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The Federal Regulatory Machine

Detailed government control of many aspects of society continues to expand. It is on an exponential growth curve that must be abandoned if further decay of the health of the economy is to be avoided. At least part of this country's loss of competitive ability in world trade must be attributed to the drain of the tens of billions of dollars wasted on excessive mandated paper work. Probably more lethal and harder to combat are inefficiencies and delays stemming from government regulatory agencies.

Growth of the government's role is indicated in many ways. One is the greatly increased number of employees; another is the expansion in funds spent by federal, state, and local governments. In 1929, this amounted to 9 percent of the gross national income. By 1960, the fraction was about 17 percent, and by 1976, 28 percent. In monetary terms the contrast is even more striking. Since 1929 there has been about a 125-fold increase in the federal budget. Further indications of government trends are the number of pages in the *Congressional Record*, the total number of words in legislation enacted by Congress, the pages devoted to the regulations printed in the *Federal Register*, and the number of regulatory agencies. And the tendency to expand is accelerating.

The trend toward increased government complexity has not gone unnoticed and indeed seems to be resented by a substantial fraction of the public. An earlier belief that the federal government could cure any social ill has been replaced by the view of many that most federal programs are relatively ineffective and consist mainly in "throwing money at problems."

Nevertheless, the congressional mill grinds on, turning out more complex, ill-fated legislation. When bills are drafted, the objectives are set forth in eloquent, unassailable phrases. The nitty-gritty of the matter, though, is something else. It is detailed, complex, fuzzy, and usually contains provisions that only a Solomon could implement.

What Congress seems to disregard are the limitations of the people who will implement the legislation. Mere mortals must interpret the vague language of bills and translate it into regulations that must be administered. Today, as many as 100,000 federal employees are engaged in regulatory activities. Few are geniuses, few are saints. Like many other humans, they seek to excel, they wish to be important, they wish to extend their influence and authority. When dealing with those outside the government, they don the robes of federal power. All too often a person of modest attainments is in a position to make decisions involving hundreds of millions of dollars. In this situation there are basically three choices. One can say yes, by which action one abdicates power. One can say no, which might be appealed and lead to a stink. The safe course is to ask for more information. If sufficiently diligent in this respect, the regulator will be overwhelmed with hundreds of pages to read and will obviously require assistance to perform the chores. Thus, the way can be prepared for a promotion and higher pay.

We have created a regulatory machine that is unmanageable by the President and his Cabinet officers. The situation today is much worse than that which on one occasion faced President Johnson. There was a leak of information that annoyed and concerned him. In vain, he ordered a great effort made to identify the culprit. To a friendly visitor he later exclaimed, "If I could find the son of bitch I'd fire him."

Congress had the wisdom to create an Office of Technology Assessment, designed to attempt to foresee adverse and beneficial consequences of new technology. Congress should take a leaf from this book and make searching studies of the consequences, both retrospective and prospective, of its actions. No major piece of legislation should be enacted without detailed realistic consideration of the mechanism of implementation and a study of its direct and indirect impact on the economy. Were Congress to do this, it might often find that drastic changes in the terms of its bills were indicated.—PHILIP H. ABELSON