

Chiles Wants Stricter Paperwork Review

Senator Lawton Chiles (D-FL) is author of the Paperwork Reduction Act which many experts believe is the most important reform measure passed by Congress in decades.

Under the Act, the Office of Management and Budget is charged with reducing the federal paperwork demand by 25 percent by October 1983. In the following interview with Washington Watch editor Hank Cox, Senator Chiles assesses progress under the Act and discusses other aspects of regulatory reform.

Cox: Senator Chiles, are you satisfied with the Paperwork Reduction Act, as passed by Congress, and do you think OMB is the appropriate agency to enforce it?

Chiles: I would have changed it a little, but I was satisfied we got a good bill that lays a founda-

tion for starting. And yes, I think the responsibility for enforcement should be with OMB. We considered that issue extensively in framing the Act. It's the only way to give the Act enough clout.

Cox: Do you agree with OMB's decision to place the paperwork reduction responsibility in the same office with regulatory reform oversight?

Chiles: I have no objection to it. I think paperwork reduction is regulatory reform; they go hand-in-glove. We intended to link the OMB responsibility to clear information requirements to OMB review of how agencies comply with the Executive Order on improving regulations. That was to be a key tool in reducing public burden.

Cox: Do you think a regulatory budget is a realistic prospect within the next year or two?

Chiles: I'm not sure. The cli-

mate may not be right for it now, and if we achieve sufficient regulatory reductions, a regulatory budget may not be as important. However, we do need a handle on the costs of programs that do not show up in the spending budget—hidden costs.

Cox: Have you been able to monitor OMB's progress to your satisfaction?

Chiles: We get reports and I understand we will be having more oversight hearings. I'm not in the majority party anymore so I can't set those hearings. But OMB has been reporting to us and I think, on balance, they are moving in the right direction. I do need more feedback from the public.

Cox: Under the law, no one can be required to fill out a federal form that does not have an OMB clearance number. Do you think OMB has done enough to inform the public about that?

Chiles: I really consider that to be one of the most important aspects of the Act because it permits private citizens to participate and make their voices heard. More needs to be done to get people to use the public protection provision.

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the private sector. Some 70 percent of that is for defense.

The Defense Department says its procurement requires 4 million hours. When I compare that with what contractors in my state tell me it takes to do business with the government, I figure the Defense estimate may be off by a factor of 100.

OMB circulars which create recordkeeping and reporting demands are covered. None of the circulars, to my knowledge, display a control number.

For example, Circular A-102, which lays out administrative requirements for state and local governments receiving grants, and Circular A-21, which deals with federally sponsored research to universities, are big ticket items and are, in my mind, the same as regulations issued by the agencies.

Audit requirements in general are not adequately reflected in the paperwork budget. If they lead to recordkeeping and reporting, they should be covered.

As long as we rely on the agencies to be the only ones to tell OMB what their paperwork is, we are only going to get a partial picture.

The affected public needs to participate in identifying the burdens. Using the public protection section is a way to get the attention needed.

Cox: Are you suggesting, for example, that any regulation that requires employers to maintain records is also covered by the Act?

Chiles: That is right. Our intent was to make the Act broad. We explicitly covered recordkeeping requirements as opposed to a form you fill out and send back to the government. There is a specific definition in the Act to cover them.

Cox: What about OSHA regulations that require employers to maintain worker exposure records for 20 years or so?

Chiles: I think those records should have to be approved. The Act requires that even needed paperwork requirements be handled in the most expeditious manner possible and that we know the cost and choices.

Moreover, each paperwork

demand faces a review every three years. We incorporated the sunset concept in the clearance process.

Cox: Do you support the concept of the omnibus regulatory reform bill that would formally establish OMB as a clearinghouse for federal regulations?

Chiles: Yes.

Cox: Do you think the so-called independent regulatory commissions should be covered?

Chiles: I think they should. It may be necessary to provide them with some sort of appeal mechanism. For example, an independent commission with authority to override an OMB decision with a majority vote of its members. Something like that should be done or you will negate their independence. We can't just put them under an OMB director who can decide he will run the agency.

Cox: What is your overall opinion of the Reagan Administration's regulatory reform program?

Chiles: It's too early to judge them and I think the Administration is preoccupied on other fronts right now, especially with regard to obtaining reform legislation. But I think they have tried through the Bush task force to look at new regulations coming down the pike, and they have made progress under the paperwork budget to find what is out there. You can see that some tough issues are getting top level attention. I am excited about their intention to tackle the paperwork small businesses face in ERISA.

Cox: What is your opinion of the continuing controversy over legislative veto?

Chiles: I am supporting the Schmitt-Grassley-Levin-Boren proposal, but I have mixed feelings about the concept. There has to be some way that the regulatory agencies can be required to listen to the public's voice as expressed through Congress.

I think that for too long they have simply ignored Congress. They have really become a hidden government because no one elects them. There has to be some



Sen. Lawton Chiles (D-FL)

way for Congress to express itself in regulatory matters, and there will be. The appropriation process is a very tough way to do it.

On the other hand, I think Congress is overloading its own plate if it overuses legislative veto because we would wind up trying to do their job. We don't have enough time to do some of the things we are already required to do.

Cox: You are a proponent of sunset legislation . . .

Chiles: If I thought we could get sunset, I probably wouldn't be for legislative veto. I think sunset is the best way Congress can discipline itself, and make the agencies responsive. They would have to come back periodically and justify their existence in order to be reauthorized.

The budget process is so automatic the agencies do not fear their budgets will be restricted, and it is very hard for Congress to hold an entire budget hostage because of some particular law it doesn't like. I think sunset would be a way of definitely getting their and our attention.

Unfortunately, many of the groups that were pushing hardest for sunset don't seem interested anymore.

Cox: Do you have any set opinions on the President's New Federalism proposal?

Chiles: I am a creature of state government, having spent 12 years in the state legislature before I came to Congress. I have

long felt that there are many things state and local governments could do better for themselves.

In addition, I've long felt that Congress has so many truly national questions that we must deal with that we should not also have to be super county commissioners and play that role as well.

But having said that, I've been very concerned that there doesn't seem to be a clear reason for deciding when there should be a federal role and when there shouldn't.

I don't like the concept of revenue sharing where the federal government collects the money and gives it back to the local governments. I think we should allow them their own taxing authority and let them be responsible to their own people for collecting and using it. That is the only way you are going to get accountability.

After you define what responsibilities belong at the city level, you move to the counties and then to the state. The states should be responsible for education and roads, other than the interstate highway system, and things like that.

Then, when the exercise is finished, you are left with truly national problems. That would be a better way to do it.

But when you start out dealing with swapping grant programs, I think you're going to be back in the same maze as before. □