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- LIX 1 1 Hazardous Waste News: "OMB Moves to Open Up Regulatory Review: Dingell Will Continue to Fight Cut Funds." Dated: 6/23/86. Subj: "In an agreement with two key senators, the Office of Management and Budget announced June 16 that it would take steps to partially open its regulatory review process to public scrutiny. But an influential House member, Rep. John Dingell (D-Mich), said the moves fail to address his concerns about OMB's regulatory role. Dingell vowed to continue a legislative effort to curb funding for what he regards as OMB's "unlawful" interference in the writing of environmental and safety rules."
- LIX 2 1 Environment Reporter: "House Democrats Knock OMB for 'Conspiring' With Canadian Officials in Asbestos Rule". Dated: 5/30/86. Subj: Democratic Congressmen accused top officials at OMB (including Bob Bedell) of "conspiring" with Canadian officials. OMB officials stated that it is normal and acceptable for them to meet with foreign officials.
- LIX 3 1 The Washington Post: "Lawmakers Want to Dethrone OMB Rule Reviewers". Dated:---. Subj: A bipartisan group of congressmen want to cut out all funds for OIRA until OMB agrees to "new disclosure provisions" as part of an authorization bill to oversee regulations.
- LIX 4 1-2 Inside the Administration: "Dingell Moving to Revoke OMB Regulatory Review Powers". Dated: 5/15/86. Subj: Congressmen want to cut all funding for OIRA because they have "abused their authority" in overseeing agency regulations.

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| LIX | 5A | 1-2 | <u>Inside the Administration</u> : "Justice's Ginsburg, Former OMB Official Defend White House Reg Program". Dated: 4/17/86. Subj: Chris DeMuth and Douglas Ginsburg, both former Administrators of OIRA, defended Reagan's regulatory review program in a March issue of the <u>Harvard Law Review</u> . They said "centralized review of proposed regulations under a cost/benefit standard, by an office that has no program responsibilities and is accountable only to the President, is an appropriate response to the failings of regulations." |
| LIX | 5B | 2 | <u>Inside the Administration</u> : "OMB, Justice Conspired to Cover Up Evidence of Illegally Awarded Contract". Dated: 4/17/86. Subj: "Rep. Jack Brooks (D-TX) is investigating charges that senior officials in the Office of Management and Budget (OMB) and the Justice Department have conspired to cover up an illegally awarded army contract, sources say." The case involves a dispute that should have been settled by the General Services Administration (GSA). |
| LIX | 6A | 1-2 | <u>Inside the Administration</u> : "New Agency Should Be Created to Resolve FOIA Disputes, Report Says". Dated: 4/10/86. Subj: A report for the Administrative Conference of the U.S. recommends that OMB and DoJ be removed from resolving disputes involving the FOIA and a new executive agency should be created. |

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| LIX | 6B | 2-3 | <u>Inside the Administration:</u> "Group Asks Justice to Probe Possible Insurance Industry Antitrust Violations". Dated:4/10/86. Subj: "The National Insurance Consumer Organization (NICO) has asked the Justice Dept. to investigate whether the property/casualty insurance industry is violating the antitrust laws by engaging in anticompetitive activities that are not included in the antitrust exemption bestowed on the industry under the McCarran-Ferguson Act." |
| LIX | 6C | 3 | <u>Inside the Administration:</u> "House Appropriations Won't Support Funding for OMB's Regulatory Office". Dated: 4/10/86. Subj: Responding to criticisms concerning OMB's authority to influence rulemaking and undermine laws, House Appropriations Chairman Jamie Whitten (D-MS) said he will not support funding for OIRA until it is reauthorized. |
| LIX | 7 | 1 | <u>Inside the Administration:</u> "OMB to Oppose Roth Bill That Strips OMB of Management and Reg Functions". Dated: 4/3/86. Subj: Under Senate Governmental Affairs Committee Chairman William Roth's proposal, the responsibilities of OIRA and the OFPP would be transferred to a new executive agency, called the Office of Federal Management." |
| LIX | 8 | 1-6 | Federal Register of Friday March 14, 1986 (fiftieth anniversary). Subj: Rules and regulations????? |

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| LIX | 9 | 1-2 | <u>Food Chemical News</u> : "Flannery Curbs OMB Power to Delay EPA Regulations". Dated: 2/3/86. Subj: "U.S. District Court Judge Thomas J. Flannery ruled on Jan. 28 that the Office of Management and Budget cannot block regulations beyond Congressionally set deadlines for Environmental Protection Agency programs involving the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments." |
| LIX | 10 | 1 | Newspaper Column. Dated:---. Subj: OMB Director James Miller tells a Senate Subcommittee that there may have been some "inappropriate" conduct on the part of budget office employees who reviewed a proposed safety standard for grain elevators, but he says he is unprepared to commit himself to changes in OMB's procedures for reviewing standards (p. 916)...A bill aimed at giving the public more information about the influence of OMB on rulemaking activities is introduced." |
| LIX | 11 | 1-5 | <u>OSHA Reporter</u> : "Miller Says Actions Surrounding Review May Not Have Been Entirely Appropriate". Dated: 1/30/86. Subj: Office of Management and Budget Director James Miller acknowledge at a Senate hearing Jan. 28 that there may have been some "inappropriate" conduct on the part of OMB employees reviewing a safety standard for grain elevators, but declared that he was unprepared to commit himself to changes in the agency's procedures for reviewing rulemaking." |

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| LIX | 12 | 1-2 | <u>Inside the Administration</u> : "Report Alleges OMB Abuses Scope of Regulatory Oversight Authority". Dated: 3/27/86. Subj: A report by the Administrative Conference of the United States says that OMB has been extending the scope of the Paperwork Reduction Act beyond its intent. |
| LIX | 13 | 1 | <u>Federal Focus</u> : "Judicial Reinforcement of OMB's Regulatory Review Authorities". Dated: April 1986. Subj: On the subject of EDF v. Thomas, Jim J. Tozzi, the editor, feels "Most important, the judge did not question OMB's authority to review regulations. In particular the Judge stated, "Enjoying OMB from interacting at all with EPA because OMB might cause delay past the new judicial deadline is premature and an unwarranted intrusion into discretionary executive considerations." |
| LIX | 14 | 1 | <u>Environment Reporter</u> : "Court Holds OMB Review of Regulations May Not Cause Agencies to Miss Deadlines". Dated: 1/31/86. Subj: "...the district judge questioned the legality of allowing OMB to influence another agency in carrying out requirements delegated by Congress, Percival said. Persons who had been unable to influence Congress when it passed a particular piece of legislation might try to assert their viewpoints in the OMB review process, according to Percival." |

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| LIX | 15 | 1 | <u>Environment Reporter</u> : "Justice Considers Appeals Court Review of Ruling on OMB Review of Regulations". Dated: 2/7/86. Subj: The Dept. of Justice is considering whether or not to seek federal appeals court review or ask a federal district court to clarify if OMB is allowed to cause the EPA to miss deadlines for regulations. |
| LIX | 16 | 1-2 | <u>EDF V. Thomas</u> : "OMB's Interference with the Promulgation Process". Dated:---. Subj: "...it seems clear that OMB did contribute to the delay in the promulgation of the regulations by insisting on certain substantive changes. The released documents show that EPA was ready to announce proposed regulations in the Federal Register as early as March 31, 1985, but due to OMB it did not happen until three months later." |
| LIX | 17 | 1-24 | <u>Environment Reporter</u> : "Bedell Says OMB Uses Pressure to Shape Environmental Rulemaking; Thomas Sees Budget Office Role as Legitimate But Says He Has Final Say". Dated: 3/7/86. Subj: "When the Office of Management and Budget reviews Environmental Protection Agency regulations, it uses pressure, threatens to disagree openly with the agency, or employs any other authority available to make sure the rules are consistent with the President's mandate to examine regulations to ensure they are cost effective, according to a top Budget Official." |

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| LIX | 18 | 1-5 | <u>Environment Reporter</u> : "Court Holds OMB Review of Regulations May Not Cause Agencies to Miss Deadlines". Dated: 1/31/86. Subj: In EDF v. Thomas, it was decided that OMB may review proposed regulations as long as the review process does not result in a statutory deadline being missed. |
| LIX | 19A | 1-2 | <u>Inside the Administration</u> : "Dingell Considering Proposal to Ban OMB Review Powers Under E.O. 12291 & 12498". Dated: 2/6/86. Subj: Rep. John Dingell, (D-MI), House Energy & Commerce Committee Chairman is planning to introduce legislature that would ban OMB from exercising its regulatory review authorities under E.O.'s 12291 & 12498." |
| LIX | 19B | 1-2 | <u>Inside the Administration</u> : "ABA Says OMB Reg Review Powers Should Extend to Independent Agencies". Dated: 2/6/86. Subj: The American Bar Association will consider a proposal to support the principle that OMB's power should be expanded. |
| LIX | 20 | 1-6 | Court Order for Civil Action No. 85-3945, Representative Mike Synar, et al., Plaintiffs, v. United States of America, Defendant; and Civil Action No. 85-4106, National Treasury Employers Union, Plaintiff, v. United States of America. Dated: 2/7/86. Subj: Background of the two cases. |

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| LIX | 21 | 1 | Letter from Henry Habicht, II, Assistant Attorney General, Land and Natural Resources Division and Robert E. Steinberg, Special Litigation Counsel, Land and Natural Resources Division to James F. Davey, Clerk, U.S. District Court for Washington, D.C. Dated: 2/11/86. Subj: Environmental Defense Fund, et al. v. Thomas, et al., Civil Action No. 85-1747. |
| LIX | 22 | 1-11 | Defendants Motion to Alter or Amend the Judgement, or in the Alternative, for Clarification for Civil Action No. 85-1747, U.S. District Court for Washington, D.C. Dated:---. Subj: Reasons for appeal. |
| LIX | 23 | 1 | Draft of <u>Federal Focus</u> : "Judicial Reinforcement of OMB's Regulatory Review Authorities". Dated: April, 1986. Subj: "In <u>EDF v. Thomas</u> , Plaintiffs (EDF) challenge the failure of EPA to meet a statutory deadline in promulgating regulations for underground tanks that cannot be entered for inspection. Plaintiffs assert that OMB prevented EPA from meeting this and other statutory deadlines." |
| LIX | 24 | 1-3 | Memorandum Order for Civil Action No. 85-1747, EDF, Plaintiffs, v. Lee M. Thomas, et al., Defendants. Dated: 3/6/86. Subj: "This matter comes before the court on defendants' motion to alter, amend, or clarify this court's order of January 23, 1986, in which the court disposed of the unresolved issues in this case." |

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| LIX | 25A | 1-3 | <u>Inside EPA</u> : "EDF Asks Court to Block OMB Review of EPA Regs Subject to Deadlines". Dated: 12/20/85. Subj: "Asking for a court order preventing the Office of Management and Budget from delaying EPA regulations subject to statutory or court-imposed deadlines, the Environmental Defense Fund has claimed that the Justice Dept. argument in the potentially precedent-setting case over the limits of OMB's regulatory review authority is unconstitutional." |
| LIX | 25B | 1-3 | <u>Inside EPA</u> : "Justice Call for Secrecy in OMB Reg Review Case Vetoed by Court". Dated: 12/20/85. Subj: "A U.S. District court last week decisively squashed a petition by the Justice Dept. to place under seal an environmental group brief in the ongoing legal challenge to Office of Management & Budget regulatory review power over environmental laws." |
| LIX | 26 | 1-5 | Handwritten notes. |
| LIX | 27 | 1-2 | <u>Food Chemical News</u> : "Flannery Curbs OMB Power to Delay EPA Regulations". Dated: 2/3/86. Subj: "U.S. District Court Judge Thomas J. Flannery ruled on Jan. 28 that the Office of Management and Budget cannot block regulations beyond Congressionally set deadlines for Environmental Protection Agency programs involving the resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments." |
| LIX | 28 | 1 | Report on OMB's Role in gov't. Date:-- --. Subj: "Regulatory review under E.O. 12291 is under attack in several cases." |
| LIX | 29 | 1-3 | Identical to document #24. |

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| LIX | 30 | 1 | <u>Inside EPA</u> : "OMB Charges Court Lacks Jurisdiction to Bar OMB-EPA Rule Talks". Dated: 3/7/86. Subj: "The Reagan Administration has charged that there is no statutory basis for a court to hold jurisdiction over the Office of Management and Budget, thus making "suspect" a recent decision restricting OMB involvement in EPA rulemakings, according to a government appeal filed in response to a decision by the U.S. District Court (District of Columbia). |
| LIX | 31 | 1-2 | <u>Inside the Administration</u> : "Senate Committee Report Attacks OMB as Biased Tool of Administration". Dated: 3/6/86. Subj: A report by the Senate Governmental Affairs Committee stated that OMB under president Reagan is "the agent of a point of view, not...a source of 'neutral competence.'" |
| LIX | 32 | 1-3 | Letter from Bertram Bell, Secretary and Counsel, Goodyear Aerospace Corporation to Matthew S. Walker, Assistant Regional Counsel, Office of Regional Counsel, U.S. EPA. Dated: 2/26/86. Subj: Proposal--Phase II. |
| LIX | 33 | 1-4 | <u>The Environmental Forum</u> : Profile: EPA General Counsel Francis S. Blake". Dated: March 1986. Subj: Blake is former Deputy Counsel to the Vice President and Deputy Counsel to the President's Task Force on Regulatory Relief. |
| LIX | 34 | 1 | <u>OMB Watch</u> : "OMB Abuse Paperwork Powers to Reach Regulation". Dated: 1/28/86. Subj: "The OMB Watch report also documents three examples of OMB's misuse of its paperwork powers to control the regulatory activities of the EPA, the FCC, and the Federal Home Loan Bank Board." |

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| LIX | 35 | 1 | Identical to document #21. |
| LIX | 36 | 1-11 | Identical to document #22. |
| LIX | 37 | 1-2 | <u>Regulatory and Legal Developments:</u> "Clearance for EPA Groundwater Data Collection Lapsed for Most of 1985, OMB Says". Dated: 1/23/86. Subj: Any collection of groundwater data by EPA after March 25, 1985 would have been in violation of the Paperwork Reduction Act, therefore, EPA could not run the tests. |
| LIX | 38A | 1-3 | <u>Inside the Administration:</u> "American Bar Assn. Endorses OMB Regulatory Review of Independent Agencies". Dated: 2/20/86. Subj: The ABA voted to approve a resolution to recommend that independent regulatory agencies should be subject to regulatory review under E.O.'s 12291 and 12498. |
| LIX | 38B | 1-3 | <u>Inside the Administration:</u> "OMB Curtailing Legislation to Kill Cargo Preference Compromise". Dated: 2/20/85. Subj: OMB is trying to kill a draft legislation that would kill a provision requiring that 75% of certain agriculture commodities be shipped on U.S. flagships. |
| LIX | 39 | 1-2 | <u>National Journal:</u> "OMB Battles". Dated: 2/15/86. Subj: "Supporters and Opponents of Administration environmental Policy for the most part agree that the power to set policy lies not with EPA but with OMB." |

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| LIX | 40 | 1 | <u>Environmental Health Letter</u> : "Court Rules OMB Cannot Delay EPA Regulations". Dated: 2/1/86. Subj: Noting that OMB has delayed EPA regulations by an average of 91 days, Judge Thomas Flannery said OMB does not have the power to force delays on EPA's guidelines mandated by Congress and that this practice can have the effect of "encroaching upon the independence and expertise of EPA." |
| LIX | 41 | S e e Pages | Identical to document #20. |
| LIX | 42 | S e e Pages | Prepared Written Statement of James C. Miller III, Director, Office of Management and Budget before the Subcommittee on Intergovernmental Relations Committee on Governmental Affairs of the United States Senate on Executive Regulatory Oversight. Dated: 1/28/86. Subj: OMB's regulatory efforts, E.O.'s 12291 and 12498, OMB's general policy. |
| LIX | 43 | S e e Pages | <u>OMB Watch Special Issue</u> : "Eye on Paperwork: OMB Control of Governmental Information". Dated: 1/27/86. Subj: A brief history of regulatory review and tables of types of requests and by which dept. or agency. |