



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

FEB 20 1980

Honorable Abraham Ribicoff
Chairman, Committee on
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is intended to set out the President's position on the general issue of oversight of the Federal regulatory process, which has been raised by a number of the proposed revisions to the regulatory reform legislation before the Committee on Governmental Affairs.

Fixing accountability is one of the central aims of the Administration's regulatory reform program, as reflected both in Executive Order 12044 and S. 755, which closely resembles your own bill, S. 262. The Administration's approach requires that politically responsible agency heads take personal charge of regulatory decisionmaking -- a responsibility that may not be relegated to lower visibility levels of their agency. Thus, for example, the agency head must personally approve the agency's semi-annual regulation development agenda; he or she must personally approve the regulatory analysis of alternative approaches for a new major rule and personally approve the alternative that becomes the final rule.

Apart from the line responsibility of agency heads, the President is constitutionally and politically accountable for the sound implementation of regulatory programs, consistent with applicable statutes. He strongly believes that this responsibility should be exercised actively, and he has done so. With Executive Order 12044, the President established principles for cost-effective decisionmaking and broader public participation, applicable to all Executive Branch agencies. He directed the Office of Management and Budget to ensure compliance by executive agencies with the requirements of the Order, and we have aggressively pursued that directive.

To assist the agencies in carrying out these requirements, the President also established two mechanisms: the Regulatory Analysis Review Group, chaired by CEA Chairman Charles Schultze, which organizes interagency critiques of selected

regulatory analyses of new major rules; and the Regulatory Council, composed of both Executive and independent agencies, which coordinates interagency regulatory policy issues, helps prevent duplication and overlap, and publishes a semi-annual government-wide calendar of major rules under development.

The President has also stated that he stands ready to use his authority personally to resolve differences about regulatory policy, or to assure compliance with the requirements of Executive Order 12044. Since the President's authority is based upon his constitutional responsibilities as Chief Executive, we did not consider it necessary or appropriate to include in our proposal specific language providing for this role. We strongly oppose statutory specification of when and how the President may exercise his authority to oversee the regulatory operations of the Executive Branch.

Our original legislative proposal did not contain language concerning the organization of the oversight responsibilities within the Executive Branch. Now, however, we believe that it would be appropriate and useful for the Congress to take steps to locate responsibility for regulatory oversight. In our view, the legislation should include provisions that would:

- o Provide a statutory authorization for the Regulatory Council, which has performed a most useful function of coordination and public participation as an administrative entity; and
- o Provide that the Office of Management and Budget should continue to exercise the oversight function assigned to it by the President with respect to the features of the legislation derived from Executive Order 12044.

Language to accomplish these objectives is enclosed. Once again, Mr. Chairman, I want to thank you on the President's behalf for your leadership in developing this important legislation. I hope that our recommendations here will be useful to the Committee and assist in the prompt reporting of a sound regulatory reform bill.

Sincerely,

(Signed) James T. McIntyre, Jr.

James T. McIntyre, Jr.
Director

Regulatory Council

"Section ____ . Establishment of Regulatory Council

"Section ____ . (a) The President is authorized to establish a United States Regulatory Council.

"(b) The Regulatory Council consists of such Executive agencies as defined in 5 U.S.C. 105 as designated by the President.

"(c) The President shall appoint a Chairman of the Regulatory Council.

"(d) The Regulatory Council shall perform such functions relating to regulatory matters as the President from time to time may delegate and carry out such tasks as he may assign.

"(e) There shall be a Director of the Regulatory Council. The Director shall be compensated at the rate prescribed for level IV of the Executive Schedule under section 5314 of title 5, United States Code.

"(f) As may be necessary to carry out the Council's functions, the Director may employ and fix the compensation of such officers and employees, experts and consultants, and contract for goods and services with public or private agencies, institutions, organizations and individuals, and accept gifts.

"(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(h) Section 5115 of Title 5, United States Code, is amended by adding the following:

"(128) Director, Regulatory Council."

Oversight

On page 19, between lines 4 and 5, insert a new section 626 as follows:

"Nothing in this Chapter affects in any way any existing authority or responsibility of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to regulatory policies and programs of departments, agencies and offices. "

[COMMITTEE PRINT]

APRIL 8, 1980

[Showing the amendments adopted by the Subcommittee]

96TH CONGRESS
2D SESSION

H. R. 3263

To make regulations more cost-effective, to ensure periodic review of old rules, to improve regulatory planning and management, to eliminate needless legal formality and delay, to enhance public participation in the regulatory process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 1979

Mr. RODINO (for himself and Mr. DANIELSON) introduced the following bill; which was referred to the Committee on the Judiciary

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make regulations more cost-effective, to ensure periodic review of old rules, to improve regulatory planning and management, to eliminate needless legal formality and delay, to enhance public participation in the regulatory process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

J. 60-364-0—1

1 or reduction of the fee is in the public interest because fur-
2 nishing the information can be considered as primarily bene-
3 fiting the general public.

4 “(3) Each agency shall send a copy of each preliminary
5 and final regulatory analysis to the Director of the Office of
6 Management and Budget.

7 “(e) An agency may delay completing any of the re-
8 quirements of this section with respect to a rule by publishing
9 in the Federal Register, not later than the date of publication
10 of the rule, a written finding by the agency, with reasons
11 therefor, that the rule is being adopted in response to an
12 emergency that makes timely compliance with the provisions
13 of this section impossible. Unless the requirements of this
14 section are met within 180 days after such date of publica-
15 tion, the rule shall lapse. Such rule shall not be repromul-
16 gated until a final regulatory analysis with respect to the
17 rule has been completed by the agency.

18 “(f) The requirements of this section do not alter the
19 substantive or procedural standards applicable to agency
20 action under any other provision of law.

21 **“§ 603. Preparation of regulatory analyses**

22 “(a) No agency may obtain the services of any individ-
23 ual or organization by appointment on a temporary or inter-
24 mittent basis or by contract for the preparation of any pre-
25 liminary or final regulatory analysis required by section

1 regulatory analysis. When an action for judicial review of a
2 rule is instituted, any regulatory analysis prepared with re-
3 spect to such rule shall constitute part of the whole rulemak-
4 ing record of agency action in connection with such review.

5 “(c) Nothing in this section bars judicial review of any
6 other impact statement or similar analysis required by any
7 other law if judicial review of such statement or analysis is
8 otherwise provided by law.

9 **“§ 605. Office of Management and Budget**

10 “The Director of the Office of Management and Budget
11 shall monitor and review compliance by agencies with the
12 requirements of this subchapter and shall establish such pro-
13 cedures as may be necessary to ensure such compliance. The
14 Director shall from time to time report to the President and
15 the Congress on such agency compliance.

16 **“SUBCHAPTER II—ESTABLISHING AGENCY**
17 **PRIORITIES AND SCHEDULES FOR COM-**
18 **PLETING PROCEDURES**

19 **“§ 621. Regulatory agenda**

20 “(a)(1) Each agency shall publish a regulatory agenda
21 in the Federal Register in April and October of each year.
22 Each such agenda shall contain a list of the major rules and
23 significant rules that the agency expects to propose or pro-
24 mulgate in the succeeding 12 months.

1 subsection, an agency fails to complete action within 180
2 days after the date on which the required notice of the pro-
3 posed proceeding is provided, the agency shall establish a
4 new date by which the agency intends to complete action in
5 such proceeding or complete each major portion of such pro-
6 ceeding, as the case may be. The provisions of this paragraph
7 do not apply to proceedings in which the agency expects the
8 delay in completing action to be less than or equal to 30
9 days.

10 “(b)(1) Each agency shall prepare, with respect to each
11 fiscal year, a report on agency proceedings conducted in that
12 fiscal year for which deadlines were required to be estab-
13 lished under subsection (a) of this section. Such report shall
14 include—

15 “(A) the number of such proceedings initiated by
16 the agency during that fiscal year;

17 “(B) the number of such proceedings concluded by
18 the agency during that fiscal year; and

19 “(C) the number of instances (arranged by catego-
20 ries of agency proceedings which have been approved
21 by the Director of the Office of Management and
22 Budget) during that fiscal year in which the agency
23 failed to conclude a proceeding or major portion of a
24 proceeding by the date originally established for its
25 completion and an explanation of any such failure.

1 “(iii) the nature of any technological, economic,
2 social, or other changes which may be relevant to the
3 rule, policy, or practice and which occurred after the
4 rule, policy, or practice became effective;

5 “(iv) the effectiveness of the rule, policy, or prac-
6 tice in achieving its stated objectives;

7 “(v) whether the rule, policy, or practice can be
8 readily understood by those who are affected by it; and

9 “(vi) any comments made by members of the
10 public concerning the effects of the rule, policy, or
11 practice, as implemented by the agency.

12 “(2) At least 90 days before publishing the draft sched-
13 ule in the Federal Register, each agency shall make the draft
14 schedule available to the Office of Management and Budget.
15 Each draft schedule shall contain a brief explanation of the
16 reasons for selecting each rule, policy, or practice on the
17 schedule and shall include a date set by the agency for the
18 completion of each such rule, policy, or practice. The agency
19 shall set a date for each item on the schedule in a manner to
20 insure the simultaneous review of related items and to
21 achieve a reasonable distribution of reviews over the period of
22 time covered by the schedule.

23 “(3) Not later than 1 year after the effective date of this
24 section, each agency shall publish in the Federal Register a
25 final schedule for the review of rules, policies, and practices

1 “(d)(1) Notwithstanding the provisions of subsection (a)
2 of this section, any agency that has more than 100 rules
3 referred to in subsection (a)(1)(A) of this section may request
4 the Director of the Office of Management and Budget to es-
5 tablish a period longer than 10 years for the completion of the
6 review of such rules. The Director of the Office of Manage-
7 ment and Budget may extend the period for agency review to
8 a period of not more than 15 years.

9 “(2) An agency may, with the concurrence of the Direc-
10 tor of the Office of Management and Budget, amend any
11 schedule required by this section for the review of rules, poli-
12 cies, and practices, if such amendment is published in the
13 Federal Register.

14 “(e) This section shall not apply to any rule, policy, or
15 practice involving the internal revenue laws of the United
16 States.”

17 **TITLE II—REORGANIZING AND IMPROVING**
18 **AGENCY PROCEEDINGS**

19 **RULEMAKING PROCEDURES**

20 **SEC. 201.** (a) Section 553 of title 5, United States
21 Code, is amended by redesignating subsection (e) as subsec-
22 tion (g) and by amending subsections (a) through (d) to read
23 as follows:

24 “(a)(1) General notice of proposed rulemaking shall be
25 published in the Federal Register, unless persons subject

[COMMITTEE PRINT]

APRIL 15, 1980

96TH CONGRESS
2D SESSION

S. 262

To provide for the regulatory analysis of proposed rules and the review of existing rules by the agencies, to make other improvements in regulatory procedures, to establish the Administrative Conference of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 15), 1979

Mr. RIBICOFF (for himself, Mr. PERCY, Mr. KENNEDY, Mr. BAKER, Mr. COHEN, Mr. EAGLETON, Mr. GLENN, Mr. JAVITS, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. MATHIAS, Mr. METZENBAUM, Mr. NUNN, Mr. PROXMIRE, Mr. PRYOR, Mr. ROTH, Mr. TALMADGE, Mr. JOHNSTON, Mr. DURENBERGER, Mr. HART, Mr. STAFFORD, Mr. MORGAN, Mr. BENTSEN, Mr. INOUE, Mr. CHAFEE, Mr. LUGAR, Mr. MELCHER, Mr. STEWART, Mr. BURDICK, Mr. BIDEN, Mr. MATSUNAGA, and Mr. DURKIN) introduced the following bill; which was read twice and referred jointly, by unanimous consent, to the Committees on Governmental Affairs and the Judiciary, with instructions that after one committee orders the bill reported, the other shall have forty-five days in which to report or be deemed discharged from further consideration

Ordered reported with an amendment, April 15, 1980, by the Committee on
Governmental Affairs

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the regulatory analysis of proposed rules and the review of existing rules by the agencies, to make other improvements in regulatory procedures, to establish the Ad-

1 *ceedings, should be adopted to help each agency avoid*
2 *unnecessary delay and make the regulatory process as*
3 *efficient as possible;*

4 *(9) different agencies sometimes promulgate rules*
5 *which may overlap, duplicate, or conflict with the rules*
6 *of other agencies or with the rules or reporting require-*
7 *ments of State and local governments;*

8 *(10) a regulatory council should be created to*
9 *identify and assist in the reduction of unnecessary*
10 *overlap, duplication, and conflicts between Federal,*
11 *State, and local rules and reporting procedures which*
12 *result from different Federal, State, and local regula-*
13 *tory procedures;*

14 *(11) the Director of the Office of Management*
15 *and Budget should review and report on reforms of the*
16 *Federal regulatory process; and*

17 *(12) the head of each agency should be responsible*
18 *for assuring full and effective achievement of the pur-*
19 *poses of this Act.*

20 **IMPROVING THE REGULATORY PROCESS**

21 **SEC. 102. (a) Title 5, United States Code, is amended**
22 *by adding immediately after chapter 5 the following new*
23 *chapter:*

1 *United States, or matters relating to agency management or*
2 *personnel or to contracts.*

3 “(b) *Except as provided in section 706(b) of this title,*
4 *no action or failure to act by an agency pursuant to sections*
5 *621 through 624 of this title shall be subject to review in any*
6 *judicial action of any kind.*

7 “*SUBCHAPTER IV—MANAGEMENT OF*
8 *FEDERAL REGULATORY FUNCTIONS*

9 “*§ 661. Interagency coordination*

10 “(a)(1) *The President shall establish a United States*
11 *Regulatory Council in the Executive Office of the President*
12 *(herein referred to as the ‘Council’).*

13 “(2) *The President shall designate as members of the*
14 *Council executive branch agencies, and may request partici-*
15 *pation in the Council by independent regulatory agencies.*
16 *The President shall designate from agencies responsible for a*
17 *regulatory function a Chairman of the Council. The Chair-*
18 *man shall serve a two-year term and shall not serve as*
19 *Chairman for more than two consecutive terms.*

20 “(b) *The United States Regulatory Council shall—*

21 “(1) *identify (A) overlapping, conflicting, or du-*
22 *plicative rules promulgated by Federal agencies and*
23 *(B) areas of Federal regulation which significantly*
24 *affect single sectors of the economy or State and local*

1 governments as a result of the cumulative impact of
2 rules promulgated by different Federal agencies;

3 “(2) organize interagency task forces to recom-
4 mend ways to reduce and minimize overlapping, con-
5 flicting, or duplicative rules and the cumulative ad-
6 verse impact of such rules on sectors of the economy or
7 levels of government;

8 “(3) make recommendations and reports to the
9 President and Congress to enhance coordination among
10 the regulatory policies and programs of agencies;

11 “(4) compile and publish information regarding
12 the regulatory goals and activities of agencies; and

13 “(5) consult with State and local governments to
14 devise model procedures and techniques to identify
15 overlapping, duplicative, or conflicting rules and re-
16 porting requirements of Federal agencies and State
17 and local governments and develop methods to reduce
18 such rules and requirements.

19 “(c)(1) The Chairman of the Council shall appoint a
20 Director. The Director shall be responsible for the executive
21 and administrative operation of the Council and shall per-
22 form such additional functions as the Chairman of the Coun-
23 cil may prescribe.

24 “(2) The Director is authorized—

1 “(A) to appoint such personnel as may be neces-
2 sary in accordance with the provisions of this title;

3 “(B) to employ experts and consultants in accord-
4 ance with the provisions of section 3109 of this title;
5 and

6 “(C) to utilize, with their consent, the services,
7 equipment, personnel, and facilities of other Federal
8 departments and agencies and of State and local agen-
9 cies and instrumentalities, with or without reimburse-
10 ment therefor, and to transfer to such departments and
11 agencies funds made available to the Council pursuant
12 to this subchapter as reimbursement for the utilization
13 of such services, equipment, personnel, information,
14 and facilities.

15 “(3) Upon request of the Chairman of the Council, each
16 Federal agency shall promptly make the services, equipment,
17 personnel, and facilities available to the Council to the great-
18 est extent practicable.

19 “(d) The Council shall have authority to accept grants,
20 gifts, or bequests of money from public or private agencies,
21 institutions, organizations or individuals in furtherance of
22 carrying out its functions.

23 “(e) To carry out the purposes of this section, there are
24 authorized to be appropriated funds not to exceed \$3,400,000
25 for fiscal year 1981, not to exceed \$3,500,000 for fiscal year

1 1982, not to exceed \$4,000,000 for fiscal year 1983, and not
2 to exceed \$4,500,000 for fiscal year 1984.

3 **“§ 662. Oversight of Federal regulatory functions**

4 *“The Director of the Office of Management and Budget*
5 *shall review agency compliance with the requirements of this*
6 *chapter and shall report to the President and the Congress on*
7 *such compliance annually, and whenever else he determines*
8 *an agency or agencies are encountering substantial problems*
9 *implementing the provisions of this chapter. Such reports*
10 *shall be made publicly and may include recommendations the*
11 *Director deems appropriate.*

12 **“§ 663. Effect on the authority of the President and the Di-**
13 **rector of the Office of Management and Budget**

14 *“Nothing in this chapter affects in any way any exist-*
15 *ing authority of the President, the Office of Management and*
16 *Budget or the Director thereof, under the laws of the United*
17 *States, with respect to regulatory policies and programs of*
18 *departments, agencies and offices.”.*

19 **(b) Section 5315 of title 5, United States Code, is**
20 **amended by adding at the end thereof the following:**

21 **“() Executive Director, United States Regula-**
22 **tory Council.”.**

1 CONCURRENT SUBMISSION OF BUDGET AND LEGISLATIVE
2 RECOMMENDATIONS

3 *SEC. 103. (a) Notwithstanding any other provision of*
4 *law, whenever an independent regulatory commission sub-*
5 *mits any budget estimate, request, or information to the*
6 *President or the Office of Management and Budget, it shall*
7 *concurrently transmit a copy of such budget estimate, re-*
8 *quest, or information to the Congress. The original budget*
9 *requests of the commissions shall be set forth in the budget*
10 *recommendations submitted to Congress by the President.*

11 *(b) Notwithstanding any other provision of law, no offi-*
12 *cer or agency of the United States shall have any authority*
13 *to require an independent regulatory commission, or any*
14 *member thereof, to submit any legislative recommendations,*
15 *or testimony, or comments on legislation, to that officer or*
16 *agency or any other officer or agency of the United States for*
17 *approval, comments, or review, prior to submission of such*
18 *recommendations, testimony, or comments to the Congress.*
19 *Whenever an independent regulatory commission, or any*
20 *member thereof, submits any written legislative recommenda-*
21 *tions, or testimony, or comments on legislation, intended for*
22 *Congress, to an office or official of the executive branch, a*
23 *copy thereof shall be concurrently transmitted to the Con-*
24 *gress, on the initiative of the commission or member as the*
25 *case may be or on the request of any Member of Congress.*

"Subchapter I—Definitions; Regulatory Policy Board

"§ 601. Definitions

"For purposes of this chapter—

"(1) the term 'agency' has the same meaning as in section 551(1) of this title;

"(2) the term 'agency action' has the same meaning as in section 551(13) of this title;

"(3) the term 'rule' has the same meaning as in section 551(4) of this title, except that the term 'rule' does not include a rule issued relating to any matter described in clauses (A), (B), (C), (E), and (F) of section 553 (a) (1) of this title;

"(4) the term 'major rule' means a rule that is estimated will—

"(A) have an annual effect on the economy of \$100,000,000 or more;

"(B) cause a significant change in costs or prices for individual industries, geographic regions, or levels of government;

"(C) have a significant impact on employment or the competitive process; or

"(D) otherwise have a major impact,

except that such term does not include a rule promulgated to implement the internal revenue laws of the United States;

"(5) the term 'rule making' has the same meaning as in section 551(5) of this title;

"(6) the term 'regulatory function' includes any agency function which involves the protection of the public interest or the determination of the rights, privileges, benefits, or obligations of private persons through the issuance or enforcement of rules or licenses, or the conduct of adjudications, except that the term 'regulatory function' does not include a military or foreign affairs function of the United States;

"(7) the term 'Board' means the Regulatory Policy Board established in section 602 of this title; and

"(8) the term 'Chairman' means the Chairman of the Board.

"§ 602. Establishment of Regulatory Policy Board

"(a) (1) There is established the Regulatory Policy Board. The Board shall be composed of the Director of the Office of Management and Budget, the Chairman of the Administrative Conference of the United States, a member of the Council of Economic Advisers, the heads of three Federal agencies responsible for a regulatory function, appointed by the President, and the heads of three independent regulatory agencies, appointed by the President.

"(2) For purposes of paragraph (1) of this subsection, the term 'Federal agency' has the same meaning as in section 3502 of title 44, United States Code.

"(3) Every other year, the President shall designate a Chairman and Vice-Chairman of the Board. In designating the Chairman and Vice-Chairman, the President shall rotate such positions among the members of the Board.

"(b) (1) The head of each agency responsible for a regulatory function who is not a member of the Board under subsection (a) (1) of this section may attend and participate in meetings of the Board but may not vote.

"(2) For purposes of paragraph (1) of this subsection, the term 'agency' does not include an agency which is within another agency.

"(c) There shall be an Executive Director of the Board, to be appointed by the President, by and with the advice and consent of the Senate. The Executive Director shall be compensated at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Executive Director shall be responsible for the executive and administrative operation of

the Board and shall perform such additional functions as the President may prescribe.

"§ 603. Functions of the Board

"(a) The Board shall—

"(1) prepare and publish during November and May of each year, a semiannual Calendar of Federal Regulations, which shall contain information concerning all major rules under development or consideration or expected to be under development or consideration by all agencies during the 12 months immediately following the date of publication of the Calendar, and which shall be prepared on the basis of the regulatory agendas prepared under section 611 of this title;

"(2) (A) identify (i) overlapping and duplicative rules promulgated by agencies and (ii) areas of Federal regulation which significantly affect single sectors of the economy as a result of the cumulative impact of rules promulgated by different agencies; and

"(B) establish interagency task forces to make recommendations to the President and the Congress concerning such rules and areas;

"(3) monitor agency compliance with sections 621, 622, 632, 633, 635, and 651 of this title and report to the President and the Congress pursuant to section 103 of the Regulatory Flexibility and Administrative Reform Act of 1979;

"(4) (A) select for review the initial regulatory analyses of (i) up to twenty major rules proposed by Federal agencies which if promulgated, will have the most significant economic and other effects of the rules promulgated during that year, and (ii) such additional major rules which the Board determines should be reviewed due to exceptional circumstances;

"(B) organize interagency reviews of such analyses; and

"(C) submit public comments on such regulatory analyses during the rule making proceedings for such rules; and

"(5) consult with State and local governments to devise model procedures and techniques for identifying overlapping and duplicative reporting requirements imposed by Federal, State and local governments, and develop possible methods to reduce such overlapping and duplicative requirements.

"(b) Prior to the publication of each Calendar of Federal Regulations by the Board, each agency shall provide the Board with a statement of the status of each rule listed in any prior Calendar of Federal Regulations which has not been promulgated or explicitly withdrawn by the agency.

"§ 604. Comprehensive index of agency rules

"(a) The Executive Director of the Board shall, in consultation with the Director of the Federal Register, develop categories for the classification of all agency rules. Such categories shall include (1) the subject areas of agency rules, (2) the agencies promulgating rules, and (3) the persons or classes of persons subject to regulation by agency rules. Within 6 months after the effective date of this chapter, the Executive Director shall transmit a copy of the categories developed under this section to the head of each agency responsible for a regulatory function.

"(b) Within 18 months after the effective date of this chapter, the head of each agency responsible for a regulatory function shall classify all rules of that agency according to the categories developed under subsection (a) of this section and shall transmit such classifications to the Executive Director of the Board.

"(c) The Executive Director of the Board shall compile the classifications of agency rules received pursuant to subsection (b) of

this section into a comprehensive index of all agency rules. Within 24 months after the effective date of this chapter, the Executive Director shall prepare the index and shall publish in the Federal Register a statement explaining how the public may obtain access to the index.

"(d) Each year, the head of each agency responsible for a regulatory function shall update the classification of agency rules required by subsection (b) of this section and shall transmit such updated classification to the Executive Director of the Board. The Executive Director shall compile all updated classifications received pursuant to the preceding sentence, prepare an updated index of agency rules, and publish in the Federal Register a statement explaining how the public may obtain access to the updated index.

"(e) To carry out the provisions of subsections (a), (b), and (c) of this section, there are authorized to be appropriated \$3,000,000 for fiscal years 1981 and 1982. To carry out the provisions of subsection (d) of this section, there are authorized to be appropriated \$500,000 for fiscal year 1983 and each succeeding fiscal year.

"§ 605. Administrative provisions

"(a) The Executive Director is authorized—

"(1) to appoint such personnel as may be necessary in accordance with the provisions of title 5, United States Code;

"(2) to employ experts and consultants in accordance with the provisions of section 3109 of such title; and

"(3) to utilize, with their consent, the services, equipment, personnel, and facilities of other Federal departments and agencies and of State and local agencies and instrumentalities, with or without reimbursement therefor, and to transfer to such departments and agencies funds made available to the Board pursuant to this subchapter as reimbursement for the utilization of such services, equipment, personnel, information, and facilities.

"(b) Upon request of the Board, the head of each agency shall promptly make the services, equipment, personnel, and facilities available to the Board to the greatest extent practicable.

"§ 606. Data collection and disclosure

"(a) Any agency which collects, generates, or otherwise prepares or maintains data or information pertaining to Federal regulatory activities shall, upon the request of the Board, make that data or information available to the Board.

"(b) Disclosure of information obtained by the Board from sources other than Federal agencies or State or local government agencies and departments shall be in accordance with section 552 of this title.

"(c) Disclosure by the Board of information obtained from a Federal agency or a State or local agency or department shall be in accordance with section 552 of this title, all laws applicable to the agency or department from which the information was obtained, and the rules of practice and procedure of such agency or department.

"(d) Consistent with the provisions of section 7213 of the Internal Revenue Code of 1954 (26 U.S.C. 7213), this subchapter shall not be construed as providing for or authorizing any agency to divulge or to make known to the Board the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed solely in any income tax return, or to permit any income tax return filed pursuant to the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) to be seen or examined by the Board.

"§ 607. Authorization of appropriations

"To carry out the functions of the Regulatory Policy Board, there are authorized to be appropriated \$5,000,000

for each of the fiscal years 1981, 1982, and 1983.