

Calendar No. 212

107th Congress }
1st Session

SENATE

{ REPORT
107-90

TO PREVENT THE ELIMINATION OF CERTAIN
REPORTS

R E P O R T

OF THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 1042

TO PREVENT THE ELIMINATION OF CERTAIN REPORTS



OCTOBER 31, 2001.—Ordered to be printed

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AN ACT TO PREVENT THE ELIMINATION OF CERTAIN REPORTS

OCTOBER 31, 2001.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Governmental Affairs,
submitted the following

R E P O R T

[To accompany H.R. 1042]

The Committee on Governmental Affairs, to whom was referred the bill (H.R. 1042) an act to prevent the elimination of certain reports, having considered the same, reports the bill favorably and recommends by voice vote with no nays that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of this legislation is to prevent the elimination of certain reports pursuant to requirements of the Federal Reports Elimination Act of 1995. These reports are:

1. National Energy Policy Plan(s). (Section 801(b) and (c) of the Department of Energy Organization Act (42 U.S.C. 7321(b) and (c))
2. Strategy for federally supported research and development for each critical technology designated by the President. (Including those listed in a biennial report on national critical technologies.) (Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687))
3. A comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year, and an

evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this chapter. (Section 7(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1106(a))

4. A comprehensive description of the programed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year. (Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476))

5. A comprehensive and detailed report of the Communications Satellite Corporation's (COMSAT) operations, activities, and accomplishments. (Section 404 of the Communications Satellite Act of 1962 (47 U.S.C. 744))

6. A national Federal program plan for advanced materials research and development. (Section 205(a)(1) of the National Critical Materials Act of 1984 (30 U.S.C. 1804(a)(1))

7. The expansion, subdivision, or modification of the list of categories within which awards may be made under the Malcolm Baldrige National Quality Award Program. (Section 17(c)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(2))

8. A report identifying areas of research and research techniques of the Institute of Standards and Technology of potential importance to the long-term competitiveness of United States industry, in which the Institute possesses special competence, which could be used to assist United States enterprises and United States industrial joint research and development ventures. (Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h))

9. An annual report summarizing the operations of the National Technical Information Service during the preceding year, including financial details and staff levels broken down by major activities. (Section 212(f)(3) of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 3704b(f)(3))

10. A summary report to the President and the Congress on the use by the agencies and the Secretary of the research and development authorities (technology transfer) specified in the Stevenson-Wydler Technology Innovation Act of 1980. (Section 11(g)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(g)(2))

11. A plan establishing the goals and priorities for the National Climate Program. (Section 5(d)(9) of the National Climate Program Act (15 U.S.C. 2904(d)(9))

12. A summary of the achievements of the National Climate Program during the previous fiscal year and an analysis of the progress made toward achieving the goals and objectives of the Program. (Section 7 of the National Climate Program Act (15 U.S.C. 2906)).

13. A report on the status of the Weather Service Modernization Program. (Section 703 of the Weather Service Modernization Act (15 U.S.C. 313 note)

14. A report to Congress by the Great Lakes Research Office on issues relating to the Great Lakes resources on which research is

needed. (Section 118(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1268(d)(2))

15. A report by FAA and NASA on technologies developed for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels. (Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note))

16. Reports of federally funded research centers describing the purpose, mission, and general scope of effort of the center. (Section 2367(c) of title 10, United States Code)

17. A report on the use of noncompetitive procedures in procurements. (Section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7))

18. A report to the President and the Congress, through the Chairman of the Council on Environmental Quality, on Federal global change research priorities, policies, and programs. (Section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(7))

19. A report by programs under the National Earthquake Hazards Reduction Program stating specific tasks and milestones for each Program agency and a report describing the activities and achievements of the National Earthquake Hazards Reduction Program during the preceding two fiscal years. (Section 5(b)(1)(C) and (D) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)(C) and (D))

20. A report on the transfer of funds by the Federal Laboratory Consortium for Technology Transfer. (Section 11(e)(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(6))

21. A report of NASA's determination that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement concerned. (Section 2304(c)(7) of title 10, United States Code, but only to the extent of its application to the National Aeronautics and Space Administration)

22. A report by the National Science Board on indicators of the state of science and engineering in the United States. (Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1))

23. A report of the Committee on Equal Opportunities in Science and Engineering on its activities during the previous two years and proposed activities for the next two years. (Section 36(e) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c(e))

24. Biennial report of the National Science Foundation on the state of the national scientific and engineering workforce. (Section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d))

25. A report on the results of surveys conducted by the National Science Foundation on the needs of universities, by major field of science and engineering, for construction and modernization of research laboratories, including fixed equipment and major research equipment. (Section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886))

26. A report to the Congress on the implementation of the National High-Performance Computing Program. (Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3))

27. A report on the total amount of money for scientific and engineering research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution and appropriate nonprofit organization in the United States, by grant, contract, or other arrangement from agencies of the Federal Government and a report on information related to the acquisition and disposition by the Foundation of any patents and patent rights. (Section 3(a)(7) and (f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(7) and (f))

28. A report on the status of minorities, women, and handicapped individuals and activities at the National Science Foundation. (Section 7(a) of the National Science Foundation Authorization Act, 1977 (42 U.S.C. 1873 note))

29. A report on all activities relating to fire prevention and control. (Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215))

II. BACKGROUND AND NEED FOR LEGISLATION

In 1995, Congress enacted the Federal Reports Elimination and Sunset Act of 1995 (P.L. 104-66). Introduced by Senators McCain, Levin, Glenn, Roth and Cohen on May 11, 1995, and enacted on December 21, 1995, the act eliminated or modified approximately 200 reporting requirements imposed on federal agencies in law and by Congress, and placed a four-year sunset on many other reports. This four-year provision was included in anticipation that, over time, Congress would identify reports that warranted exemption from the sunset. The 1995 legislation also required the President to identify in the next available budget message additional Congressionally mandated reporting requirements that could be and should be eliminated. The legislation was designed to reduce paperwork burdens, streamline information flows, and save taxpayer dollars used to prepare reports that are no longer necessary. At the time it was passed, the Congressional Budget Office estimated that the bill would save at least \$2 million annually. The bill put the burden on the President and Congressional Committees to determine which reports they believed were necessary and which were not—and it gave them four years to do it.

The House Science Committee has since determined that 29 reports relevant to its oversight responsibilities, which would be eliminated pursuant to the sunset provisions of Federal Reports Elimination and Sunset Act of 1995, are still necessary. H.R. 1042 addresses the problem by exempting these and other reports from Pub. L. 104-66. Less one report, H.R. 1042 is identical to H.R. 3904 which passed the House under suspension by voice vote in the 106th Congress. However, the Senate adjourned before the legislation could be cleared for passage.

The Governmental Affairs Committee accepts the determination of the House Science Committee that the reports specified in H.R. 1042 would continue to provide constructive evaluation tools for those committees in the Senate and the House with direct oversight responsibility. When H.R. 1042 was debated on the House

floor, concern was expressed that the Federal Reports Elimination and Sunset Act was excessive and that H.R. 1042 was necessary to correct an error. However, measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act. H.R. 1042 is substantially similar to measures passed by this committee and others to retain reporting requirements that they believe necessary to their oversight responsibilities.

III. LEGISLATIVE HISTORY

H.R. 1042 was introduced in the House of Representatives by Rep. Felix Grucci on March 15, 2001 and referred to the House Committee on Science. On March 21, 2001, the House passed the legislation under suspension of the rules with 414 Members voting in favor and 2 Members voting against. On March 22, 2001, the legislation was referred in the Senate to the Committee on Governmental Affairs. On August 2, 2001, the Committee on Governmental Affairs adopted H.R. 1042 unanimously by voice vote and ordered the bill to be reported without amendment.

IV. EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of the Standing rules of the Senate requires that each report accompanying a bill evaluate the “regulatory impact which would be incurred in carrying out this bill.” The Committee has determined that the enactment of this legislation will not have significant regulatory impact.

V. CBO COST ESTIMATE

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1042, an act to prevent the elimination of certain reports. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

DAN L. CRIPPEN, *Director.*

H.R. 1042—An act to prevent the elimination of certain reports

H.R. 1042 would reinstate the requirement for federal agencies to prepare certain reports. Subject to the availability of appropriated funds, CBO estimates that implementing this bill would cost about \$3 million in 2002 and an average of \$1 million annually thereafter. Because the legislation would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 1042 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no impact on the budgets of state, local, or tribal governments.

The Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) terminated many periodic reports that federal agencies were required to submit to the Congress, effective May 15, 2000. This bill would restore the statutory requirements for 29 specific reports. According to the affected agencies, most of the reports are still being prepared in response to other statutory or adminis-

trative directives. At least two major reports have been terminated however: the National Energy Plan (prepared by the Department of Energy), and the Great Lakes Research report (prepared by the Department of Commerce). Based on information from the Energy Department, CBO estimates preparing the energy plan would cost an average of \$2 million every two years. CBO estimates that the Department of Commerce would spend about \$1 million in 2002 to develop the information required for the initial Great Lakes research plan. Annual costs would decline in future years as the report becomes routine. The cost of preparing other reports affected by this legislation is not expected to be significant.

Estimate prepared by: Julie Middleton.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

VI. CHANGES TO EXISTING LAW

H.R. 1042 does not repeal or amend an existing statute. It does, however, exempt from the scope of Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) 29 reports that are listed in H.R. 1042.

