

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 11/28/2001 [H. R. 1042]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Statement	[Re: H. R. 1042]	1	11/28/2001	Transferred
002	Statement	Statement by the President - From: POTUS	1	N.D.	P5;
003	Statement	Statement by the President - From: POTUS	1	N.D.	P5;
004	Statement	Statement by the President - From: POTUS	1	11/25/2001	P5;
005	Email	Revised signing statement for H.R. 1042 - To: Harriet Miers, et al. - From: James J. Jukes	2	11/21/2001	P5;
006	Statement	Statement by the President - From: POTUS	1	N.D.	P5;
007	Email	Revised signing statement for H.R. 1042 - To: Harriet Miers, et al. - From: James J. Jukes	2	11/21/2001	P5;

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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015	Memorandum	Enrolled Bill - H.R. 1042 - Restoration of Expired Reporting Requirements - To: Harriet Miers - From: Jonathan Burks	1	11/26/2001	P5;
016	Statement	Statement by the President - To: Harriet Miers - From: Office of the Vice President	1	11/26/2001	P5;
017	Statement	Statement by the President - From: POTUS	1	N.D.	P5;
018	Statement	Statement by the President - From: POTUS	1	11/26/2001	P5;
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

THE PRESIDENT HAS SEEN
11/28/01

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement attached)

Department of Commerce

Approval

Department of Energy

No objection

National Science Foundation

No objection

Department of Justice

No objection (Informally)

Environmental Protection Agency

No objection (Informally)

National Aeronautics and Space Administration

No objection (Informally)

Office of Science and Technology Policy

No objection (Informally)

Department of Transportation

No comment (Informally)

Federal Communications Commission

No comment (Informally)

Federal Emergency Management Agency

No comment (Informally)

General Services Administration

No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

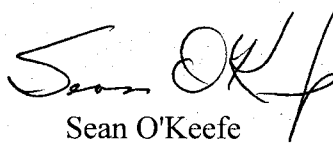
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

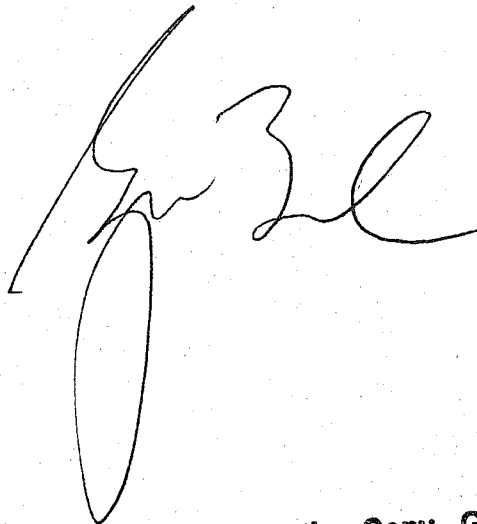
Enclosures

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 1042, an Act to prevent the scheduled elimination of certain legislatively mandated executive branch reports. This legislation restores 29 statutory reporting requirements that expired last year, pursuant to the Federal Reports Elimination and Sunset Act of 1995. I sign this legislation in deference to the Congress' determination that the reports are necessary to fulfilling its oversight responsibilities. But I remain concerned that many of the existing statutory reporting requirements impose an excessive burden on executive branch agencies. In particular, I am concerned that some of the reports reinstated by H.R. 1042 are either obsolete or duplicative of other reporting requirements. My Administration will continue to work with the Congress to reduce the burden created by unnecessary statutory reporting requirements through the elimination of these unnecessary requirements, while respecting the oversight responsibilities of the Congress.

THE WHITE HOUSE,

November 28, 2001.

A handwritten signature in black ink, appearing to be "G. W. Bush", with a large, stylized loop at the bottom.

Preservation Copy - George W. Bush Handwriting

STATEMENT BY THE PRESIDENT

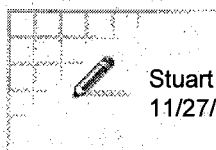
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Adding to's edits?



Stuart W. Bowen
11/27/2001 01:54:49 PM

Record Type: Record

To: G. Timothy Saunders/WHO/EOP@EOP

cc:

Subject: Please format for Pres Sig today thanks



HR 1042 SIGNING STATEMENT BY THE PRESIDE

Withdrawal Marker

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.MSubject: ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

REVISED

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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Approval (Signing statement
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Department of Energy
National Science Foundation
Department of Justice
Environmental Protection Agency
National Aeronautics and Space Administration
Office of Science and Technology Policy
Department of Transportation
Federal Communications Commission
Federal Emergency Management Agency
General Services Administration

Approval
No objection
No objection
No objection (Informally)
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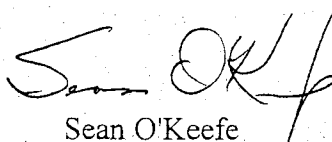
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A handwritten signature in black ink, appearing to read "Sean O'Keefe". The signature is stylized, with the first name "Sean" written in a cursive script and the last name "O'Keefe" in a more formal, slightly cursive script.

Sean O'Keefe
Deputy Director

Enclosures

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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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Revised signing statement for H.R. 1042 - To: Harriet Miers, et al. - From: James J. Jukes	2	11/21/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
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Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

RESTRICTION CODES

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.MSubject: ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget	Approval (Signing statement attached)
Department of Commerce	Approval
Department of Energy	No objection
National Science Foundation	No objection
Department of Justice	No objection (Informally)
Environmental Protection Agency	No objection (Informally)
National Aeronautics and Space Administration	No objection (Informally)
Office of Science and Technology Policy	No objection (Informally)
Department of Transportation	No comment (Informally)
Federal Communications Commission	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
General Services Administration	No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

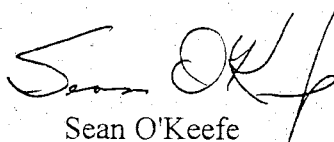
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

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Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 107-90

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.

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M.. MONDAY, NOVEMBER 26, 2001. THANKS.

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CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

*Sh AM
11/26 6:00 AM*

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement attached)

Department of Commerce

Approval

Department of Energy

No objection

National Science Foundation

No objection

Department of Justice

No objection (Informally)

Environmental Protection Agency

No objection (Informally)

National Aeronautics and Space Administration

No objection (Informally)

Office of Science and Technology Policy

No objection (Informally)

Department of Transportation

No comment (Informally)

Federal Communications Commission

No comment (Informally)

Federal Emergency Management Agency

No comment (Informally)

General Services Administration

No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

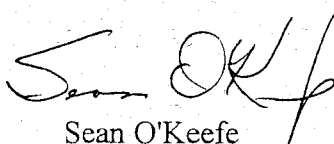
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe". The signature is stylized, with the first name "Sean" written in a cursive script and the last name "O'Keefe" in a more formal, slightly cursive script.

Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]**
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]**
- P3 Release would violate a Federal statute [(a)(3) of the PRA]**
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]**
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]**
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]**

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.**
- B. Closed by statute or by the agency which originated the document.**
- C. Closed in accordance with restrictions contained in donor's deed of gift.**

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- b(1) National security classified information [(b)(1) of the FOIA]**
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]**
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]**
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]**
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]**
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]**
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]**
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]**

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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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DARLA D. CASSELL, *Chief Clerk*

Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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.

CONTENTS

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III. Legislative History	5
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V. CBO Cost Estimate	5
VI. Changes to Existing Law	6

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.

SS/ RM NO. 494767

WHITE HOUSE STAFFING MEMORANDUM

01 NOV 26

Date: 11-25-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

W/26/01
C. Miers
nyh

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

01 NOV 26

Date: 11-25-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 2:00 PM

PROPOSED EXECUTIVE ORDER ENTITLED "CREATION OF THE PRESIDENT'S
Subject: COUNCIL ON BIOETHICS"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☐	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE RETURN YOUR COMMENTS TO THE STAFF SECRETARY, X62702, BY 2:00 P.M.
MONDAY, NOVEMBER 26, 2001, WITH A COPY TO MAC REED, OMB, X53563. THANKS.

RESPONSE:

11/26/01

Concur
ryh

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

8771

SS/ RM NO. 494767

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

11 NOV 26 AM 9:21

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

November 26, 2001

RESPONSE: NSC has no comment.

Gr *BIB*
 Condoleezza Rice

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget	Approval (Signing statement attached)
Department of Commerce	Approval
Department of Energy	No objection
National Science Foundation	No objection
Department of Justice	No objection (Informally)
Environmental Protection Agency	No objection (Informally)
National Aeronautics and Space Administration	No objection (Informally)
Office of Science and Technology Policy	No objection (Informally)
Department of Transportation	No comment (Informally)
Federal Communications Commission	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
General Services Administration	No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
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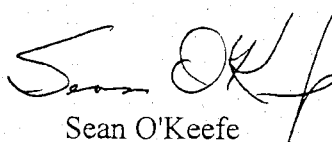
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We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

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Sean O'Keefe
Deputy Director

Enclosures

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	1	N.D.	P5;

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COLLECTION:

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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

RESTRICTION CODES

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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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS →	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

84

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget	Approval (Signing statement attached)
Department of Commerce	Approval
Department of Energy	No objection
National Science Foundation	No objection
Department of Justice	No objection (Informally)
Environmental Protection Agency	No objection (Informally)
National Aeronautics and Space Administration	No objection (Informally)
Office of Science and Technology Policy	No objection (Informally)
Department of Transportation	No comment (Informally)
Federal Communications Commission	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
General Services Administration	No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

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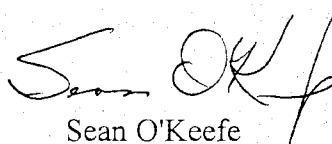
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We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

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Sean O'Keefe
Deputy Director

Enclosures

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11/28/2001 [H. R. 1042]

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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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WASHINGTON : 2001

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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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V. CBO Cost Estimate	5
VI. Changes to Existing Law	6

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))

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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))

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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.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.MSubject: ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement
attached)

Department of Commerce

Approval

Department of Energy

No objection

National Science Foundation

No objection

Department of Justice

No objection (Informally)

Environmental Protection Agency

No objection (Informally)

National Aeronautics and Space Administration

No objection (Informally)

Office of Science and Technology Policy

No objection (Informally)

Department of Transportation

No comment (Informally)

Federal Communications Commission

No comment (Informally)

Federal Emergency Management Agency

No comment (Informally)

General Services Administration

No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

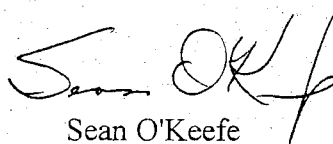
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe".

Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

COMMITTEE ON GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

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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)

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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.

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Enrolled Bill - H.R. 1042 - Restoration of Expired Reporting Requirements - To: Harriet Miers - From: Jonathan Burks	1	11/26/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - To: Harriet Miers - From: Office of the Vice President	1	11/26/2001	P5;

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

Subject: ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement
attached)

Department of Commerce
Department of Energy
National Science Foundation
Department of Justice
Environmental Protection Agency
National Aeronautics and Space Administration
Office of Science and Technology Policy
Department of Transportation
Federal Communications Commission
Federal Emergency Management Agency
General Services Administration

Approval
No objection
No objection
No objection (Informally)
No objection (Informally)
No objection (Informally)
No objection (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

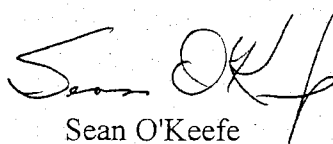
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures

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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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

COMMITTEE ON GOVERNMENTAL AFFAIRS

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HENRY R. WRAY, *MINORITY COUNSEL*

DARLA D. CASSELL, *Chief Clerk*

Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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	1
II. Background and Need for Legislation	4
III. Legislative History	5
IV. Evaluation of Regulatory Impact	5
V. CBO Cost Estimate	5
VI. Changes to Existing Law	6

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))

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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.

SS/ RM NO. 494767

WHITE HOUSE STAFFING MEMORANDUM

Rachel

Date: 11-25-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES →	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

OK
RLB

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement attached)

Department of Commerce
Department of Energy
National Science Foundation
Department of Justice
Environmental Protection Agency
National Aeronautics and Space Administration
Office of Science and Technology Policy
Department of Transportation
Federal Communications Commission
Federal Emergency Management Agency
General Services Administration

Approval
No objection
No objection
No objection (Informally)
No objection (Informally)
No objection (Informally)
No objection (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
- Annual report of the Federal Coordinating Council on Science, Engineering, and Technology's Committee on Earth and Environmental Sciences to the President and the Congress on global change research priorities, policies, and programs.
- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
- National Aeronautics and Space Administration: Annual report on aeronautics and space accomplishments; also a joint report with the Federal Aviation Administration on technologies to reduce jet aircraft noise.

According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

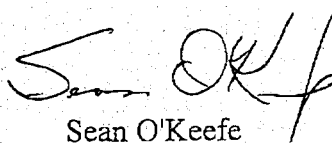
Conclusion and Recommendations

The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	1	11/26/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

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780

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731

NARA Num.:

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]**
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]**
- P3 Release would violate a Federal statute [(a)(3) of the PRA]**
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]**
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]**
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]**

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.**
- B. Closed by statute or by the agency which originated the document.**
- C. Closed in accordance with restrictions contained in donor's deed of gift.**

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]**
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]**
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]**
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]**
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]**
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]**
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]**
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]**

Calendar No. 212

107th Congress
1st Session

SENATE

REPORT
107-90TO 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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

COMMITTEE ON GOVERNMENTAL AFFAIRS

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90AN 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.

CONTENTS

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III. Legislative History	5
IV. Evaluation of Regulatory Impact	5
V. CBO Cost Estimate	5
VI. Changes to Existing Law	6

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))

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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

5

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.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

Subject: ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

*No objection*Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget

Approval (Signing statement
attached)

Department of Commerce
Department of Energy
National Science Foundation
Department of Justice
Environmental Protection Agency
National Aeronautics and Space Administration
Office of Science and Technology Policy
Department of Transportation
Federal Communications Commission
Federal Emergency Management Agency
General Services Administration

Approval
No objection
No objection
No objection (Informally)
No objection (Informally)
No objection (Informally)
No objection (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

H.R. 1042 would reinstate 29 specified reporting requirements that are subject to the jurisdiction of the House Science Committee. According to the House floor debate on a predecessor bill, these requirements were selected for restoration from roughly 100 reporting requirements that were relevant to the Committee's jurisdiction and subject to the sunset. The reporting requirements that would be restored by H.R. 1042 include:

- Biennial National Energy Policy Plan by the President to the Congress, including energy production, utilization, and conservation objectives for periods of 5 and 10 years.
- Annual report by the President to the Congress on federally supported research and development for critical technologies.
- National Climate Program: Annual report to the President and the Congress on achievements of the program and a summary of the multi-agency budget request for the Program; and the quadrennial update of the plan for the Program.
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- Annual report of the National Science Board on the state of science and engineering.
- National Science Foundation: Annual reports on funding for science and engineering research; and implementation of the high performance computing program. Biennial reports on research facility needs of universities; and women and minorities in science and technology.
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According to the report of the Senate Governmental Affairs Committee on the enrolled bill, "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." The report notes that "measures such as H.R. 1042 are exactly what was envisioned by the Federal Reports Elimination and Sunset Act," which "anticipat[ed] that, over time, Congress would identify reports that warranted exemption from the sunset."

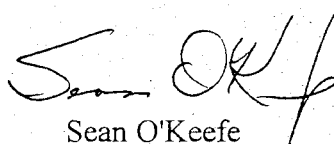
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The Department of Commerce recommends approval of the enrolled bill. In its views letter, the Department indicates that it had written to the Senate Governmental Affairs Committee noting that five of the reports listed in H.R. 1042 were no longer necessary and recommending deletion of the paragraphs reinstating them. However, the Department states that "the fact that the Department's recommended deletions were not incorporated does not warrant our recommending that the President veto this enrolled bill."

The Department of Energy does not object to approval of H.R. 1042. The Department notes in its views letter that it "would like to work with Congress to insert provisions into an energy bill that would update and simplify the requirements" for the Biennial National Energy Policy Plan, one of the reports that is reinstated. If a signing statement is issued on H.R. 1042, Energy recommends adding language "that would indicate that intention."

We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

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Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

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Statement	Statement by the President - From: POTUS	1	N.D.	P5;

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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/28/2001 [H. R. 1042]

FRC ID:

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NARA Num.:

1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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DARLA D. CASSELL, *Chief Clerk*

Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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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III. Legislative History	5
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V. CBO Cost Estimate	5
VI. Changes to Existing Law	6

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.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-26-01 10:00 A.M.

ENROLLED BILL H.R. 1042 -- RESTORATION OF EXPIRED REPORTING
 Subject: REQUIREMENTS (SPONSOR: REPRESENTATIVE GRUCCI (R) NEW YORK)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO THE STAFF SECRETARY, X62702, NO LATER THAN 10:00 A.M., MONDAY, NOVEMBER 26, 2001. THANKS.

RESPONSE:

Legislative Affairs (Howard) - oh

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DEPUTY DIRECTOR

November 21, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1042 - Restoration of Expired Reporting Requirements
Sponsor - Rep. Grucci (R) New York

Last Day for Action

November 28, 2001 - Wednesday

Purpose

Restores expired statutory requirements for the preparation of certain reports dealing primarily with science and technology.

Agency Recommendations

Office of Management and Budget	Approval (Signing statement attached)
Department of Commerce	Approval
Department of Energy	No objection
National Science Foundation	No objection
Department of Justice	No objection (Informally)
Environmental Protection Agency	No objection (Informally)
National Aeronautics and Space Administration	No objection (Informally)
Office of Science and Technology Policy	No objection (Informally)
Department of Transportation	No comment (Informally)
Federal Communications Commission	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
General Services Administration	No comment (Informally)

Discussion

P.L. 104-66, the "Federal Reports Elimination and Sunset Act of 1995," was enacted on December 12, 1995. That law eliminated statutory requirements for more than 130 specific reports required of Federal agencies. In addition, it provided, with specific exceptions, that all periodic reporting requirements enacted before 1993, as listed in a Congressional report, ceased to be effective as of December 1999. (The sunset date was extended to May 15, 2000, by a provision of P.L. 106-113.) Since the enactment of the sunset, Congress has reinstated certain reporting requirements on an ad hoc basis.

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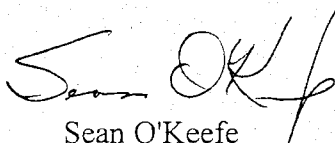
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We join the Department of Commerce in recommending approval of H.R. 1042, which passed the House by a vote of 414-2 and the Senate by unanimous consent.

Attached for your consideration is a signing statement that has been coordinated with the concerned agencies, including the Department of Energy. The statement expresses concern about the burden on agencies of statutory reporting requirements, and states that the Administration will work with Congress to minimize these burdens while respecting the oversight responsibilities of the Congress.

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Sean O'Keefe
Deputy Director

Enclosures

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11/28/2001 [H. R. 1042]

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NARA Num.:

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2001

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Calendar No. 212

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-90

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.

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To prevent the elimination of certain reports.

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

SECTION 1. REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 801(b) and (c) of the Department of Energy Organization Act (42 U.S.C. 7321(b) and (c)).

(2) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687).

(3) Section 7(a) of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1106(a)).

(4) Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476).

(5) Section 404 of the Communications Satellite Act of 1962 (47 U.S.C. 744).

(6) Section 205(a)(1) of the National Critical Materials Act of 1984 (30 U.S.C. 1804(a)(1)).

(7) Section 17(c)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(2)).

(8) Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)).

(9) 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) Section 11(g)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(g)(2)).

(11) Section 5(d)(9) of the National Climate Program Act (15 U.S.C. 2904(d)(9)).

(12) Section 7 of the National Climate Program Act (15 U.S.C. 2906).

(13) Section 703 of the Weather Service Modernization Act (15 U.S.C. 313 note).

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

(15) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(16) Section 2367(c) of title 10, United States Code.

(17) Section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)).

THE WHITE HOUSE

(18) Section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(7)).

(19) 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) Section 11(e)(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(6)).

(21) 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) Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)).

(23) Section 36(e) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c(e)).

(24) Section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

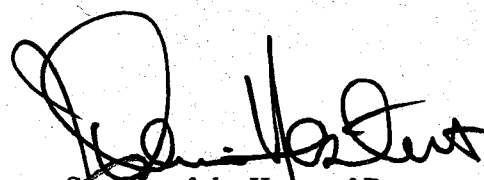
(25) Section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

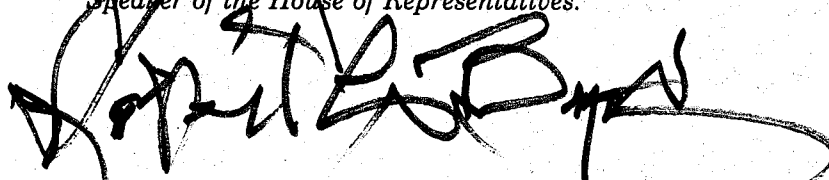
(26) Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)).

(27) Section 3(a)(7) and (f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(7) and (f)).

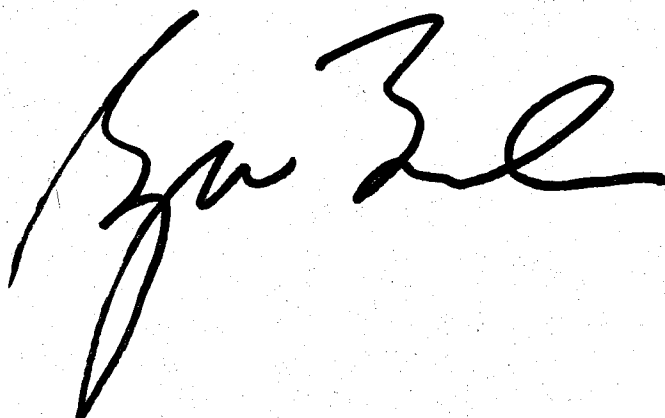
(28) Section 7(a) of the National Science Foundation Authorization Act, 1977 (42 U.S.C. 1873 note).

(29) Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215).


Speaker of the House of Representatives.


~~Vice President of the United States and~~
President of the Senate *pro tempore.*

APPROVED
NOV 28 2001



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TITLE: Signing Statement - H.R. 1042 - Prevention
Elimination of Reports LDA - 11/28/01

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER: _____

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In final: 11/27/01 Time: 3:30 a.m./p.m.

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W.H. Situation Room -- x6-9425.

Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time) (Other)

(Person/time) (Other)

OTHER INFORMATION:

