

RAL REPORT

QUIZ:

Of those foreigners who came to this country between 1975 and 1980, what percentage were from Mexico? (Answer below)

Paper-Work Cop Loses Some Clout

Lawmakers Went Home Without Revising Reduction Act

By Felicity Barringer
Washington Post Staff Writer

The Office of Management and Budget's role as the government's paper-work cop may be subject to new challenges since some of its authority under the Paperwork Reduction Act of 1980 was not renewed by the 98th Congress.

A bill to extend and revise the law had passed the House and another version was pending in the Senate. But several liberal senators, encouraged by representatives of Ralph Nader's Public Citizen lobbying group, managed to hold up the bill until it was smothered in the final crush last month.

The measure's death has been hailed as a victory by Public Citizen's top officials. They contend that it would have given Budget Director David A. Stockman a license not just to question new federal forms but to tear up old ones without a formal hearing.

Because forms and reports can be crucial to the enforcement of regulations, the lobbyists said they feared that the bill would give the OMB a new tool with which to cripple rules it didn't like.

But one OMB official and a congressional aide who supported the measure contend that opponents lost more than they won when the bill died.

One amendment would have required written justification from the OMB when it requested changes in an agency's proposed rule. A second would have required the Senate to confirm the administrator of the OMB's Office of Information and Regulatory Affairs (OIRA), where decisions on regulations are made.

But the OMB lost something, too—official congressional renewal of the regulatory office's authorization, which expired a year ago.

The office won't be forced to fold. Robert Bedell, its deputy administrator, noted that large sections of the Justice Department have operated without an authorization for months or years and said all that's necessary is an appropriation for the office or the OMB.

But he acknowledged that the lack of an authorization is "a point of vulnerability," because members of Congress could invoke a little-used parliamentary rule to object to the office's funding.

Bob Coakley, an aide to Sen. Lawton M. Chiles Jr. (D-Fla.) and a strong supporter of the legislation, cited another effect. "You send a

Whatever was won or lost may be less important than the fact that negotiations deepened the animosity between the OMB and the public-interest lawyers.

clear signal to those who oppose OMB's role [in paper-work review]. The signal is: They don't have to pay much attention to OMB . . . Also, legislators may view the OIRA office differently. They might be less willing to defend it."

The losers, he said, would be members of the public who have to fill out burdensome forms that the OMB could have quashed.

In the near future, whatever was won or lost in the battle over the legislation may be less important than the fact that negotiations over the bill deepened the animosity between the OMB and the public-interest lawyers.

The lobbyists fervently contend that the OMB is a threat to the health and safety standards they hold dear; OMB officials continue to believe that the lobbyists care more about, in one official's words, "meaningless public relations victories" than about a constructive effort to make federal laws, rules and forms more workable.

Public Citizen officials said the legislation would have given the OMB new power to attack health and safety rules. "Can you see [the Food and Drug Administration] enforcing its laws if no one had to report a drug's dangerous after-effects?" asked Alan Morrison, the group's attorney. "What about airplane logs? How could the [Federal Aviation Administration] keep track of things?"

Under the 1980 law, as interpreted in a 1982 OMB rule, the budget agency reviews all federal paper-work requirements every three years. If it sees a form it doesn't like, it can order an agency to start a rulemaking process to get rid of the form.

The legislation that died was designed to clarify what happens if the rulemaking drags on for years or ends by reaffirming that the form is needed. As Morrison sees it, the "burden of inertia" now favors the existing form; even if the rulemaking dragged on inconclusively, the form would remain in effect.

Even modified versions of the legislation would have favored those seeking to eliminate the form, he said. If a rulemaking were not completed within two years, the agency could no longer require that the form be filled out.

"That's anarchy," said Public Citizen President Joan Claybrook. ". . . There are thousands and thousands of daily operating requirements in every government program. They inform industry of what they have to do, and inform the public about the way the government is operating . . . If they become ineffective, no one knows what the rules of the game are."

Bedell contended that Morrison and Claybrook are misreading the existing law. The OMB, Bedell said, already has the power to let an "information collection requirement" lapse after allowing "reasonable time" for an agency to draw up a new rule.

"Where is the problem? We can do this already," he said. "I kept asking them for an example. I never got one."