwork Reduction Act. Collecting information is essential for the government to collect taxes, administer programs, and enforce laws. The Paperwork Reduction Act aims to make these information collections as efficient as

possible. It requires agencies to estimate the time it will take to fill out a form or otherwise provide information to the government, obtain approvals of larger information collection requests from the Office of Management and Budget, and reduce the overall hours of paperwork by a given percent each year.

Each agency is required to submit a report each year providing the number of paperwork burden hours that the agency imposed during the previous year. The annual PRA reports from each federal agency provide a picture of the total hours of paperwork required by the federal government. For the past several years, GAO has analyzed these reports annually at Congress’ request. This report relies on the analyses provided by GAO, as well as data provided to Congress from the Office of Management and Budget.

B. Total Paperwork Burdens

The annual paperwork burden today is over 700 million burden hours higher than it was when President Bush took office. In fiscal year 2000, the annual paperwork burden imposed by the federal government was measured at about 7.4 billion hours. By the end of fiscal year 2003, the annual paperwork burden stood at 8.1 billion burden hours. This is an increase of nearly 10%.

The Internal Revenue Service (IRS) accounts for more paperwork than any other federal agency, with 81% of the total paperwork hours. In contrast, EPA currently accounts for only 1.8% of federal paperwork burden, and the Department of Labor, including OSHA, accounts for only 2.0% of federal paperwork burden.

C. A Record Increase in Paperwork Burdens in Fiscal Year 2002

The first two years of the Bush Administration saw large increases in the number of hours of paperwork burden. In fiscal year 2001, the federal government required 7.6 billion hours of paperwork, an increase of 290 million hours from the year before.

In fiscal year 2002, the increase in the paperwork burden was approximately 570 million hours. Almost 300 million hours of this increase was due to program changes that added or reinstated paperwork obligations. This was the largest increase in paperwork since the Paperwork Reduction Act was amended in 1995. The total paperwork burden for fiscal year 2002 was 8.2 billion hours.

D. Increases in Paperwork Burdens in Fiscal Year 2003

This year, the Administration is reporting a small decline in the overall number of reported paperwork burden hours from last year’s record high of 8.2 billion hours to 8.1 billion hours.

According to the General Accounting Office, however, “[t]his year, the story, while on the surface may appear encouraging, is not.” GAO’s analysis reveals that the purported drop in government paperwork is entirely due to “adjustments” that “are not the result of direct federal government action but rather are caused by factors such as . . . agency reestimates of the burden associated with a collection of information.” GAO concludes that “[d]uring fiscal year 2003 the total paperwork burden, exclusive of adjustments, increased again by about 72 million burden hours.”

E. Causes of the Paperwork Increases

Much of the increases in paperwork burden since fiscal year 2000 has been driven by statutory changes proposed by the Administration and passed by Congress.

The largest sources of statutory increases in paperwork have been the recent tax law changes, which have introduced substantial additional complexity and burden for individuals and small businesses in filling out

their tax forms. For example, Americans spent an additional 330 million hours filling out tax paperwork in fiscal year 2002, with the implementation of the Economic Growth and Tax Relief Reconciliation Act of 2001 and other IRS regulations.

Similarly, the IRS reports that its implementation of the Jobs and Growth Tax Relief Reconciliation Act of 2003 "generated an estimated 113.9 million additional hours of burden."

One example of the increased paperwork is the changes to the taxation of capital gains in the Jobs and Growth Tax Relief Reconciliation Act of 2003. To implement these provisions, the IRS made numerous changes to Form 1040, Form 1040A, and associated schedules. Among other changes, the IRS added 13 extra lines to Schedule D, which taxpayers must file to report their capital gains and losses. Overall, just this portion of the paperwork changes driven by the Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the paperwork burden for individual taxpayers by over 16 million hours in fiscal year 2003. For families with modest incomes and few capital gains, the increased paperwork burdens significantly offset any benefit from the capital gains tax reductions.

The paperwork increases have also hit small businesses. Together the Jobs and Growth Tax Relief Reconciliation Act of 2003 and the 2000 Community Renewal Act added complexity to Form 1120S and its associated schedules. These forms are used by S corporations, which are often small businesses or the self-employed. Due to these added complexities, S corporation filers spent almost 12 million additional hours filling out tax forms in fiscal year 2003.

F. Increases in Future Paperwork Burdens

Additional paperwork increases are likely in fiscal year 2004 and future years under policies being pursued by the Bush Administration. For example, the Bush Administration will require labor unions to report extensive new financial information starting in fiscal year 2004. Under the new rule, all unions with annual receipts of at least \$250,000 will be required to report almost all of their receipts and disbursements. It is estimated that roughly 4,500 labor organizations will have to comply with this requirement, only 65 of which are large international unions. One union, the Airline Pilots Association, estimates that the required reports will produce 15,863 pages, or about five-and-a-half feet of paper, each year.

Based on a survey of unions, the new reporting requirements were estimated to cost unions somewhere in the range of \$700 million to \$1.1 billion per year. The same report estimated that fulfilling the new reporting requirements would require on average, roughly 353 hours per union employee, per year.

The Bush Administration is also currently testing new paperwork requirements for low- and moderate-income families to demonstrate their eligibility for the Child Tax Credit portion of the Earned Income Tax Credit. This is an important tax credit for workers in low wage jobs and the recently unemployed who have children to support.

Under the pilot program that applies to 50,000 individuals, persons seeking the credit must supply proof from a third party that the child they are claiming under the Earned Income Tax Credit lived with them for more than six months in that year. The individual must produce official records meeting the proof requirements, an affidavit from a third party, signed under penalty of perjury, or a letter on official letterhead from a third party, such as a landlord or social service agency employee. The IRS estimates that this new requirement imposes an additional

40 minutes of paperwork burden for each person filling out these forms.

III. CONCLUSION

As a candidate, George Bush railed against government paperwork burdens and promised that "[m]y administration will do things differently." As President, Mr. Bush continues to urge reductions in government paperwork burdens. But in practice, the Bush Administration has actually increased paperwork burdens. Today, Americans are filling out far more paperwork under the Bush Administration than ever before.

Mr. OSE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time and for bringing this bill to the floor.

As we look at our efforts to be more competitive as a society, we clearly have to look at the regulations imposed by government and be sure that any of those regulations, any of that paperwork, is justified.

The cost of paperwork and regulatory constraints have been steadily increasing in America. America's small business owners are feeling the pinch; and they believe, along with those who support this bill, it is time to do something about it.

Tax relief is not the problem; but we do need a simpler, fairer tax system because all of these things we put into law do require different levels of compliance.

What this bill attempts to do is find out what those compliant costs are. Paperwork and regulatory burdens cost small business of fewer than 20 employees \$6,975 per employee just to fill out the paperwork and comply with federally imposed regulatory burdens. That is nearly 60 percent more per employee than if they have more than 500 employees in their business. So the burden is disproportionate on small business though it is not insignificant on all of our businesses as we create jobs and make an effort to compete in a world economy.

Mr. Chairman, we can loosen the chokehold of paperwork and regulation. To do so, we need to be fully informed on the true cost of these regulations.

□ 1730

H.R. 2432 would require the Office of Management and Budget to seek agency input on the cost and benefits of agency regulatory programs when creating the annual regulatory accounting report.

The bill offered by the gentleman from California (Mr. OSE) authorizes that the Office of Management and Budget designate not less than three agencies or offices within an agency to participate in a 2-year regulatory budgeting study and report the results to Congress. We can then use that information to determine if regulatory budgeting is a useful tool for managing regulatory burdens on the public.

Mr. Chairman, I urge all my colleagues to support the Ose bill, the Pa-

perwork and Regulatory Improvements Act. It is an excellent and important first step in reducing the hidden job tax, levied on small businesses particularly, and consumers across the country.

Mr. TIERNEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise in opposition to the bill, but more specifically I want to speak in support of the Waxman-Tierney amendment. The amendment should garner the support of every Member of this body, because this body authorizes and funds the activities of CDC, of EPA, of FDA and every other Federal agency.

We have an oversight role, and under our watch, science is being subverted to promote political and ideological goals. Advisory goals are being stripped of scientific experts and seeded with industry representatives and ideologues. Reports are being censored and data is being manipulated to promote the administration's political and ideological objectives.

This is a dangerous, dangerous precedent. This did not happen with President Bush, Sr., it did not happen with President Clinton, it did not happen with President Reagan, it did not happen with Republican or Democratic Presidents the way that it is happening today under this very politicized, very partisan, very ideologically driven White House.

The Federal Government has no business hiding from the facts, much less suppressing them. That means the Federal Government should not turn over science, real science, to ideology, to industry representatives, to corporate interests.

In February of this year, 20 Nobel Laureates and dozens of other leading U.S. scientists issued an unprecedented statement of concern about the misuse of science by the Bush administration. This is not a Democrat on the House floor saying this, this is 20 Nobel Prize-winning scientists and dozens of other leading scientists.

"When scientific knowledge has been found to be in conflict with the political goals, the Bush administration has manipulated the process through which science enters into its decisions."

These are Nobel Laureates and other scientists talking.

"This has been done in the Bush administration by placing people who are professionally unqualified or who have clear conflicts of interest in official posts and on scientific advisory committees, by disbanding existing advisory committees, by censoring and suppressing reports by the government's own scientists, and by simply not seeking independent scientific advice." That is from 20 Nobel Laureates, not from a bunch of Democrats complaining about it.

To prove the point that these are not our words, the Director of the National

Bureau of Standards in the Nixon administration, another Republican who played it straight, did not have this ideologically driven agenda, Dr. Lewis Branscomb of the Nixon administration, said, "I am not aware that President Nixon ever hand-picked ideologues to serve on advisory committees or dismissed from advisory committees well-qualified people if he didn't like their views. I don't think we have had this kind of cynicism that we see today with respect to objective scientific advice since I have been watching government, which is quite a long time."

The Bush administration is manufacturing reality to fit its beliefs, and then they have the nerve, they have the gall, to call it sound science. That is not science, it is censorship. This Nation cannot afford it, this body should not abide it. I urge my colleagues to pass this amendment. Regardless of our political affiliation, we should not be afraid of the truth, nor should we permit its subversion.

Mr. OSE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding me time, and I congratulate him for bringing this important legislation to the floor today.

Mr. Chairman, I rise to express my strong support for H.R. 2432, the Paperwork and Regulatory Improvements Act. Today, Federal paperwork and regulations are stifling American business. The Small Business Administration estimates that Americans spend over 8 billion hours a year on Federal paperwork, costing our economy an estimated \$843 billion, an amount far exceeding Canada's GDP and even the pretax profits of all U.S. corporations.

Small businesses are especially hard hit. Those businesses employing 20 people or less face regulatory costs of almost \$7,000 per employee, compared to \$4,500 for larger companies, SBA data shows.

In 2002, the Federal Register topped 80,000 pages, one of the highest totals ever, leading the Cato Institute to affectionately refer to these regulations as the 10,000 commandments.

Instead of making it easier for our economy to create and sustain good paying jobs, burdensome Federal regulations are an incentive for U.S. companies, large and small, to find other ways to do business, including relocating to places with less burdensome regulations. This wasted time and money is hurting America's ability to compete in the global marketplace.

Mr. Chairman, let us make sure Federal agencies are not placing an unnecessary burden on workers and businesses. Let us make sure Congress has the tools and information it needs to hold regulatory agencies accountable.

This Congress has a responsibility to get the Federal Government out of the way of private enterprise and let it do what it does best, create jobs. Let us pass the Paperwork and Regulatory Improvements Act.

Mr. TIERNEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today our Republican colleagues are talking about reforming government regulation. There is a big problem with government regulation, and especially environmental regulation under the Bush administration.

This administration has turned regulatory decision-making over to big campaign donors with polluting industries. We all know what happens to public health and the environment when industry writes rules.

I want to mention three areas: the utility industry, the livestock industry and industrial laundries.

Consider the EPA's recently proposed rule on mercury pollution from power plants. A few years ago, EPA set up a process to involve all of the interested parties, States and localities, public health representatives, fish and wildlife advocates, power plant owners and others. These stakeholders worked for over a year. They gave EPA a set of regulatory recommendations, and they were working on other technical recommendations.

Then last spring, EPA halted the process and went behind closed doors. Nine months later, EPA emerged with an entirely new proposal based on another section of the Clean Air Act, and it allows many power plants to do nothing to control mercury emissions, perhaps for years, perhaps even for decades.

Now, as we now know, key parts of this deregulatory proposal were actually written by the power industry, which is one of President Bush's largest donors. The EPA Inspector General is now looking into the proposal and the new administrator has promised to go back to do further analysis. This is simply not the way agencies are supposed to do regulation.

Yesterday, we learned from the Chicago Tribune that livestock industry lobbyists are also setting environmental policy. The livestock industry sold the EPA on a proposal to let factory farms off the hook for air pollution violations. In exchange, the industry would conduct some monitoring, and monitoring only. Livestock lobbyists did not just come up with the idea; they also worked on all the details. EPA then publicly presented the proposal using, as EPA materials, slides that had been prepared by the lobbyists. The livestock industry is also an important source of campaign contributions to Republicans.

On the same day as the Chicago Tribune story, the Washington Post detailed how industrial laundry lobbyists influenced an EPA rule on hazardous waste disposal. The key company in this industry is owned by a Bush Pioneer who had raised at least \$100,000 for the President's 2000 campaign.

The Post reports that EPA gave industrial laundry lobbyists an advance

copy of a portion of the proposed rule, the lobbyist edited the rule and EPA adopted the changes. EPA did not grant such access to any other interested parties, which included environmental advocates, a labor union, hazardous waste landfill operators and competitive industries.

These are not accidents or isolated incidents. The Bush administration defends these proposals. Apparently, the administration sees nothing wrong with providing special access to large donors who own or represent polluting industries. But when industry buys the regulatory process, all Americans pay the bills. The prices are health, polluted air, dirty water, poisoned land, tainted fish and dying forests.

We do need regulatory reform, but this bill would only make the real problems worse.

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

Mr. Chairman, I would just remind Members that this bill does not speak to any agency in specificity, but only to process.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK), who also happens to be the distinguished vice chairman of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

Mr. SCHROCK. Mr. Chairman, I rise in strong support of H.R. 2432, and I am glad to be a cosponsor of the very sensible bill offered by the gentleman from California (Mr. OSE).

Mr. Chairman, small businesses and the public need relief from the burdensome and costly impact of Federal rules and paperwork. In 2001, the Small Business Administration found that firms employing fewer than 20 employees face an annual regulatory burden of \$6,975 per employee. The SBA also found that Federal regulations and paperwork compose \$843 billion in compliance costs on small businesses.

As the chairman of the Committee on Small Business Subcommittee on Regulatory Affairs and Oversight and as a member of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs chaired by the gentleman from California (Mr. OSE), I have heard on numerous occasions the testimony of small business owners about how regulations cost our small businesses time and money.

This bill will provide relief to small businesses by reducing the tax paperwork for small business. It will improve the completeness and timeliness of the Office of Management and Budget's regulatory accounting reports, and it provides for a study of the feasibility of regulatory budgeting that is desperately needed to better manage the huge regulatory burdens on the public, especially small business.

Mr. Chairman, I urge my colleagues to support this bill because, in the end, it will free up more time and money for small businesses that, in turn, can reinvest in new technologies, new research and additional development.

Most importantly, this bill will also allow businesses to create more jobs for America's families.

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

Mr. Chairman, as I noted, under this administration, we have had the largest increases in the number of hours of paperwork burden ever.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Mrs. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in support of the Waxman-Tierney amendment to establish a Commission on Politicization of Science in the Regulatory Process. We need this commission because Congress and the administration have failed to do their jobs adequately. We also need this commission because scientific information has become politicized more and more recently, and this really has to change.

We have all read and heard of the allegations that politics has been used as a litmus test for the appointment of scientists to the Federal science advisory panels and that interpretation of scientific information has been skewed to emphasize uncertainties and justify inaction.

When 20 Nobel Laureates sign a letter stating that their belief is in the existence of a problem, we should take notice and examine the allegations. Yet Congress has failed to hold any hearings on this issue.

Dr. Marburger, the President's chief science advisor, does little more than issue a rebuttal to the Union of Concerned Scientist's report, denying that any problem exists.

It is true that the plural of anecdote is not data. However, at some point a series of anecdotes begins to look like a pattern. The pattern is disturbing and threatens to undermine our ability to rely on scientific and technical information as we weigh alternative policies.

□ 1745

At a minimum, the number of cases and the range of scientific issues they encompass create the perception that the Federal science advisory process has been undermined by politics. The perception alone is damaging. Policymakers and the public must have confidence in scientific information and scientific advice provided by experts.

Policy and regulatory decisions are political. Science can inform our decisions and help us to understand the likely outcomes associated with different policy choices. However, science does not determine policy choices. This is our job.

We must examine the processes we use to incorporate scientific information into our policy decisions, and we need constructive suggestions about how to ensure that political influence over the development of scientific information is minimized. It appears the

current system is ripe for manipulation, and reform is needed. There are steps we can and should take to make it more difficult to politicize science. The commission can help us to identify these steps.

I urge support of this amendment. It is too costly and too misleading for us to depend on hearsay and ideology to substitute for the truth in scientific findings.

Mr. OSE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. OSE) has 8 minutes remaining. The gentleman from Massachusetts (Mr. TIERNEY) has 13 minutes remaining.

Mr. OSE. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise today in strong support for H.R. 2432, the Paperwork and Regulatory Improvement Act, of which I am a cosponsor. This important legislation will enable Congress to take responsibility for the laws and regulations imposed on this Nation.

Over the past 20 years, the costs and impacts of regulations have increased dramatically. We routinely authorize executive branch agencies to issue rules implementing the laws we pass in Congress. Just as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget process, it also needs an analytic capability to check and balance the executive branch in the regulatory process. Our delegation of authority to the agencies does not relieve us of our duty to ensure the responsiveness and effectiveness of those agency regulations. Agency rules and regulations have the force and effect of law. They spew forth from the agencies more than 3 or 4,000 rules and regulations every 2 years, and Congress rightly should have better oversight.

Since the 104th Congress, I have led the fight for a Congressional Office of Regulatory Analysis resulting in the passage of the Truth in Regulating Act of 2000. That statute authorized a 3-year pilot project, adding a function at the General Accounting Office to respond to Congress' request for an independent evaluation of selective economically significant proposed rules, including an evaluation of the proposals that are consistent with congressional intent. Instead of using their own experts, GAO planned to hire outside contractor experts for the 3-year pilot test. As a consequence Congress did not fund this approach.

Today it is regrettable that despite the passage of TIRA, we still do not have an independent analysis of the various agencies regulatory analyses required by law or by executive order. H.R. 2432 would permanently authorize this function within GAO, ensuring full-time agency expertise within GAO. More importantly, the GAO's analysis would allow us to submit more informed and more influential comments

on the cost, scope, and content of proposed rules during the public comment period.

Clearly it is time to increase the transparency of important regulatory decisions, promote effective congressional oversight, and increase the accountability of agencies. The government is accountable to the people and must take responsibilities for the rules established under the laws Congress passes.

Passage of H.R. 2432 would be one step toward Congress meeting its regulatory responsibilities. It is long past time for us to stop trying to change the subject and politicizing good public policy for small businesses. I urge my colleagues to vote for this bill, which is a small step towards giving some agencies the oversight they require.

Mr. TIERNEY. Mr. Chairman, I urge my colleague to stay around for the amendment that the gentleman from California (Mr. WAXMAN) and I will present to talk about politicization of particular projects and policies.

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Waxman-Tierney amendment, which would create an expert commission to study the politicization of science and make recommendations on how to protect science from political interference in the decision-making process.

This is an extremely important bill. It should have bipartisan support. We need our decisions to be based on science, not politics. Yet too often the decisions that are coming forward really overrule the recommendations of the scientists for a political goal or a certain ideology. For one example, 2 weeks ago, the FDA denied an application to allow the sale of Plan B emergency contraception and give it over-the-counter status. In this case, the science was very, very clear; and the FDA's own advisory panel voted 27 to zero that Plan B could be safely sold as an over-the-counter medication.

It then voted 23 to 4 to recommend that the FDA approve the application to make it available over the counter, but the FDA's commissioner ignored this determination and overruled the opinion of his own expert panelists. He was in conflict with the science and the experts.

I must say that according to the New England Journal of Medicine, the FDA's decision has no scientific basis. Editors wrote that "a treatment for any other condition, from hangnail to headache to heart disease, with a similar record of safety would be approved quickly and immediately."

So this really is a horrific decision. It flies in the face of science.

Mr. Chairman, the following are several news articles that have appeared in major newspapers and letters of support from Planned Parenthood and NARAL in support of the Waxman-Tierney amendment.

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
Washington, DC, May 18, 2004.

DEAR REPRESENTATIVE: Today, Representatives Waxman and Tierney will offer an amendment to H.R. 2432, the Paperwork and Regulatory Improvements Act. The amendment would create an expert commission to study the politicization of science and make recommendations on how to protect science from political and ideological manipulation and interference. Planned Parenthood Federation of America strongly urges you to support this amendment.

Over the past few years an alarming amount of decisions that should have been decided on scientific merits have been politicized. Ideology has crept into all aspects of the government's decision-making on science. Some of the most egregious offenses have affected women's health and well-being. The most recent example is the Food and Drug Administration's (FDA), the gold-standard for scientific integrity, denial of Plan B emergency contraception's (EC) over-the-counter status. This major public health setback was politics at its worst. There is no scientific reason to restrict access to this safe, effective backup method of contraception. This decision flied in the face of a joint hearing of the FDA Nonprescription Drugs and Reproductive Health Drugs Advisory Committees recommendation of 23 to 4 that the FDA make EC available over the counter. Virtually all major medical and health care organizations, including the American College of Obstetricians and Gynecologists, support making EC available without a prescription.

In addition, in October 2002 Department of Health and Human Services web sites removed medically accurate information about condom effectiveness and the lack of a proven link between abortion and breast cancer. Then in November 2002, the National Cancer Institute (NCI) Web site posts a "revised" that suggests an unproved link between abortion and breast cancer, a link that has been soundly refuted.

These attempts to replace science with ideology deserve investigation and Representatives Waxman and Tierney's amendment to set-up an expert commission to do just that deserves your support.

Thank you for your time and attention to this issue. Please do not hesitate to contact us with any questions you may have.

Sincerely,

GLORIA FELDT,
President.

NARAL PRO-CHOICE AMERICA,
Washington, DC, May 18, 2004.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Later today, when the House considers H.R. 2432, the Paperwork and Regulatory Improvements Act, an important public-health issue is expected to arise. Reps. Henry Waxman and John Tierney will offer an amendment to establish an independent, bi-partisan commission to study whether political considerations have undermined the quality and use of science in the executive branch, and to make suggestions for how science can be protected from politicization. NARAL Pro-Choice America strongly supports the Waxman-Tierney amendment and urges lawmakers' support.

Since the first days of the Bush administration, public health and sciences have been politicized and subverted in favor of an ideological agenda:

Federal funding for embryonic stem-cell research has been slowed to a trickle because of severe restrictions imposed for ideological reasons—bringing potentially life-saving science to a virtual standstill;

The Food and Drug Administration two weeks ago refused an application allowing over-the-counter sale of Plan B®, an emergency contraceptive pill—overriding the recommendations of its own hand-picked advisory panels, its own scientist-experts, and scores of medical and public-health organizations;

Respected federal agencies, including the National Cancer Institute and the centers for Disease Control and Prevention, have censored public-health information and scientific research from their Web sites in order to satisfy the demands of fringe anti-choice activists;

Risky and unproven "abstinence-only" programs have been promoted at the expense of proven-effective approaches to teen-pregnancy reduction like traditional sex-education programs and better funding for contraceptive services through the Title X program;

Individuals with questionable scientific credentials but robust anti-choice and political connections have been appointed to key federal panels that make recommendations on public-health policy;

Federal health-care reports have been "edited" to remove mention of information that could be potentially embarrassing to the administration;

Federally funded researchers who study contraception and related topics have been added to a "hit list," triggering the National Institutes of Health to warn the scientists that they could be subjected to special political scrutiny; and

Financial support for a long-standing, non-partisan public-health conference was rescinded because the diverse list of speakers and audience members included representatives from groups that do not share the Bush administration's choice views.

These are only some of the examples in which science has appeared to be subverted for political purposes. The American public deserves a federal government that does not censor, rewrite, or hide important health information, and one that makes policy decisions based on sound science—not ideology. This issue bears very close examination, and the Waxman-Tierney amendment is an important step in the right direction.

Attached is more information about the troubling pattern of politics overriding science in the Bush administration. As always, thank you for your consideration.

Sincerely,

ELIZABETH A. CAVENDISH,
Interim President.

This commission, this independent commission would look at these decisions and make sure that they are based on science. I am very disturbed because over the past year an alarming number of decisions that should have been decided on scientific merit have been politicized. I cite the one 2 weeks ago.

Mr. Chairman, the following are a series of other decisions that are very, very questionable and do not rely on science.

[From USA TODAY, May 10, 2004]

PLAN B DECISION CALLED POLITICAL
(By Rita Rubin)

Now that the Food and Drug Administration has disregarded their recommendation to make emergency contraception available without a prescription, some members of two FDA advisory committees say they've thought about resigning over what they view as a political decision.

"E-mails suggesting mass resignations are already flying around among people who

were on this committee," says Michael Greene, a Harvard OB-GYN who serves on the Reproductive Health Drugs Advisory Committee. "People are just hopping mad. The decision is blatantly contrary to the science and the facts, and so blatantly politicized."

In December, Greene's panel and the Non-Prescription Drugs Advisory Committee voted 23 to 4 in favor of selling Plan B, a "morning-after pill," over the counter. The FDA almost always follows its outside experts' advice.

But Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, last week rejected Barr Laboratories' plan to make Plan B a non-prescription drug. He cited a lack of data about whether the drug can be safely used by girls ages 11 to 15 without a doctor's supervision.

Critics of Galson's decision say that information, which the FDA never previously required for a non-prescription drug, is unnecessary and nearly impossible to get.

"There are no data that would convince this White House to take this product over the counter," says James Trussell, head of Princeton's Office of Population Research and a voting consultant to the reproductive health drugs panel. "The only way that this drug is going to be approved is if we get a new administration."

Vanderbilt drug expert Alastair Wood, of the non-prescription panel, says, "What's disturbing is that the science was overwhelming here, and the FDA is supposed to make decisions on science."

In a news conference, Galson acknowledged that he overrode the opinion of his staff as well as that of the advisory committees but denied that anyone outside the FDA influenced his decision. "As is the case with a lot of these difficult decisions, there may not be agreement among people who are experts in data analysis," Galson said.

Frank Davidoff, who sits on the non-prescription drugs advisory panel, calls Galson's comments "disingenuous." Davidoff, editor emeritus of the *Annals of Internal Medicine*, notes that 44 members of Congress wrote panel members to urge them to reject Barr's plan.

Opponents of selling Plan B over the counter argue that emergency contraceptive pills cause abortions and that easier access will lead to increased promiscuity.

"The morning-after pill is a pedophile's best friend," Wendy Wright, senior policy director for Concerned Women of America, a public policy organization, said in a statement after learning of Galson's decision. "Morning-after pill proponents treat women like sex machines."

Proponents of non-prescription sales of Plan B, most effective when taken within 24 hours of unprotected intercourse, say there is no evidence that it would increase promiscuity. "In fact, the evidence is to the contrary," says Davidoff. And Galson says the FDA believes Plan B primarily prevents pregnancies rather than ends them.

Davidoff says he has thought about resigning from the committee. "But I don't think I will. There's always an issue: Can you do more good by hanging in there?"

Barr spokeswoman Carol Cox says her company was encouraged that the FDA left the door open. Barr has proposed selling Plan B without a prescription to those over 15 and with one to younger girls. That would be unprecedented, and Galson has asked Barr how it would meet prescription and non-prescription labeling requirements in one package.

Mr. Chairman, over 40 Nobel laureates have supported the idea of an independent commission that makes sure that these decisions are not based on politics, but on the merits.

We cannot afford to have our decisions, our scientific decisions based on political manipulation which has certainly happened in these cases. This is a tremendously important amendment, and I hope that my colleagues on both sides of the aisle will support the Waxman-Tierney amendment.

Mr. OSE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to commend the gentleman from California (Mr. OSE) and the gentleman from Virginia (Mr. TOM DAVIS) for taking this very bold step on regulatory reform.

There is no question that we need regulatory reform. It has been estimated that Americans pay more than \$800 billion a year to comply with regulatory burdens, and that amounts to about \$8,000 per household. I am talking to you, Mr. and Mrs. Taxpayer out there.

The IRS alone accounts for about 80 percent of the paperwork burden on the public. In the House budget language, and I serve on the Committee on the Budget, I inserted some language on regulatory reform, and I would like to read just part of it: "It is the sense of this House that Congress should establish a mechanism for reviewing Federal agencies and their regulations with the express purpose of making recommendations to Congress when agencies prove to be inefficient, duplicative, outdated, irrelevant, or fail to accomplish their intended purpose."

Clearly, this will be the result of the gentleman from California's (Mr. OSE) very fine bill. Obviously, in accordance with the language in the House budget resolution, some of the provisions I would like to detail are that they strengthen the Congressional Review Act by providing Congress with more information much earlier in the process. It also provides Congress with in-house expertise comparable to the administration's experts at the Office of Information and Regulatory Affairs.

Certainly, additional reforms are necessary. We need regulatory reform that goes even further than this very fine bill. And I am sure we will be seeing that later this year or next year. We must remember that the Constitutional responsibility in article 1, section 8 "to make all laws which are necessary and proper" rests with us.

Congress is elected by the people, for the people and is held accountable to the people. Having a regulatory system that reflects these principles are not only outlined in the Constitution but are reflected in this bill.

Mr. TIERNEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I continue to be amused by the railing on the other side of all this paperwork burden as if they did not understand that the cause of that was their own administration. The President ran on a platform of cutting back the regulatory burden on busi-

nesses; and if you go back in history during that period of time before 2000, you can see speech after speech telling us how terrible the paperwork burden was and what he was going to do to improve it. But the fact of the matter is if you look at the report done for the gentleman from California (Mr. WAXMAN) and for me, it states clearly, "The annual paperwork hours today is over 700 million burden hours higher than it was when President Bush took office." In the year 2000, it increased by 7.4 billion hours. In 2003 it went up to 8.1 billion hours. It is an increase of over 10 percent.

The Internal Revenue Service accounts for more paperwork than any other Federal agency with 81 percent of the total paperwork burden hours. Yet that is exactly where most of the increases came. The largest sources of statutory increases in paperwork have been the recent tax law changes. They have been introduced and made a substantial additional complexity and burden for individuals and small businesses in filling out their tax forms.

And that, Mr. Chairman, is the reason for the increase.

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

Mr. OSE. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The gentleman from California (Mr. OSE) has 3 minutes remaining.

Mr. OSE. Mr. Chairman, may I inquire of the gentleman from Massachusetts (Mr. TIERNEY) as to whether he has additional speakers.

Mr. TIERNEY. Yes, I have additional speakers coming.

Mr. OSE. Mr. Chairman, we are down to 3 minutes on our side.

Mr. TIERNEY. Mr. Chairman, I have two more speakers on their way over.

Mr. OSE. Mr. Chairman, I would ask unanimous consent for an additional 5 minutes for each side for the purpose of debate on this bill.

The CHAIRMAN. That unanimous consent request is not in order in the Committee of the Whole.

PARLIAMENTARY INQUIRY

Mr. OSE. Parliamentary inquiry, Mr. Chairman. Under the general rules of debate within the Committee of the Whole, how might we address a shortage of time here treating each side equally?

The CHAIRMAN. The Committee of the Whole does not have authority to extend general debate time established by the House.

Mr. TIERNEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. TIERNEY) has 9 minutes remaining.

Mr. TIERNEY. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, let me reiterate some of the things I may have touched on earlier and maybe one new point. The bill that we are talking about here today really does not reduce paperwork or improve the regulatory process. One

of the problems it has, it talks about a study on regulatory budgeting, but yet it does not define the term "regulatory budget."

In prior hearings, the subcommittee chairman indicated he thought this was going to set a cap on the cost that an agency's combined regulations could impose on the public. An agency with a regulatory budget would then face an arbitrarily set cap on how much its regulations could cost industry in any given year; and under that system, no consideration whatsoever would be given to why the regulation was needed. Once the agency hit that cost cap, it cannot issue any more regulations even if another regulation is needed to save lives, prevent injuries, protect our environment, or improve homeland security.

□ 1800

One good example of this is the EPA recently announced its new clean air, nonroad diesel rule that, according to the EPA, will cut emissions from industrial and other diesel-powered equipment by over 90 percent. If the EPA had a regulatory budget and had reached its cap for the year, it would not have been able to issue that rule, no matter how necessary the rule or how much pollution it would have cleaned up. That essentially is one of the major problems with this bill.

Mr. Chairman, I think that we cannot allow that type of a study to even start down that path. We do not want to be measuring things just on costs, without factoring in safety obligations and other improvements in homeland security, our environment and preventing injuries.

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

Mr. OSE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as the Chairman of the Committee on Small Business, we have held close to 60 hearings on the issue of the loss of our manufacturing base in America, and much of that is centered on the fact that we have a tremendous burden of regulations. These regulations come from the people and agencies that issued the regulations, regardless of who is in the White House.

What we are trying to do here today is to have a bipartisan approach to cut away at these regulations and not concern ourselves as to who is responsible for the promulgation.

H.R. 2432 permanently authorizes the General Accounting Office to perform analyses of major rules proposed or issued by the Federal agencies. This would have proven invaluable in responding to the Department of Housing and Urban Development's proposed regulations on modifying real estate closing procedures.

HUD's analysis was woefully inadequate. An independent analysis by GAO that accurately estimated the costs of the proposal on small business

would have been helpful to the Committee on Small Business and other Members of Congress as we considered actions needed to avert a potential disaster for thousands of small businesses involved in residential real estate settlement.

H.R. 2432 also addresses the problems of paperwork burdens imposed by the IRS on small businesses. Our committee held a hearing on the IRS compliance with the Regulatory Flexibility Act. At that hearing, the IRS contended that many of its paperwork burdens are imposed by statute. In reality, the Service imposes the reporting and record-keeping requirements under various broad rule-making authorities contained in the Internal Revenue Code. Leaving it up to the IRS to determine how to reduce paperwork burdens it imposes on taxpayers is akin to the fox guarding the hen house.

We would urge the House to adopt H.R. 2432.

Mr. TIERNEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for the work he has done on this bill and the work to point out the real problems with this bill.

I must tell my colleagues, I would be in the corner of those who want to control the regulatory process. I chaired the EEOC, completely reformed the agency to reduce regulations, and one of the reasons I am for controlling the regulatory process is because overregulation makes people hate government. I do not hate government. I think government does many good things.

I come to the floor to tell my colleagues one of the reasons why I oppose this bill. During hearings we discussed so-called regulatory budgeting. That is not defined in this bill, as it should be, but it was clear during the hearings that the point was to set a limit on the total costs of regulations. This limit is based on the gross costs, not the net costs, which would account for benefits from social legislation or regulations.

For example, we have seen lead in the water in D.C., and now we think it is all over the United States. Who would not believe that in trying to control lead in the water, even if it proved costly, we would not know more if we knew what the benefits were.

Assuming we could ascertain that, let us look at how inconsistent my good friends on the other side of the aisle are.

When it comes to tax cuts, they insist upon something called dynamic scoring. I know of no reputable economist who believes in dynamic scoring, but they say what we should count are the benefits from the tax cuts as well as the expenditures or the costs to the government. Well, if this is the case with tax cuts, why are we not counting the benefits of regulations as well as their costs to get a fair estimate? That is only one of the problems with this bill.

Mr. OSE. Mr. Chairman, might I inquire, I believe I have but 1 minute left?

The CHAIRMAN pro tempore (Mr. BEREUTER). The gentleman from California (Mr. OSE) has 1 minute remaining. The gentleman from Massachusetts (Mr. TIERNEY) has 5½ minutes remaining.

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

Mr. TIERNEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, today I rise in support of the Waxman-Tierney amendment. This week we are debating regulatory reform. However, I believe that the greatest threat facing our regulatory system is the political manipulation of the scientific process.

Repeatedly, the Bush administration has been caught with their hands in the cookie jar, removing, manipulating or ignoring findings of credible scientists on the environment so we can promote the regulations it believes makes political campaign donors and the conservative right wing happy.

The pattern is there, and it is disturbing.

First, in August of 2002, the Department of Health and Human Services replaced 15 of the 18 members on the advisory committee at the National Center For Environmental Health. These scientific advisory positions were filled with a number of people who were very closely related to the industry that they were supposed to be regulating.

Can my colleagues imagine that political appointees at the Department of Health and Human Services were also caught tampering and removing information about the disparities that exist between racial and ethnic minorities in health care?

Then, secondly, in June of 2003, the EPA published a comprehensive report on the environment, while omitting information on global warming. The threat to the community I represent is extraordinary, longer droughts, more water shortages, tougher fire seasons. Last year, our fire season was vicious, but in the EPA's report, no one would know that those threats exist because the White House refuses to let the EPA publish what the scientists consider to be the best available science.

Most recently, on April 29, 2004, EPA experts called attention to a new Bush policy that will hamper accurate modeling of the effects of power plants.

These examples are just a few of many the administration has done in terms of removing, manipulating and ignoring the findings of credible scientists. More than 20 Nobel Laureates, dozens of scholars, credible scientific journals and many scientific organizations have expressed concern about the impact this manipulation could have on the U.S.'s role in the world as a leader in science.

We cannot create effective policy without the free input of qualified scientific experts. We need to stop the

manipulation of science and restore integrity to the scientific process. Support this amendment.

Mr. TIERNEY. Mr. Chairman, I yield 2¼ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise in strong support of the Waxman-Tierney amendment.

The biggest threat facing the regulatory system today is political interference with the scientific process. The interference threatens the integrity of the science-based agencies and hampers their ability to apply the best possible information and expertise to regulatory problems.

There is a rising concern in the scientific community and among former agency administrators about the unprecedented political interference with science occurring today.

In one egregious example, HHS released a heavily edited version of the National Health Care Disparities Report, a major report requested by Congress. This document hardly mentioned the word "disparities," did not state that the disparities were a problem, and even said that racial and ethnic groups had health advantages compared to the general population.

Members of Congress then obtained a June 2003 copy of this same report that was prepared by HHS scientists. The scientists had actually found that racial and ethnic disparities in health care are "national problems" that are "pervasive in our health care system" and carry a significant "personal and societal price." These important conclusions had been censored from the final version by the political appointees at HHS.

I, along with other Members of the Congress, wrote HHS Secretary Thompson to protest the manipulation of science on health care disparities and to request copies of all drafts and comments on the disparities report. HHS initially defended its report saying that it was just trying to show that the glass was half full. Deleting scientists' conclusions about racial and ethnic disparities is not public relations; it is the manipulation of science for political ends.

A month later HHS Secretary Thompson admitted that there was a mistake made and released the scientists' version of the report, but we still do not know what went wrong and never received any further explanation for this false information.

An independent, bipartisan Commission on the Politicization of Science is urgently needed to protect the public health from incidents like this.

The Waxman-Tierney amendment will establish an independent, bipartisan commission to investigate the politicization of science in the regulatory process and make recommendations to restore scientific integrity.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. TIERNEY) has 45 seconds remaining. The gentleman from California (Mr. OSE) has 1 minute remaining.

Mr. OSE. Mr. Chairman, it is my understanding that I have the right to close?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. TIERNEY. Mr. Chairman, I yield myself the balance of the time.

I just say, Mr. Chairman, I think we have heard adequate reasons here why this bill comes up short in what would be a help in any sense in types of burden relief. It does have to be a situation where we are concerned about who is responsible.

One of the colleagues on the other side of the aisle raised that issue that we should not be, but hopefully, we need to enlist the support of this administration and a majority here to help get the burden down, and this administration has had record increases in paperwork burdens, mostly because of the Internal Revenue Code changes that they have made, which have substantially added to that situation.

Not only did it not address the recession and not address the job losses, which have been historic, it also failed to do anything about reducing paperwork burdens and, in fact, increased that substantially.

So I think that this debate has made that clear, Mr. Chairman. I would advise folks to please read the report the gentleman from California (Mr. WAXMAN) and I had done and introduced in the RECORD and vote against this bill.

Mr. OSE. Mr. Chairman, I yield the balance of the time to the gentleman from Wisconsin (Mr. RYAN) for the purpose of closing.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time. I also thank the gentleman from California (Mr. OSE) for his leadership on this issue. It is really a great tribute to all the work that he has done.

Mr. Chairman, one of the things that we are talking about these days is, how do we stop pushing jobs overseas? One of the problems we have is, we are in the time of global competition, and our manufacturers and our small businesses are really struggling to compete in the global marketplace.

One of the ways in which we push jobs overseas is by making it more expensive to do business in America and to hire people to build things in America is the cost of regulations.

This bill, the Paperwork and Regulatory Improvements Act, helps make good on the promise that Congress is giving to the American people that we are going to reduce the cost of regulations. Getting the essential information on how the costs and benefits accumulate on our regulations is a critical component to our agenda to reduce the cost that our government imposes on businesses so they can be more competitive in the global marketplace so that we can keep jobs in America.

This is about jobs. It is about common sense. I urge adoption of this bill.

Mrs. BLACKBURN. Mr. Chairman, I want to thank our chairman for his work on H.R. 2432,

the Paperwork and Regulatory Improvements Act, and I rise today in support of this overdue legislation. I came to Congress to support small businesses, and this is a step in the right direction.

We have all heard the saying—the road to ruin is paved with good intentions. This is an appropriate statement to consider as we discuss the purpose of the original Paperwork Reduction Act. In 1980 this legislation was passed to ensure that government didn't place an undue repetitive and duplicative paperwork burden on the Nation's businesses. In 1995, Congress again took up the issue and amended PRA by establishing additional paperwork reduction goals. Unfortunately, the result has not been less paperwork.

Since 1995, the paperwork burden has consistently increased. In a 2002 report to Congress, OMB found that the Department of Labor alone imposed over 181 million hours of paperwork in FY 2001. And OMB estimated that processing the paperwork costs business \$30 an hour—the Labor Department's regulations alone, at that rate, are costing American businesses \$5.43 billion. And the total per-employee cost of regulation can be as much as 60 percent greater for small businesses.

Mr. Chairman, time and again, at town halls and business roundtables across my district, I'm hearing from business owners, small and large, that they are frustrated and, quite frankly, they are tired of the government costing them time and money for purposeless paperwork.

H.R. 2432 gives Congress the tools needed to effectively study and gauge the value of particular regulations and make informed, cost-benefit judgments on their worth. I urge my colleagues to support this commonsense legislation today.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Waxman/Tierney amendment to establish an independent commission on the politicization of science in the regulatory process. As a family physician and Chair of the Congressional Black Caucus Health Braintrust, I have made numerous appearances on this floor to remind my congressional colleagues and this Nation about the gaping deficiencies in our healthcare system. With these deficiencies being most salient in minority communities, members have introduced and passed a number of legislative proposals geared towards eliminating racial and ethnic health disparities. Public Law 106-129 was one of these proposals and required the Agency for Health Care Quality and Research to produce annual reports on the existing disparities in this Nation.

But the Bush administration, who seeks to evangelize individual responsibility as the sole mechanism for redressing health disparities and improving health care for the underserved, have produced policy directives sought to downgrade proven programmatic efforts to eliminate health disparities, and overtly question the reality of the health care system's failings in the requested report entitled National Health Care Disparities Report (NHDR).

The NHDR was published by Department of Health and Human Services' Agency for Health Care Quality and Research in December of 2003 and took the position that racial and ethnic minorities are in better health than the general population. After an investigation was launched at the request of Congressman HENRY A. WAXMAN (D-CA) and members of

the Congressional Minority Caucuses, it became apparent that there were two starkly different versions of the report.

The June version of the report found "significant inequality" in health care in the United States, referred to health care disparities as "national problems," emphasized that these disparities are "pervasive in our health care system," and found that the disparities carry a significant "personal and societal price." The December version of the report that was released, however, contains none of these conclusions. Furthermore, the June versions of NHDR defined "disparity" as the condition or fact of being unequal, as in age, rank, or degree, and included the term over the 30 times in the "key findings" section of the executive summary. By contrast, the December version leaves "disparity" undefined and deletes the uses of the "disparity" throughout the report.

After much political pressure and public embarrassment, the Secretary of Health and Human Services retracted the December report and released the June version. But after three months of aggressively defending and justifying the December report it was clear the Administration's understanding of death from health disparities and unequal treatment of the underserved by the health care system based on ideological perspective rather than science. Perspective-based policy making in health care is problematic because its solutions hinge on its biases. With over a century of science-based evidence available, such policy-making appears not just partisan before activity harmful.

Mr. Chairman, we do not have time to allow political ideology to take precedent over science. I urge my colleagues to support the Waxman/Tierney amendment and put an end to politicization of science.

Mr. TOM DAVIS of Virginia. Mr. Chairman, please include the attached exchange of letters between Chairman BOB GOODLATTE of the Committee on Agriculture, Chairman JIM NUSSLE of the Committee on the Budget and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 2432 under general leave.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 14, 2004.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: This correspondence is in regard to H.R. 2432, the Paperwork and Regulatory Improvements Act of 2003. As you are aware, the Committee on Agriculture was granted a sequential referral of H.R. 2432 because of its jurisdictional interest in agriculture commodity programs created and reauthorized in the Farm Security and Rural Investment Act of 2002.

Section 4 of H.R. 2432 amends the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) by eliminating provisions that were inserted to ensure the farm bill programs and payments would apply to the crops of the 2002 crop year.

Knowing of your interest in expediting this legislation, I will discharge H.R. 2432 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill the Committee on Agriculture does not waive any future jurisdictional claim over this or similar measures. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the

right to seek appointment of conferees, if one should become necessary.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 14, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Long-
worth House Office Building, Washington,
DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Agriculture Committee's jurisdictional interest in H.R. 2432, the Paperwork and Regulatory Improvements Act. Section 4 of H.R. 2432 repeals eight provisions within the Farm Security and Rural Investment Act of 2002 (P.L. 107-171). Those eight provisions exempted certain farm programs from the requirements of the Paperwork Reduction Act.

I agree that the Committee on Agriculture does not waive its jurisdiction over H.R. 2432 or P.L. 107-171 by waiving further consideration of the bill. In addition, I will support your request for conferees from the Agriculture Committee should a House-Senate conference on this or similar legislation be convened.

I will include a copy of your letter and this response as part of the Government Reform Committee's report and the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of H.R. 2432.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 18, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN: On May 10, 2004, the Committee on Government Reform ordered reported H.R. 2432, the Paperwork and Regulatory Improvements Act of 2004. As you know, the Committee on the Budget was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of your willingness to consult with this Committee, and because of your desire to move this legislation expeditiously as an individual bill, I have agreed that the Committee will be discharged of the bill. However, the Committee does not waive any part of its current jurisdiction. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 2432 or similar legislation.

I request that you include this letter and your response in your Committee Report and in the Congressional Record during consideration of the legislation on the House Floor. Thank you for your attention to these matters.

Sincerely,

JIM NUSSLE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 18, 2004.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, Cannon
House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Budget Committee's jurisdictional interest in H.R. 2432, the Paperwork and Regulatory Improvements Act. The bill was primarily referred to the Committee on Government Reform and additionally to the Committee on the Budget. Section 6 of H.R. 2432 requires the Office of Management and Budget to study the feasibility of integrating of the regulatory accounting statement into the President's budget. The contents of the President's budget is within the Budget Committee's rule X jurisdiction, and accordingly, the Speaker additionally referred H.R. 2432 to your Committee.

I agree that the Committee on the Budget does not waive its jurisdiction over H.R. 2432 by waiving further consideration of the bill. In addition, I will support your request for conferees from the Budget Committee should a House-Senate conference on this or similar legislation be convened.

As you have requested, I will include a copy of your letter and in the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of H.R. 2432.

Sincerely,

TOM DAVIS,
Chairman.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2432

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 and Regulatory Improvements Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1980, in the Paperwork Reduction Act, Congress established the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget. OIRA's principal responsibility is to reduce the paperwork burden on the public that results from the collection of information by or for the Federal Government. In 2002, OIRA estimated that the paperwork burden imposed on the public was 7.7 billion hours, at a cost of \$230 billion. The Internal Revenue Service accounted for 83 percent of the paperwork burden.

(2) In 1995, Congress amended the Paperwork Reduction Act and established annual governmentwide paperwork reduction goals of 10 percent for each of fiscal years 1996 and 1997, and 5 percent for each of fiscal years 1998 through 2001, but the paperwork burden increased, rather than decreased, in each of those fiscal years and fiscal year 2002. Both the Office of Management and Budget and the Internal Revenue Service need to devote additional attention to paperwork reduction.

(3) In 2002, the House Report accompanying the Treasury and General Government Appropriations Act, 2003 (House Report 107-575) stated, "The Office of Management and Budget has

reported that paperwork burdens on Americans have increased in each of the last six years. Since the Internal Revenue Service imposes over 80 percent of these paperwork burdens, the Committee believes that OMB should work to identify and review proposed and existing IRS paperwork."

(4) One key to success in paperwork reduction is the Office of Management and Budget's systematic review of every new and revised agency paperwork proposal. Recent statutory exemptions from that office's review responsibility, especially those without any stated justification, should be removed.

(5) In 2000, researchers Mark Crain of George Mason University and Thomas Hopkins of the Rochester Institute of Technology, in their October 2001 publication titled "The Impact of Regulatory Costs on Small Firms", estimated that Americans spend \$843 billion annually to comply with Federal regulations. Congress has a responsibility to review major rules (as defined by section 804 of title 5, United States Code) proposed by agencies, especially regulatory alternatives and the costs and benefits associated with each of them. In 2000, in the Truth in Regulating Act, Congress established new responsibility within the General Accounting Office to assist Congress with this responsibility.

(6) In 1996, because of the increasing costs and incompletely estimated benefits of Federal rules and paperwork, Congress required the Office of Management and Budget for the first time to submit an annual report to Congress on the total costs and benefits to the public of Federal rules and paperwork requirements, including an assessment of the effects of Federal rules on the private sector and State and local governments. In 1998, Congress changed the annual report's due date to coincide with the due date of the President's budget, so that Congress and the public could be given an opportunity to simultaneously review both the on-budget and off-budget costs associated with the regulatory and paperwork requirements of each Federal agency. In 2000, Congress made this a permanent annual reporting requirement.

(7) The Office of Management and Budget requires agencies to submit annual budget and paperwork burden estimates in order to prepare certain required reports for Congress, but it does not require agencies to submit estimates on costs and benefits of agency rules and paperwork. The Office of Management and Budget needs to require agencies to submit such estimates on costs and benefits to help prepare the annual accounting statement and associated report required under section 624 of the Treasury and General Government Appropriations Act, 2001.

SEC. 3. REDUCTION OF TAX PAPERWORK.

Section 3504 of title 44, United States Code, is amended by adding at the end the following new subsection:

"(i) In carrying out subsection (c)(3), the Director shall (in consultation with the Internal Revenue Service and the Office of Tax Policy of the Department of the Treasury and the Office of Advocacy of the Small Business Administration) conduct a review of the collections of information conducted by the Internal Revenue Service to identify actions that the Internal Revenue Service can take to reduce the information collection burden imposed on small business concerns, consistent with section 3520(c)(1) of this chapter. The Director shall include the results of the review in the annual report that the Director submits under section 3514 of this chapter for fiscal year 2006."

SEC. 4. REPEAL OF EXEMPTIONS FROM PAPERWORK REDUCTION ACT, ETC.

(a) REPEALS.—The following provisions of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) are repealed:

(1) Subparagraphs (A) and (C) of section 1601(c)(2).

- (2) Section 1601(c)(3).
 (3) Section 2702(b)(1)(A).
 (4) Section 2702(b)(2)(A).
 (5) Section 2702(c).
 (6) Subparagraphs (A) and (C) of section 6103(b)(2).
 (7) Section 6103(b)(3).
 (8) Subparagraphs (A) and (C) of section 10105(d)(2).
 (9) Section 10105(d)(3).
 (b) EFFECTIVE DATE.—The repeals of the provisions listed in subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 5. AMENDMENT OF TRUTH IN REGULATING ACT TO MAKE PERMANENT PILOT PROJECT FOR REPORT ON RULES.

The purpose of this section is to make permanent the authority to request the performance of regulatory analysis to enhance Congressional responsibility for regulatory decisions developed under the laws enacted by Congress. The Truth in Regulating Act of 2000 (Public Law 106-312; 5 U.S.C. 801 note) is amended—

(1) in the heading for section 4, by striking “PILOT PROJECT FOR”;

(2) by striking section 5 and redesignating section 6 as section 5; and

(3) in section 5 (as redesignated by paragraph (2))—

(A) in the heading, by striking “AND DURATION OF PILOT PROJECT”;

(B) in subsection (a), by striking “(a) EFFECTIVE DATE.—”; and

(C) by striking subsections (b) and (c).

SEC. 6. IMPROVED REGULATORY ACCOUNTING.

(a) REQUIREMENT FOR AGENCIES TO SUBMIT INFORMATION ON REGULATIONS AND PAPERWORK TO OMB.—Section 624 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by Public Law 106-554; 114 Stat. 2763A-161), is amended

(1) by redesignating subsections (b), (c), and (d) as subsection (c), (d), and (e), respectively, and

(2) by inserting after subsection (a) the following new subsection:

“(b) AGENCY SUBMISSIONS TO OMB.—To carry out subsection (a), the Director of the Office of Management and Budget shall require each agency annually to submit to the Office of Management and Budget an estimate of the total annual costs and benefits of Federal rules and paperwork, to the extent feasible—

“(1) for the agency in the aggregate; and

“(2) for each agency program.”.

(b) INTEGRATION OF OMB ACCOUNTING STATEMENT AND REPORT INTO PRESIDENT’S BUDGET.—Section 624 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by Public Law 106-554; 114 Stat. 2763A-161) is further amended in subsection (a), by striking “with the budget” and inserting “as part of the budget”.

(c) REGULATORY BUDGETING.—(1) Chapter 11 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 1120. Regulatory budgeting

“(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than three agencies (or offices within an agency) to participate in a study on regulatory budgeting for fiscal years 2006 and 2007. The designated agencies shall include three regulatory agencies or offices from among the following: the Department of Labor, the Department of Transportation, the Department of Health and Human Services, and the Environmental Protection Agency.

“(b) The study shall address the preparation of regulatory budgets. Such budgets shall include the presentation of the varying estimated levels of benefits that would be associated with the different estimated levels of costs with respect to the regulatory alternatives under consideration by the agency (or office within the agency).

“(c) The Director of the Office of Management and Budget shall include, in the accounting statement and associated report submitted to Congress for calendar year 2006 under section 624 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by Public Law 106-554; 114 Stat. 2763A-161), a presentation of the different levels of estimated regulatory benefits and costs with respect to the regulatory alternatives under consideration for one or more of the major regulatory programs of each of the agencies designated under subsection (a).

“(d) In the accounting statement and associated report submitted to Congress for calendar year 2009 under section 624 of the Treasury and General Government Appropriations Act, 2001 (as so enacted), the Director of the Office of Management and Budget shall include a report on the study on regulatory budgeting. The report shall—

“(1) assess the feasibility and advisability of including a regulatory budget as part of the annual budget submitted under section 1105;

“(2) describe any difficulties encountered by the Office of Management and Budget and the participating agencies in conducting the study; and

“(3) recommend, to the extent the President considers necessary or expedient, proposed legislation regarding regulatory budgets.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1120. Regulatory budgeting.”.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order except those printed in part D of House Report 108-497. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1815

It is now in order to consider amendment No. 1 printed in part D of House Report 108-497.

AMENDMENT NO. 1 OFFERED BY MR. OSE

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

The CHAIRMAN pro tempore (Mr. BEREUTER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OSE:

In section 5, insert “(a) PERMANENT AUTHORITY.—” before “The purpose”.

In section 5, strike paragraph (2) and the matter preceding subparagraph (A) of paragraph (3) and insert the following:

(2) in section 5, by striking “\$5,200,000 for each of fiscal years 2000 through 2002” and inserting “\$5,000,000 for each fiscal year beginning after September 30, 2004”; and

(3) in section 6—

Add at the end of section 5 the following:
 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

In section 6, strike subsection (b) and redesignate subsection (c) as subsection (b).

In section 1120(d) of title 31, United States Code, as proposed to be added by section 6(b) (as so redesignated), in the matter preceding paragraph (1), insert after “Management and

Budget” the following: “, after consultation with the Committees on the Budget and on Government Reform of the House of Representatives and the Committees on the Budget and on Governmental Affairs of the Senate.”.

In section 1120 of title 31, United States Code, as proposed to be added by section 6(b) (as so redesignated), strike the closing quotation marks and second period at the end and insert the following:

“(e) The report on the study on regulatory budgeting required under subsection (d) shall also be submitted directly to the Committees on the Budget and on Government Reform of the House of Representatives and the Committees on the Budget and on Governmental Affairs of the Senate.”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 645, the gentleman from California (Mr. OSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this particular amendment is technical in nature. It conforms the text that was sent over from the committee to the expectations of everybody here on the floor. Specifically, it changes the applicable dates. In section 5, it changes the effective date of the GAO requirement to 90 days after the date of enactment. It deletes the integration requirement of the budget and regulatory accounting statement, and it includes consultation with the Committee on the Budget and the Committee on Government Reform of the House and the Budget and Governmental Affairs Committees in the Senate.

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

The CHAIRMAN pro tempore. Does anyone claim the time in opposition to the amendment?

Mr. TIERNEY. Mr. Chairman, I claim the time in opposition; and though I rise to claim the time in opposition, we do not oppose the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts (Mr. TIERNEY) will control the time in opposition.

There was no objection.

Mr. TIERNEY. Mr. Chairman, Congress did create a 3-year pilot program in the Truth in Regulating Act, the so-called TIRA act, of 2000. That required the General Accounting Office to report on economically significant rules, if asked by the chairman or the ranking minority member. Authorization for funding was included in the bill; but, unfortunately, during the entire 3-year pilot program, Congress never appropriated any money to fund the project. Because of this, the pilot program never happened.

The bill before us today would make this pilot project permanent, oddly enough. The amendment of the gentleman from California (Mr. OSE) would provide authorization of \$5 million each year to fund the project; but the General Accounting Office has said it would need \$8 million in actual funds,

not just promised funds, in order to perform the extra work required in this provision.

What the General Accounting Office really supports is making this provision a pilot project instead of making it permanent, which seems to make eminent sense, given the fact that the original pilot program was not able to be conducted. We should fund the pilot program and find out whether it even works before we make it permanent.

Mr. Chairman, I submit for the RECORD a May 11, 2004, letter from the General Accounting Office comptroller, David Walker, to the ranking member, the gentleman from California (Mr. WAXMAN). In this letter, Mr. Walker writes, and I quote, "If Congress wants TIRA to continue, we believe it should do so as a pilot project rather than as permanent authority."

The entire letter is as follows, Mr. Chairman:

UNITED STATES GENERAL
ACCOUNTING OFFICE,
Washington, DC, May 11, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
House of Representatives.

DEAR MR. CHAIRMAN: The Truth in Regulating Act of 2000 (TIRA), Pub. L. No. 106-312, 114 Stat. 1248 (Oct. 17, 2000), became effective on January 15, 2001. (Codified at 5 U.S.C. § 801 note.) TIRA contemplated a 3-year pilot project, during which GAO would perform independent evaluations of "economically significant" agency rules when requested by a chairman or ranking member of a committee of jurisdiction of either House of Congress. The independent evaluation would include an evaluation of the agency's analysis of the potential benefits, potential costs, and alternative approaches considered during the rulemaking proceeding. Under TIRA, GAO was required to report on our evaluations within 180 calendar days after we received a committee request.

Section 6(b) of the Act, however, provided that the pilot project would continue only if, in each fiscal year, "a specific annual appropriation not less than \$5,200,000 or the prorated equivalent thereof shall have been made for the pilot project." Section 6(c) of the Act directed GAO to submit to Congress, before the conclusion of the 3-year period, "a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project." During the 3-year period contemplated for the pilot project, Congress did not enact any specific appropriation to cover TIRA evaluations. The authority for the 3-year pilot project expired on January 15, 2004.

On June 11, 2003, Congressman Ose introduced H.R. 2432 that, in section 5, would make TIRA's pilot permanent. In August 2003, GAO provided staff of Congressman Ose with amendments to H.R. 2432 to make clear that the same limitation enacted in TIRA would continue if H.R. 2432 was enacted, that is, GAO could not conduct any TIRA evaluations without a specific appropriation enacted by Congress. (GAO's proposed amendment enclosed.)

The GAO has conducted no TIRA evaluation. Therefore, in our view, if Congress wants TIRA to continue, we believe it should do so as a pilot project rather than as a permanent authority. Moreover, we cannot support any proposal to make TIRA permanent, such as H.R. 2432, without the inclusion of language that makes clear that a specific ap-

propriation must be enacted before GAO can conduct TIRA reviews. In a recent GAO report, we noted that the Office of Information and Regulatory Analysis within the Office of Management and Budget (OMB) has reviewed approximately 600 "economically significant" rules a year since 1994. While realistically GAO would only be asked to review selected rules, any expansion of GAO's scope without additional dedicated resources would pose a serious problem for us, especially in light of what will likely be increasing budgetary constraints. It would also likely serve to adversely affect our ability to provide the same level of service to the Congress in connection with our existing statutory authorities.

TIRA evaluations will require a significant amount of resources that cannot be absorbed within, for example, GAO's fiscal year 2004 appropriation, given the substantial present workload at GAO, our current backlog of pending requests, and the anticipated need for contracting for specialized expertise to assist us in our evaluations of particular rules. Accordingly, we respectfully request that H.R. 2432 be amended to condition GAO's obligation to conduct independent evaluations on the enactment of a separate and specific annual appropriation. To cover the cost of such work we propose an amendment to H.R. 2432 authorizing an annual appropriation of \$8,000,000 for fiscal year 2005.

Thank you for your consideration of this important matter.

Sincerely yours,

DAVID M. WALKER,

Comptroller General of the United States.

AMENDMENTS TO THE TRUTH IN LENDING
REGULATING ACT

Section 5 of Public Law 106-312 is amended by striking everything after the heading and inserting the following:

(a) There are authorized to be appropriated to the General Accounting Office to carry out this Act \$8,000,000 for fiscal year 2005.

(b) For each fiscal year thereafter, there are authorized to be appropriated an amount equal to the prior fiscal year's authorization plus an amount calculated by multiplying the prior year's authorization by the change in the Consumer Price Index as prepared by the Department of Labor for that fiscal year.

Section 6 of Public Law 106-312 is amended by striking subsection (b) and inserting the following new subsection (b):

(b)(1) Absent a specific annual line item appropriation in the General Accounting Office's appropriation for fiscal year 2005 of not less than \$8,000,000 for this purpose, the General Accounting Office shall not conduct in fiscal year 2005 any independent evaluations as authorized by this Act.

(2) Absent a specific annual line item appropriation in the General Accounting Office's appropriation for each fiscal year thereafter of not less than the amount authorized for that fiscal year by section 5(b) for that purpose, the General Accounting Office shall not conduct in that fiscal year any independent evaluations as authorized by this Act.

The underlying bill that we are considering has other problems also, Mr. Chairman, and I will mention those briefly.

One is the provision that would require targeted agencies to participate in a study on regulatory budgeting. And I talked a little about this in the last session we had. An agency with a regulatory budget faces an arbitrary cap on how much its regulations can cost industry. The benefits of regula-

tion, such as saving lives or preventing injuries, are not even considered under such a regulatory budget.

A study of regulatory budgeting may seem harmless enough, but it actually is not. It is one step down the path of regulatory budgeting that would be a step too far. The underlying bill requires every agency to submit every year to the Office of Management and Budget the annual costs and benefits of all rules and paperwork, to the extent feasible, for the entire agency and every program.

Mr. Chairman, I am concerned the committee report states this provision, and I quote, "requires Federal agencies to submit annual estimates of the costs and benefits associated with the Federal rules and paperwork for each of their agency programs."

We have not offered an amendment to strike this provision because the committee majority informed us before we considered the bill that this provision is not intended to require agencies to conduct any extra cost-benefit evaluation beyond that which they already prepare. Expanding the use of cost-benefit analysis would divert resources from the work that agencies are supposed to be doing to carry out their core missions, and it would not add value or improve the quality of decision-making in the regulatory process.

I could go on, Mr. Chairman, with the problems in this bill; but the bottom line is this bill does nothing to improve the regulatory process and could, in fact, result in a worsening of the regulatory process.

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

Mr. OSE. Mr. Chairman, I yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise today in support of the amendment of the gentleman from California (Mr. OSE) and his bill, the Paperwork and Regulatory Improvements Act, and thank his staff as well for the fine work they have done. This legislation is a needed addition and an improvement of existing law. H.R. 2432 would increase the transparency and effectiveness of government and lessen the burden associated with taxation-related paperwork for small businesses.

In 1980, the Congress passed the Paperwork Reduction Act, which established the Office of Information and Regulatory Affairs. The principal responsibility of this office is to reduce the paperwork burden from Federal regulations on the American public. The burden is considerable.

According to a 2001 study, Americans spend an estimated \$843 billion annually to comply with Federal regulations. It is our responsibility as Members of Congress to review the new agency rules and regulations. Most importantly, it is our duty to find ways to reduce red tape. In order to fulfill this responsibility, Congress needs detailed information on the costs and benefits associated with each regulation. The

Paperwork and Regulatory Improvements Act would ensure this information is provided to Congress.

H.R. 2432 would do three things. It would require the Office of Management and Budget to seek agency input for its annual regulatory accounting report to Congress; permanently fund an independent regulatory analysis function within the General Accounting Office; and authorize OMB to designate at least three agencies to conduct a 2-year study on regulatory budgeting.

Based on the results of this study, OMB will report to Congress on the feasibility of regulatory budgeting. We can then determine if it is a useful tool for managing regulatory burdens on the public.

Finally, this legislation addresses the challenges small businesses face with regard to the paperwork burden. Small businesses spend an extremely disproportionate amount of resources, time, and money on compliance with regulations. The largest share, almost 80 percent of the paperwork, is taxation-related paperwork.

H.R. 2432 would require the OMB and the Internal Revenue Service to jointly develop specific solutions to reduce the paperwork burden on small businesses. It is time Congress paid attention to this pressing problem.

Mr. Chairman, I would like to urge all of my colleagues here today to support this sound piece of legislation.

Mr. OSE. Mr. Chairman, might I inquire how much time remains.

The CHAIRMAN pro tempore. The gentleman from California (Mr. OSE) has 1½ minutes remaining, and the gentleman from Massachusetts (Mr. TIERNEY) has 2 minutes remaining.

Mr. OSE. If I understand correctly, the gentleman from Massachusetts has the right to close on this? It is my amendment.

The CHAIRMAN pro tempore. The gentleman from California, as the proponent of the amendment for which there is no opposition, has the right to close.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume, and I will just use the couple of remaining moments to talk about something that both of the last speakers raised.

I think it is important to note that while we are all concerned about paperwork burdens, especially on small businesses, the Internal Revenue Service accounts for more paperwork than any other Federal agency. It is 81 percent of the total paperwork hours. In contrast, the Environmental Protection Agency only accounts for 1.8 percent of Federal paperwork burden; the Department of Labor, including OSHA, only accounts for 2 percent of the Federal paperwork burden. So, again, we get back to the point that if we really want to do something about this, we could look at the tax bills that were passed by this administration which increased the paperwork burden 290 mil-

lion hours in one year and 570 million in another year and continue to be going at a record pace.

We should be concerned about that, and we should be concerned again about the regulatory budget aspect that is being suggested in this bill. Again, it does not do enough to take care of the issue of regulations needing to be in place to save lives, to prevent injuries, to protect our environment, or to improve homeland security. All of those things must be factored in every bit as much as the dollar cost. And this whole idea of regulatory budgeting would not allow for that. It would in that sense be counterproductive and against the interests of the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. OSE. Mr. Chairman, I yield myself the balance of my time.

Regarding the amendment at the desk, it is a technical amendment. It conforms to the actual writing of the bill reported from the committee to the representations we have made here on the floor.

I thank the gentleman from Massachusetts for his kind remarks on the amendment, and I urge its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in part D of House Report 108-497.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WAXMAN:
Add at the end the following new title:

**TITLE II—COMMISSION ON
POLITICIZATION OF SCIENCE IN THE
REGULATORY PROCESS**

SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on Politicization of Science in the Regulatory Process (in this Act referred to as the "Commission").

SEC. 202. DUTIES.

The Commission shall carry out the following duties:

(1) Examine and evaluate executive branch regulatory activities and associated decisions to determine the extent to which political considerations have undermined the quality and use of science. As part of this examination and evaluation, the Commission shall consider the regulatory activities and associated decisions listed in—

(A) "Politics and Science in the Bush Administration," an August 2003 report prepared by the minority staff of the Committee on Government Reform of the House of Representatives; and

(B) "Scientific Integrity in Policymaking," a March 2004 report prepared by the Union of Concerned Scientists, which

was accompanied by a statement of concern signed by 20 Nobel Laureates and other distinguished scientists.

(2) Report to Congress and the President on its findings and conclusions, as well as make recommendations to Congress and the President on measures that can be taken to enhance the integrity of science in executive branch regulatory activities and associated decisions.

SEC. 203. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in scientific professions, governmental service, and public administration.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall submit a financial disclosure report pursuant to the Ethics in Government Act of 1978, notwithstanding the minimum required rate of compensation or time period employed.

SEC. 204. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 205. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of

the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 206. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 207. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 208. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 209. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed \$5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

At the end of section 2, insert the following:

TITLE I—AMENDMENTS RELATING TO PAPERWORK REDUCTION

Redesignate sections 3, 4, 5, and 6 as sections 101, 102, 103, and 104, respectively.

The CHAIRMAN pro tempore. Pursuant to House Resolution 645, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes of debate time.

H.R. 2432, the bill that is before us today, is intended to improve the way that Federal agencies create and implement regulations, but in its current form this legislation will do nothing to address the most serious threat to the integrity of the regulatory process: political interference with science.

Without good science for policymakers, we cannot make the best pol-

icy judgments. We as policymakers or the regulatory agencies need good science, science that has not been interfered with by politicians. That is why the gentleman from Massachusetts (Mr. TIERNEY) and I are offering this amendment to establish an independent commission to investigate whether science is being politicized and to make recommendations to Congress to protect scientific integrity.

This amendment responds to the concerns of the scientific community. Twenty Nobel Laureates, major scientific organizations, and leading scientific and medical journals have protested a pattern of political interference with science by the Bush administration. This pattern has involved gagging scientists, suppressing research, and rewriting reports to eliminate scientific answers that conflict with the administration's political or ideological agenda. It has also involved misleading the public and Congress on key scientific facts, manipulating performance measures for ideologically favored programs, and stacking advisory committees, scientific advisory committees stacked with people who will come up with the right political answer.

The Bush administration's interference with science has undermined efforts to protect the public's health, safeguard the environment, and even provide accurate information about the war on terrorism. We have a report that we have prepared called "Politics and Science in the Bush Administration," and it goes through a whole pattern of interference with scientific decisions.

We have heard about the interference with scientific research at the National Institutes of Health. We have heard about suppression of information where the environmental scientist wanted to talk about the global warming issue, but their report was taken out of the overall category of information about environmental problems in this country. We know that this administration favors the kinds of programs that would talk about abstinence for sex for teenagers, and they do not want to really talk about some of the other programs that have a broader perspective, including family planning.

But even in the last couple of days, we have another example where we even are seeing that accurate information that is needed for us to have about the war on terrorism is being stopped. The State Department did a report on patterns of global terrorism; and according to the report, terrorist attacks fell to a record low in 2003. At the press conference releasing the report, Deputy Secretary Armitage said: "You will find in these pages clear evidence that we are prevailing in the fight."

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But this is a fabrication resulting from manipulation of the data. In fact, significant terrorist attacks reached a 20-year high in 2003. It is deplorable

that this administration would manipulate data to make it seem like terrorism is less a threat than ever when, in reality, the very opposite is true.

I ask my colleagues today to join me in supporting this amendment. It is supported by a wide range of groups, including the League of Conservation Voters, Planned Parenthood, and the Union of Concerned Scientists.

Respect for evidence and the scientific process is not a partisan issue. I urge that we take the responsible step of supporting an independent bipartisan commission to investigate the politicization of science and restore scientific integrity across the Federal Government.

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

Mr. OSE. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BERREUTER). The Chair recognizes the gentleman from California (Mr. OSE) for 10 minutes.

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

Mr. Chairman, this is not the first iteration of this amendment we have seen. We also saw this in committee. While I would describe its purpose as well-meaning and well-intended, my position in the committee and my position today are the same, and that is that this piece of legislation dealing with regulatory processes and paperwork burden is not the proper vehicle to establish a commission dealing with the quality of science that this or any other administration might otherwise wish to entertain.

I would ask the gentleman from California (Mr. WAXMAN) just for clarification. The amendment mentions a report dated August 2003, and yet I have a copy here that is updated November 13. Might I inquire as to which report we are working off of?

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

Mr. OSE. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the August report was updated on November 13, 2003. They are practically identical reports.

Mr. OSE. Mr. Chairman, are we working off the August report or the November report?

Mr. WAXMAN. Whatever the amendment provides. It does not make too much difference. It is the same report with the same substance outlining the political interference with science by the Bush administration.

Mr. OSE. Mr. Chairman, reclaiming my time, regardless of the date, I would still register my opposition on the basis that this regulatory process and paperwork reduction legislation is not the vehicle by which we should properly discuss the quality of science that this or any other administration might wish to use in the deliberative decisions that they make.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I would suggest this kind of partisan language would not be appropriate in any legislation.

I assume the goal of the gentleman from California (Mr. WAXMAN) is not to politicize science and research, yet I respectfully suggest that is what this amendment does. And the comments of the gentleman on the floor were sort of blasting the Bush administration for some of the things that they have done.

I am chairman of the Subcommittee on Research, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is the ranking member of that subcommittee. In fact, all of the members on that committee, Republicans and Democrats, and on the full Committee on Science work very diligently to not politicize what we are doing in science and research in this country.

This amendment requires that a commission be created to study the politicization of science by the Bush administration. What we all sort of agree is, politicizing this is what we are doing with this amendment. I urge my colleagues, I urge the Democrats not to start, even though it is an election year and we are approaching the election, not to start politicizing.

We have references to the Committee on Government Reform. Regardless of whether it is an August or November date, it is a minority staff report that the majority had nothing to do with, and it is directing the commission in this amendment. And by the way, this amendment, as I count the pages, a 10-page amendment in a 9-page bill, otherwise directs this new commission to take the minority report and study that report that bashes the Bush administration.

The sponsor references the Union of Concerned Scientists and their report; and the Union of Concerned Scientists, with all due respect, is a left-wing organization which has been bashing the Bush administration for the last 2 years.

So I think we need to be very careful of not politicizing what we are doing in science and research in this country and in this Congress.

On the Union of Concerned Scientists, Mr. Marburger, the scientific adviser for the President, informs me that they have studied and reacted to every point of suggested criticism in that report. If there is additional review of the gentleman's minority report, I would be glad to instigate it in our Subcommittee on Research because I think it is important that we do not politicize. But it seems to me, and I would respectfully and humbly suggest that passing this amendment does just that, it politicizes by creating a commission that bashes the Bush administration.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out that science has already been politicized by the Bush administration,

and that is what our report has pointed out. This report was favorably received in the leading scientific journal *Nature*. It was cited dozens of times in scientific and medical literature, including the *New England Journal of Medicine and Science*.

The issue that we pointed out is named the fifth most important story of 2003 by *Discover* magazine. When we point out how the Bush administration has politicized science, we are accused of being supporters of left-wing organizations and we should not politicize science.

Let us get an independent, bipartisan commission to review whether science has been manipulated and distorted and otherwise subjected to political pressures by this administration.

Mr. OSE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I have in my hand this "Dear Colleague" letter, one of several, actually, from the gentleman from California (Mr. WAXMAN). This one is titled "Keep Science Out of the 'Political and Ideological Shredder.'" It goes on to quote articles in several newspapers, including my own, the *Atlanta Journal-Constitution*.

This is what the *Atlanta Journal-Constitution* said about this President. On the political censoring of a report on health care disparities, the *Atlanta Journal-Constitution* concluded that, to paraphrase rhythm and blues legend Sam Cooke, top aides in the Bush administration do not know much biology, and I am old enough to remember that song, I did not know much about trigonometry, or the French he took, but he did know that 1 and 1 is 2. The *Atlanta Journal-Constitution* very conveniently left that part of the verse out, that he did know 1 and 1 is 2.

That cuts right to the matter. All of these rules and regulations and all of this science they are talking about and the politicization of it, what we are talking about is having rules and regulations based on good science that makes sense. We hear from the other side and some of the Members who are supporting this amendment this whole spring, talking about outsourcing of jobs and all of the jobs that are lost by this administration over the last 3 years; and they conveniently forget that we are losing a lot of jobs because of these burdensome rules and regulations, many of which, as Sam Cooke knew years ago when he wrote that song, could be a little bit nonsensical.

But he did know 1 and 1 is 2, and that is what this President and this administration knows, and that is why this bill, H.R. 2432, is a good one and that is why this Waxman-Tierney amendment is a bad one.

The Waxman amendment would not result in paperwork reduction or regulatory improvement. The amendment is purely a political attack on the Bush administration and asserts that political considerations have undermined the quality and use of science.

Listen to what President Bush's science adviser, Dr. Marburger, recently stated, "The President believes that policies should be made with the best and most complete information possible and expects his administration to conduct its business with integrity and in a way that fulfills that belief."

Mr. Chairman, this is a good bill and it is a bad amendment. I stand to oppose the amendment and support the bill.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I am always amazed to see how frightening it is for our colleagues to be confronted with a nonpartisan study, and that would be by a commission that was appointed by the President and by members of that party and members of this party.

One of the speakers talked about this being political and partisan. Basically, we are in an atmosphere here that is political by nature. It is our obligation, if the President is putting a twist onto different regulations and either avoiding their implementation or manipulating them and missing science altogether, our obligation is to make sure this is set right; and a commission should look at it to make sure that all regulations are either enforced or implemented based on good, hard science and not ideology and politics, as many are accusing the President of doing.

We should not stop with the Atlanta Journal-Constitution. We should go on to the New York Times that editorialized that "the administration belittled, misrepresented, altered, or quashed multiple reports suggesting a clear link between greenhouse gas emissions and the burning of fossil fuels like coal and oil."

The Chattanooga Free Press wrote that "the Bush administration has elevated its political agenda, ideology and vested interests over substantive scientific concerns about the environmental and health consequences of its policies."

Citing the manipulation of data on caribou in the ANWR and the firing of qualified experts from a lead poisoning advisory committee, the Boston Globe concluded "at a time when so many issues are grounded in laboratory or field work, this corrupting of scientific evidence misinforms lawmakers and the public and could make scientists unwilling to work for the government."

And the Philadelphia Inquirer concluded that "the Bush administration is risking public trust in vital government agencies by putting scientific findings through a political and ideological shredder."

The Kansas City Star declared that "it is time for a thorough review."

So it is not just the Democratic Party over here. I would assume there are members in the Republican Party who are sensible enough to want to have a good analysis of this done, and

want to put aside all of the political shenanigans of this administration.

Across the country, editorial page after editorial page acknowledges this is the most political White House we have ever had on these issues; and everybody wants it to stop, stop taking these regulations and manipulating them to say something that is not true or accurate. Let us get the science right.

This is the perfect bill for this to be brought forward in. We are talking about regulations, and it is imperative that regulations are implemented in a proper way based on scientific evidence and not politics.

This White House has politicized this, not this party. I would think my colleagues on the other side of the aisle, if they have a shred of desire to see the integrity of this institution maintained, would join us and vote for this amendment.

Mr. OSE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman from California (Mr. OSE) for this vital legislation, and I rise in support of the gentleman's effort to reduce the paperwork and the regulatory costs that do not provide health, protection and safety for people in America today.

There is \$343 billion that could be used to grow this economy, to create jobs, to do the things that our workers need. We have to get this study out of the way so we can do the right thing and make sure that the regulations we have are transparent, they can be seen by the people that write them, that are impacted by them, and make sure that these regulations do what they are intended to do, not sap the economy, not cut jobs.

I support the bill.

□ 1845

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

There is no transparency when this administration appoints people to a lead poisoning scientific committee and puts a person on who represents the industry point of view, comes right from the industry, and then comes in and recommends a level of lead that is harmful to kids.

It is not transparency when references to global warming are taken out at the insistence of the White House, the EPA administrator is forced to drop it out of his or her analysis of overall problems.

It is not transparency when we have Web sites that say to women, you should worry about having an abortion because it could lead to breast cancer when there is no scientific basis for it.

What we have is continuous interference in scientific decisions by the political people in this administration.

We need to respond to the concerns that have been raised by 20 Nobel laureates, by Science Magazine, Nature Magazine, New England Journal of

Medicine, leading scientific organizations, including the American Academy For the Advancement of Science, by making sure that we have good scientific data, not politicized scientific data.

We are calling for a bipartisan commission to examine this politicization of science that we are now seeing so frequently by this administration, so that we can stop it and let the policymakers make the decision based on good science.

Our country is losing its edge as a leader in science because scientists do not want to work in an atmosphere where an administration wants to just do favors for the right-wing religious extremists who want to stop science that might offend their notions of what they think is appropriate. And they do not want to work for an administration in the scientific area where industry groups that reward this administration with campaign contributions are rewarded by having the science distorted to suit their needs.

I ask for support for the amendment.

Mr. OSE. Mr. Chairman, I yield myself the balance of my time.

I just want to reiterate my rationale for not supporting the amendment. If my colleagues look at the amendment, it refers to a report put out by the minority staff entitled "Politics and Science in the Bush Administration." We have not had that report vetted. It was issued by the minority staff. There has been no input by the majority staff or review.

I daresay that that would be a very, very dangerous template to set for this Congress, because who knows what other committees might adopt majority or minority reports and then just jam them down the other side's throat.

I would urge my colleagues to oppose this amendment and instead seek to have it discussed under the purview of the Committee on Science. This particular piece of legislation dealing with regulatory process and paperwork reduction is not the vehicle that should properly deal with this issue. This may well be a very serious issue, but this is not the vehicle where it should properly be discussed.

I urge my colleagues to vote "no" on the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to this amendment. We had a very similar measure at the committee markup and defeated it there.

The amendment is supposed to create an expert commission to study the politicization of science and make recommendations for how to protect science in the regulatory process from political and ideological manipulation and interference.

The problem with a commission like this is it is designed to find a problem and highlight it. Whether the problem is real or serious the commission fails if it finds nothing at all.

This is the kind of unfair fishing expedition that can only harm and destroy public faith in the Federal rulemaking process.

Even worse than being unnecessary, the commission is expensive and duplicative, and

its powers are questionable. It will cost \$5 million. The commission will also duplicate the work of the permanent congressional office of regulatory affairs the base bill creates. And, the commission would have the authority to enter into contracts, but it is unclear if such contracts could be awarded without any competition. Certainly my colleague didn't intend to provide sole source authority to the commission.

There is no question that the Bush administration is surpassing previous administrations in its commitment to good science. Under this administration, OMB has issued the first information quality guidelines that establish rigorous quality standards for using science when developing regulations.

Mr. Chairman, it does not make sense to fund an unneeded commission with a predetermined finding that will misrepresent the good work of this administration. I'm opposed to this amendment and I ask that all Members vote to defeat it.

Mr. MARKEY. Mr. Chairman, I rise in support of the gentlemen's amendment.

Knowledge is power, or as Francis Bacon used to say "Nam et ipsa scientia potestas est." Bacon inspired both this observation and what we have come to know as the scientific method, the underpinning of modern science. Whatever the inspiration for his famous quote, it appears that from the very beginning, science and politics mixed.

Here in Congress we rely on scientists to inform policy, since the term congressional "expert" is really an oxymoron—like "Jumbo Shrimp" or "Jobless Recovery." Scientists tell us whether Yucca Mountain can be used to safely store nuclear waste for a hundred thousand years, how fast global warming is occurring, and whether therapeutic cloning is possible.

Unfortunately, the Bush administration has taken its relentless drive to weaken the environmental regulations of this country to a whole new level, and it has politicized the scientific process in a way we haven't seen since Galileo was tried and jailed by the Inquisition.

Lead is one of the most dangerous and potent toxins to the brains of young children. A year and a half ago, I learned that the Bush administration had rejected the CDC staff nominations of three renowned scientists to its Advisory Panel on Preventing Childhood Lead Poisoning. In their place, individuals with clear ties to the lead industry were nominated—including one who had actually been nominated by the lead industry, and another who was an expert witness for the lead industry, testifying that lead posed very little health risk in lawsuits brought against it. Clearly, the lead industry was unhappy with the CDC panel, which was considering revising the safe blood lead levels downward. So it decided to perform a little policy alchemy by compromising the advisory committee process. I tried to head it off by issuing a report entitled "Turning Lead into Gold: How the Bush Administration is Poisoning the Lead Advisory Committee at the CDC." While one of the nominees admitted her conflict of interest and bowed out, the other industry nominees serve on that panel today.

The lead industry seems to have gotten its way for now. This same committee just recently decided not to lower the lead level of concern, despite a clear finding by a CDC working group that there are adverse health effects at the lower level.

To add insult to injury, the President is proposing a \$35 million cut in funds for lead abatement in low-income homes. In the face of significant national drinking water needs—illustrated by the shocking revelations of extremely high lead levels in the Washington, DC, water—the President's budget also proposes to cut water quality funding by \$822 million. This all adds up to a policy that counts politics more than all of the science on the adverse effects of lead on young children.

Vote "yes" on the Waxman-Tierney amendment to restore integrity to the government's scientific process.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

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

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 201, noes 226, not voting 6, as follows:

[Roll No. 187]
AYES—201

- | | | |
|----------------|----------------|------------------|
| Abercrombie | Filner | McGovern |
| Ackerman | Ford | McIntyre |
| Alexander | Frank (MA) | McNulty |
| Allen | Frost | Meehan |
| Andrews | Gephardt | Meek (FL) |
| Baca | Gonzalez | Meeks (NY) |
| Baird | Gordon | Menendez |
| Baldwin | Green (TX) | Michaud |
| Ballance | Grijalva | Millender- |
| Becerra | Gutierrez | McDonald |
| Bell | Harman | Miller (NC) |
| Berkley | Hastings (FL) | Miller, George |
| Berman | Hill | Mollohan |
| Berry | Hinchey | Moore |
| Bishop (GA) | Hinojosa | Moran (VA) |
| Bishop (NY) | Hoeffel | Murtha |
| Blumenauer | Holden | Nadler |
| Boswell | Holt | Napolitano |
| Boucher | Honda | Neal (MA) |
| Boyd | Hooley (OR) | Oberstar |
| Brady (PA) | Hoyer | Obey |
| Brown (OH) | Insole | Olver |
| Brown, Corrine | Israel | Ortiz |
| Capps | Jackson (IL) | Owens |
| Capuano | Jackson-Lee | Pallone |
| Cardin | (TX) | Pascrell |
| Cardoza | Jefferson | Pastor |
| Carson (IN) | Johnson, E. B. | Payne |
| Carson (OK) | Jones (OH) | Pelosi |
| Case | Kanjorski | Pomeroy |
| Chandler | Kaptur | Price (NC) |
| Clay | Kennedy (RI) | Rahall |
| Clyburn | Kildee | Rangel |
| Conyers | Kilpatrick | Reyes |
| Cooper | Kind | Rodriguez |
| Costello | Kleczka | Ross |
| Crowley | Kucinich | Rothman |
| Cummings | Lampson | Roybal-Allard |
| Davis (AL) | Langevin | Ruppersberger |
| Davis (CA) | Lantos | Rush |
| Davis (FL) | Larsen (WA) | Ryan (OH) |
| Davis (IL) | Larson (CT) | Sabo |
| Davis (TN) | Lee | Sánchez, Linda |
| DeFazio | Levin | T. |
| DeGette | Lewis (GA) | Sanchez, Loretta |
| DeLahunt | Lipinski | Sanders |
| DeLauro | Lofgren | Sandlin |
| Dicks | Lowe | Schakowsky |
| Dingell | Lucas (KY) | Schiff |
| Doggett | Lynch | Scott (GA) |
| Dooley (CA) | Majette | Scott (VA) |
| Doyle | Maloney | Serrano |
| Edwards | Markey | Shays |
| Emanuel | Marshall | Sherman |
| Engel | Matheson | Skelton |
| Eshoo | Matsui | Slaughter |
| Etheridge | McCarthy (MO) | Smith (WA) |
| Evans | McCarthy (NY) | Snyder |
| Farr | McCollum | Solis |
| Fattah | McDermott | Spratt |

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|---------------|------------|
| Stark | Tierney |
| Stenholm | Towns |
| Strickland | Udall (CO) |
| Stupak | Udall (NM) |
| Tanner | Van Hollen |
| Tauscher | Velázquez |
| Thompson (CA) | Visclosky |
| Thompson (MS) | Waters |

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|---------|
| Watson |
| Watt |
| Waxman |
| Weiner |
| Wexler |
| Woolsey |
| Wu |
| Wynn |

NOES—226

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|-----------------|---------------|---------------|
| Aderholt | Gibbons | Otter |
| Akin | Gilchrest | Oxley |
| Bachus | Gillmor | Paul |
| Baker | Gingrey | Pearce |
| Ballenger | Goode | Pence |
| Barrett (SC) | Goodlatte | Peterson (MN) |
| Bartlett (MD) | Goss | Peterson (PA) |
| Barton (TX) | Granger | Petri |
| Bass | Graves | Pickering |
| Beauprez | Green (WI) | Pitts |
| Bereuter | Greenwood | Platts |
| Biggert | Gutknecht | Pombo |
| Bilirakis | Hall | Porter |
| Bishop (UT) | Harris | Portman |
| Blackburn | Hart | Pryce (OH) |
| Blunt | Hastings (WA) | Putnam |
| Boehlert | Hayes | Quinn |
| Boehner | Hefley | Radanovich |
| Bonilla | Hensarling | Ramstad |
| Bonner | Herger | Regula |
| Bono | Hobson | Rehberg |
| Boozman | Hoekstra | Renzi |
| Bradley (NH) | Hostettler | Reynolds |
| Brady (TX) | Houghton | Rogers (AL) |
| Brown (SC) | Hulshof | Rogers (KY) |
| Brown-Waite, | Hyde | Rogers (MI) |
| Ginny | Isakson | Rohrabacher |
| Burgess | Issa | Ros-Lehtinen |
| Burns | Istook | Royce |
| Burr | Jenkins | Ryan (WI) |
| Burton (IN) | John | Ryan (KS) |
| Buyer | Johnson (CT) | Saxton |
| Calvert | Johnson (IL) | Schrock |
| Camp | Johnson, Sam | Sensenbrenner |
| Cannon | Jones (NC) | Sessions |
| Cantor | Keller | Shadegg |
| Capito | Kelly | Shaw |
| Carter | Kennedy (MN) | Sherwood |
| Castle | King (IA) | Shimkus |
| Chabot | King (NY) | Shuster |
| Chocola | Kingston | Simmons |
| Coble | Kirk | Simpson |
| Cole | Kline | Smith (MI) |
| Collins | Knollenberg | Smith (NJ) |
| Cox | Kolbe | Smith (TX) |
| Cramer | LaHood | Souder |
| Crane | Latham | Stearns |
| Crenshaw | LaTourrette | Sullivan |
| Cubin | Lewis (CA) | Sweeney |
| Culberson | Lewis (KY) | Tancredo |
| Cunningham | Linder | Taylor (MS) |
| Davis, Jo Ann | LoBiondo | Taylor (NC) |
| Davis, Tom | Lucas (OK) | Terry |
| Deal (GA) | Manzullo | Thomas |
| DeLay | McCotter | Thornberry |
| Diaz-Balart, L. | McCreery | Tiahrt |
| Diaz-Balart, M. | McHugh | Tiberi |
| Doolittle | McInnis | Toomey |
| Dreier | McKeon | Turner (OH) |
| Duncan | Mica | Turner (TX) |
| Dunn | Miller (FL) | Upton |
| Ehlers | Miller (MI) | Vitter |
| Emerson | Miller, Gary | Walden (OR) |
| English | Moran (KS) | Walsh |
| Everett | Murphy | Wamp |
| Feeney | Musgrave | Weldon (FL) |
| Ferguson | Myrick | Weldon (PA) |
| Flake | Nethercutt | Weller |
| Foley | Neugebauer | Whitfield |
| Forbes | Ney | Wicker |
| Fossella | Northup | Wilson (NM) |
| Franks (AZ) | Norwood | Wilson (SC) |
| Frelinghuysen | Nunes | Wolf |
| Gallegly | Nussle | Young (AK) |
| Garrett (NJ) | Osborne | Young (FL) |
| Gerlach | Ose | |

NOT VOTING—6

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|---------|----------|--------|
| DeMint | Hayworth | Leach |
| Deutsch | Hunter | Tauzin |

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER) (during the vote). Members are advised 2 minutes are remaining in this vote.

