

The original documents are located in Box 32, folder “11/28/75 S2195 National Productivity and Quality of Working Life Act of 1975 (1)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED

NOV 28 1975

*Signed
11/28*

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: November 29

November 28, 1975

*Statement
enrolled 12/10/75*

*Posted
11/29*

*To Archives
12/1*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

S. 2195 - National Productivity
and Quality of Working Life Act
of 1975

Attached for your consideration is S. 2195, sponsored by Senator Nunn and six others. The enrolled bill establishes a National Center for Productivity and Quality of Working Life as an independent agency within the executive branch. The Agency would be authorized to develop a national productivity policy and support efforts to improve productivity growth in both the public and private sectors of the Nation's economy.

A discussion of the bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Bill Seidman and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2195 at Tab B.



A



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

NOV 24 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2195 - National Productivity
and Quality of Working Life Act of 1975
Sponsors - Sen. Nunn (D) Georgia and 6 others

Last Day for Action

November 29, 1975 - Saturday

Purpose

To establish a national policy to encourage productivity growth and to create a National Center for Productivity and Quality of Working Life.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval
Civil Service Commission	Approval
National Commission on Productivity and Work Quality	Approval
Department of the Treasury	Approval
Federal Mediation and Conciliation Service	Approval
General Services Administration	No objection
Department of Labor	No objection
Department of Justice	Defers (Informally)

Discussion

The enrolled bill is the outgrowth of legislative efforts which began with the Administration's bill (H.R. 6078), introduced last April, and shares that bill's objectives: establishment of a national policy to encourage productivity growth and creation of a National Center for Productivity and Quality of Working Life to replace the existing National Commission on Productivity and Work Quality.

S. 2195 declares that it is the policy of the Federal Government, in cooperation with State and local governments, to use all practicable means to stimulate productivity growth and that it is the responsibility of the Federal Government to improve and coordinate Federal plans, programs and resources and to interpret Federal laws and regulations so as to fully support that policy.

The bill establishes a National Center for Productivity and Quality of Working Life as an independent agency within the executive branch to develop a national productivity policy and support efforts to improve productivity growth in both the public and private sectors of the Nation's economy. The Center will have a Board of Directors of not more than 27 persons, including a Chairman, an Executive Director, three Cabinet Secretaries (Treasury, Commerce and Labor) and the Director of the Federal Mediation and Conciliation Service, at least five individuals from the private business community, at least five individuals from the private labor community, at least two individuals from State and local governments, one from the general public, at least one from a leading higher education institution, and such other members as the President may deem appropriate. The members are to be appointed by the President subject to Senate confirmation, except that confirmation is not required for the appointment of those who hold another Federal office by virtue of Presidential appointment with Senate confirmation or for the appointment of the Vice President as Chairman. Except for the specified agency heads, members of the Board, including the Chairman, are to be appointed for four-year terms coterminous with the term of the President.

The Center is directed to coordinate all productivity activities of the various Federal agencies in order to eliminate duplication of effort and cost and to maximize the effectiveness of Federal actions. It is to report to the President and Congress on its activities no later than December 31 of each year, including an analysis of the extent to which each Federal agency with significant productivity responsibilities is discharging those responsibilities. Each Federal agency is charged with keeping the Center informed of all programs, policies, and initiatives undertaken to improve productivity, for consulting with the Center prior to obligating or expending funds for such activities, and for taking appropriate action to improve its own internal productivity.

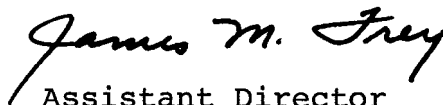
Beyond the Federal sphere, the Center also has the responsibility to seek, stimulate and encourage the maximum active participation of State and local governments and private business and labor organizations in efforts to improve the rate of national productivity growth.

S. 2195 also requires that the Comptroller General audit and evaluate the Center's performance in carrying out the provisions of the bill and to report to the Congress on this evaluation between 30 and 36 months after enactment.

For the Center to carry out its functions under this bill, there is authorized an appropriation of \$6.25 million for the 15-month period ending September 30, 1976, and \$5 million for each of fiscal years 1977 and 1978. While these amounts are twice the 1976 authorization level of the existing Productivity Commission, excessive growth in the program can be controlled through the budget process. The 1976 appropriation for the Productivity Commission, whose staff and functions are to be transferred to the National Center, is \$2 million.

There are four major differences between this enrolled bill and the Administration's bill. First, S. 2195 provides authority for the Center to coordinate and monitor other Federal agencies' activities dedicated to productivity enhancement, whereas H.R. 6078 provided the more limited authority to encourage and stimulate agency productivity efforts. Second, the enrolled bill adds the requirement that the Center's Board of Directors are subject to Senate confirmation; H.R. 6078 simply required Presidential appointment. Third, S. 2195 includes a provision requiring an audit by the Comptroller General which H.R. 6078 did not contain. Finally, the enrolled bill provides for specific definite amounts to be authorized for appropriation in each of three fiscal years, while the Administration bill requested the authorization of such sums as may be necessary.

The generally broader authorities and scope of S. 2195 do not however, preempt or preclude Presidential direction or control over the means of achieving the objectives shared by both bills. Accordingly, we recommend approval of this proposed legislation along with the other agencies indicated.


Assistant Director
for Legislative Reference

Enclosures

B

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1095

Date: November 24, 1975

Time: 700pm

FOR ACTION: Paul Leach *pk*
 David Lissy *delev*
 Max Friedersdorf *pk*
 Ken Lazarus *pk*
 Bill Sulman *pk*

cc (for information):

Jack Marsh
 Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: November 25

Time: 500pm

SUBJECT:

H.2195 - National Productivity and Quality of Working
 Life Act of 1975

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

Date: November 24, 1975

Time: 700pm

FOR ACTION: Paul Leach
David Lissy
Max Friedersdorf
Ken Lazarus

cc (for information):

Jack Marsh
Jim Cavanaugh

Bill Sidman
FROM THE STAFF SECRETARY

DUE: Date: November 25

Time: 500pm

SUBJECT:

S.2195 - National Productivity and Quality of Working
Life Act of 1975

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*approved
JTS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

W. JR.
For [unclear]

Date: November 24, 1975

Time: 700pm

FOR ACTION: Paul Leach
David Lissy
Max Friedersdorf
Ken Lazarus

cc (for information):

Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: November 25

Time: 500pm

SUBJECT:

S.2195 - National Productivity and Quality of Working
Life Act of 1975

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

11/25
Judy - As we discussed, refer to Paul.
mf

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

THE WHITE HOUSE
WASHINGTON

November 25, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 2195 - National Productivity and Quality of
Working Life Act of 1975

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

Date: November 24, 1975

Time: 700pm

FOR ACTION: Paul Leach
 David Lissy
 Max Friedersdorf
 Ken Lazarus

cc (for information):

Jack Marsh
 Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: November 25

Time: 500pm

SUBJECT:

S.2195 - National Productivity and Quality of Working
 Life Act of 1975

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 11/25/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James F. Cavanaugh
 For the President



THE ASSISTANT SECRETARY OF COMMERCE
Washington, D.C. 20230

19 NOV 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning S. 2195, an enrolled enactment

"To establish a National Center for Productivity and Quality of Working Life; to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and the character of working conditions; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes,"

to be cited as the "National Productivity and Quality of Working Life Act of 1975".

The stated purpose of S. 2195 is to: (1) establish a national policy which will encourage productivity growth consistent with needs of the economy, the natural environment, and the needs, rights, and best interests of management, the work force, and consumers; and (2) establish as an independent establishment of the Executive Branch a National Center for Productivity and Quality of Working Life to focus, coordinate, and promote efforts to improve the rate of productivity growth.

The National Center would have a Board of Directors consisting of not more than twenty-seven members which will be responsible for rendering overall policy direction to the National Center. The Board would be headed by a Chairman and consist of the Secretaries of the Treasury, Commerce, and Labor, the Director of the Federal Mediation and Conciliation Service, and the Executive Director of the National Center.

2.

The other members would consist of qualified private individuals from manufacturing and service industries, labor organizations, state or local governments, leading institutions of higher education and from the general public, and such other members from the private sector as the President deems appropriate. The Chairman of the Board, the Executive Director, and the members from the private sector, would be appointed by the President and subject to confirmation by the Senate.

Provision is also made for federal agency coordination and liaison with the National Center. Among other things, each federal agency would be required to designate an individual to serve as liaison with the National Center and to assist the National Center in carrying out its functions under the Act.

The bill would repeal the statute establishing the National Commission on Productivity and Work Quality and provide for the transfer of its functions and staff to the new National Center.

Finally, S. 2195 provides an authorization of \$6.25 million for fiscal year 1976 and the three-month transition period thereafter, and \$5 million for each of the fiscal years 1977 and 1978.

This Department recommends approval by the President of S. 2195.

Enactment of this legislation is not expected to involve any increase in the budgetary requirements of this Department.

Sincerely,

A handwritten signature in cursive script, reading "James L. Pate".

JAMES L. PATE
Assistant Secretary
for Economic Affairs



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

November 20, 1975

Honorable James T. Lynn
Director
Office of Management and Budget

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the views and recommendations of the Civil Service Commission on enrolled bill S. 2195, a bill "To establish a National Center for Productivity and Quality of Working Life; to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and the character of working conditions; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes."

The Commission fully supports the provisions of S. 2195. We concur in the findings of the Congress relating to the need for stimulating productivity improvement, and we welcome this means of developing a national focal point for the collaborative efforts of many agencies, including our own, in enhancing productivity and improving the quality of working life. We have worked closely with the National Commission on Productivity and Work Quality in developing new approaches to productivity improvement in both the Federal sector and State and local governments, and we understand and support the need to restructure its efforts to provide more organizational stability, more generous funding, and a clearer definition of its catalytic and coordinating role. We believe this bill meets those substantive requirements and will strengthen the efforts to improve productivity and the conditions of working life in which we and other agencies are now actively engaged.

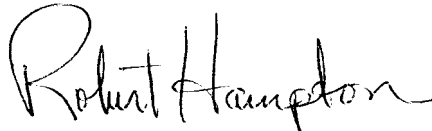
Earlier drafts of this bill contained personnel provisions to which we took serious exception, most notably the exception from the competitive service of an unfixed number of personnel to be employed by the proposed Center and the provision of a specific number of supergrade spaces. We

note with approval that these provisions are omitted from the present bill, and that most of our other recommendations for changes in the administrative and personnel provisions are incorporated in this bill, S. 2195.

The Civil Service Commission strongly supports the purposes of this proposed legislation, and recommends that the President sign the enrolled bill, S. 2195, into law.

By direction of the Commission:

Sincerely yours,

A handwritten signature in cursive script that reads "Robert Hampton". The signature is written in dark ink and is positioned above the printed name and title.

Robert E. Hampton
Chairman

**NATIONAL COMMISSION ON
PRODUCTIVITY AND WORK QUALITY
WASHINGTON, D.C. 20036**

November 18, 1975

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

It is with pleasure that we respond to your request for views and recommendations on enrolled bill S.2195, to establish a National Center for Productivity and Quality of Working Life.

The members of the National Commission on Productivity and Work Quality, chaired by the Vice President, and co-chaired by Messrs. I. W. Abel and Donald C. Burnham, support this legislation and respectfully urge the President to sign this bill into law.

This bill also has the support of labor, business and government. It has enjoyed good bipartisan support in Congress.

This bill carries forward the productivity goals and objectives set forth in the President's Economic Message of January 14 of this year. It proposes the replacement of the present short-term, study and demonstration-type Commission by a three-year Center with many new responsibilities. The proposed Center is to assume a greater role as an action-oriented, catalytic agent, while at the same time articulating national policies to enhance productivity growth. For the first time, long term planning will be possible, consistent with the long-term nature of productivity improvement.

Sincerely,


George H. Kuper
Acting Executive Director



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

NOV 18 1975

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of S. 2195, the "National Productivity and Quality of Working Life Act of 1975".

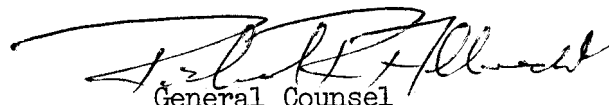
The enrolled enactment would establish the National Center for Productivity and Quality of Working Life as an independent establishment of the executive branch. The Center would have a Board of Directors of not more than 27 members that would include the Secretary of the Treasury. Section 204 of the enrolled enactment sets forth 15 functions that the Center is to perform to focus, coordinate, and promote efforts to improve the rate of productivity growth. Title III would provide for Federal agency coordination and liaison with the Center, require Federal agencies to identify their policies which adversely affect productivity growth, and propose revisions to these policies, and direct Federal agencies to improve their internal productivity.

There would be authorized \$16.25 million through September 30, 1978 for the purposes of the Center. The Comptroller General would be required to evaluate the Center and present the evaluation to the Congress no later than 36 months after the date of enactment.

The Senate Report on S. 2195 states that the Senate Committee on Government Operations took the Treasury proposed legislation on the subject into consideration during their drafting of the bill.

The Department recommends that the enrolled enactment be approved by the President.

Sincerely yours,



General Counsel

Richard R. Albrecht

FEDERAL MEDIATION AND CONCILIATION SERVICE

UNITED STATES GOVERNMENT

WASHINGTON, D.C. 20427

November 21, 1975

OFFICE OF THE DIRECTOR

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Attention: Ms. Ramsey

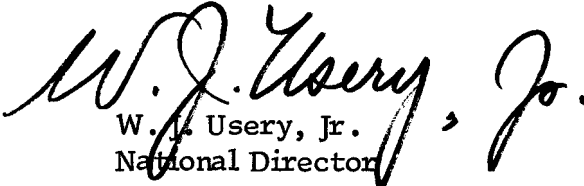
Dear Mr. Frey:

This is in response to your request for the views of the Federal Mediation and Conciliation Service on enrolled bill S. 2195, "To establish a National Center for Productivity and Quality of Working Life."

I concur in the major objective of the enrolled bill -- to stimulate an increase in productivity as an essential ingredient to economic growth, thereby increasing real income of all groups and promoting a higher standard for all American workers. At the same time, there is a need, which S. 2195 recognizes, to relate problems of job security with the growth of productivity, and to place major emphasis on the responsibility for productivity improvement with management and labor, with government serving as a catalyst.

Indeed, as part of our program of technical assistance to parties engaged in collective bargaining, we seek to promote the identification of problem areas which have caused disputes in the past and of necessity adversely impacted on productivity. As a designated member of the Board of Directors of the proposed Center, I would look forward to continuing this effort in a more nationally structured posture.

Sincerely,


W. J. Usery, Jr.
National Director

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



NOV 19 1975

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, DC 20503

Dear Mr. Lynn:

By letter of November 17, 1975, you requested the views of the General Services Administration (GSA) on enrolled bill S. 2195, a bill "To establish a National Center for Productivity and Quality of Working Life; to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and the character of working conditions; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes."

GSA has completed its review of the subject bill and offers no objection to its approval by the President.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Yock".

(Signed) Robert J. Yock
Acting Assistant Administrator

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

21 NOV 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for our views on S.2195, an enrolled enactment cited as the "National Productivity and Quality of Working Life Act of 1975."

This Act would establish as an independent establishment in the Executive Branch a National Center for Productivity and Quality of Working Life to coordinate and promote efforts to improve the rate of productivity. The Center will replace the existing National Commission on Productivity and Work Quality and absorb its functions and staff.

The Center will be responsible for developing an overall national productivity policy and for coordinating productivity efforts by all Federal departments and agencies and establishments.

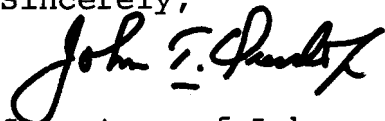
A 27 member Board of Directors, which includes the Secretaries of the Treasury, Commerce and Labor, is established by the Act. It also provides for an Executive Director who will be responsible for the exercise of all powers and discharge all duties of the Center.

It authorizes \$6.25 million for fiscal 1976 and the 3-month transition period and \$5 million for each of the fiscal years 1977 and 1978.

We are hopeful that the National Center for Productivity and Quality of Working Life will provide the leadership needed for a concerted effort in this area.

Accordingly, this Department has no objection to Presidential approval of S. 2195.

Sincerely,



Secretary of Labor

Department of Justice
Washington, D.C. 20530

November 24, 1975

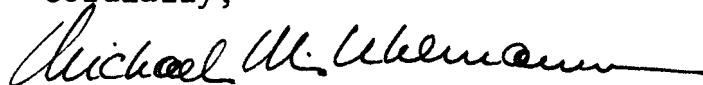
Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

Pursuant to your request, we have examined a facsimile of the enrolled bill S. 2195, an act to establish a National Center for Productivity and Quality of Working Life, etc.

The Department of Justice takes no position with respect to the enrolled bill and defers to those Executive agencies with competence in the areas to which the bill is addressed.

Cordially,



Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs

Mr. J.

Kate

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

NOV 24 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2195 - National Productivity
and Quality of Working Life Act of 1975
Sponsors - Sen. Nunn (D) Georgia and 6 others

Last Day for Action

November 29, 1975 - Saturday

Purpose

To establish a national policy to encourage productivity growth and to create a National Center for Productivity and Quality of Working Life.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval
Civil Service Commission	Approval
National Commission on Productivity and Work Quality	Approval
Department of the Treasury	Approval
Federal Mediation and Conciliation Service	Approval
General Services Administration	No objection
Department of Labor	No objection
Department of Justice	Defers (Informally)

Discussion

The enrolled bill is the outgrowth of legislative efforts which began with the Administration's bill (H.R. 6078), introduced last April, and shares that bill's objectives: establishment of a national policy to encourage productivity growth and creation of a National Center for Productivity and Quality of Working Life to replace the existing National Commission on Productivity and Work Quality.

S. 2195 declares that it is the policy of the Federal Government, in cooperation with State and local governments, to use all practicable means to stimulate productivity growth and that it is the responsibility of the Federal Government to improve and coordinate Federal plans, programs and resources and to interpret Federal laws and regulations so as to fully support that policy.

The bill establishes a National Center for Productivity and Quality of Working Life as an independent agency within the executive branch to develop a national productivity policy and support efforts to improve productivity growth in both the public and private sectors of the Nation's economy. The Center will have a Board of Directors of not more than 27 persons, including a Chairman, an Executive Director, three Cabinet Secretaries (Treasury, Commerce and Labor) and the Director of the Federal Mediation and Conciliation Service, at least five individuals from the private business community, at least five individuals from the private labor community, at least two individuals from State and local governments, one from the general public, at least one from a leading higher education institution, and such other members as the President may deem appropriate. The members are to be appointed by the President subject to Senate confirmation, except that confirmation is not required for the appointment of those who hold another Federal office by virtue of Presidential appointment with Senate confirmation or for the appointment of the Vice President as Chairman. Except for the specified agency heads, members of the Board, including the Chairman, are to be appointed for four-year terms coterminous with the term of the President.

The Center is directed to coordinate all productivity activities of the various Federal agencies in order to eliminate duplication of effort and cost and to maximize the effectiveness of Federal actions. It is to report to the President and Congress on its activities no later than December 31 of each year, including an analysis of the extent to which each Federal agency with significant productivity responsibilities is discharging those responsibilities. Each Federal agency is charged with keeping the Center informed of all programs, policies, and initiatives undertaken to improve productivity, for consulting with the Center prior to obligating or expending funds for such activities, and for taking appropriate action to improve its own internal productivity.

Beyond the Federal sphere, the Center also has the responsibility to seek, stimulate and encourage the maximum active participation of State and local governments and private business and labor organizations in efforts to improve the rate of national productivity growth.

S. 2195 also requires that the Comptroller General audit and evaluate the Center's performance in carrying out the provisions of the bill and to report to the Congress on this evaluation between 30 and 36 months after enactment.

For the Center to carry out its functions under this bill, there is authorized an appropriation of \$6.25 million for the 15-month period ending September 30, 1976, and \$5 million for each of fiscal years 1977 and 1978. While these amounts are twice the 1976 authorization level of the existing Productivity Commission, excessive growth in the program can be controlled through the budget process. The 1976 appropriation for the Productivity Commission, whose staff and functions are to be transferred to the National Center, is \$2 million.

There are four major differences between this enrolled bill and the Administration's bill. First, S. 2195 provides authority for the Center to coordinate and monitor other Federal agencies' activities dedicated to productivity enhancement, whereas H.R. 6078 provided the more limited authority to encourage and stimulate agency productivity efforts. Second, the enrolled bill adds the requirement that the Center's Board of Directors are subject to Senate confirmation; H.R. 6078 simply required Presidential appointment. Third, S. 2195 includes a provision requiring an audit by the Comptroller General which H.R. 6078 did not contain. Finally, the enrolled bill provides for specific definite amounts to be authorized for appropriation in each of three fiscal years, while the Administration bill requested the authorization of such sums as may be necessary.

The generally broader authorities and scope of S. 2195 do not however, preempt or preclude Presidential direction or control over the means of achieving the objectives shared by both bills. Accordingly, we recommend approval of this proposed legislation along with the other agencies indicated.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures

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

NOV 25 1975

MEMORANDUM FOR THE PRESIDENT

*To: J. Carmona
11-26-75
2:15 P.M.*

**Subject: Enrolled Bill H. R. 10029 - Military Construction
Appropriation Act, fiscal year 1976
and the transition quarter
Sponsor - Representative Sikes (D), Florida**

Last Day for Action

December 1, 1975 (Monday)

Purpose

Appropriates \$3,944,114,000 for military construction activities in fiscal year 1976 and the transition quarter.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval (informally)

Discussion

The total amount appropriated by the bill is \$524,006,000 below the amended budget request of \$4,468,120,000. The reductions by appropriation account are set forth in the attachment. For the most part, these appropriations fund the military construction program authorized by P. L. 94-107, which you approved on October 7, 1975.

Some \$368,053,000 of the total reduction results from earlier Congressional reductions in the authorization request. The remaining \$155,953,000 reduction consists of deletions made possible by cancellation of projects for which there is no longer a military requirement or deferral of projects which, although desirable, can be held for funding in another annual program.

Recommendation

I recommend that you sign the enrolled bill.

(Signed) James T. Lynn

James T. Lynn
Director

Enclosure

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1976
and Transition Quarter

	<u>Budget Estimate</u>	<u>Enrolled Bill</u>	<u>Congressional Change</u>
Appropriation:			
Budget Authority	\$4,602,976,000	\$4,078,970,000	-\$524,006,000
Debt Reduction	<u>-134,856,000</u>	<u>-134,856,000</u>	<u>No change</u>
	4,468,120,000	3,944,114,000	-524,006,000

By Appropriation Account

Military construction:			
Army	995,000,000	827,125,000	-167,875,000
Navy	871,200,000	787,218,000	-83,982,000
Air Force	717,600,000	564,644,000	-152,956,000
Defense Agencies	142,500,000	20,300,000	-122,200,000
By transfer	(20,000,000)	(20,000,000)	No change
Army and Air National Guards	128,200,000	128,200,000	No change
Army, Naval and Air Force Reserves	108,600,000	108,600,000	No change
Family housing	1,639,876,000	1,642,883,000	+3,007,000
<u>1/</u> Payment of mortgage principals on Capehart and Wherry housing indebtedness	-134,856,000	-134,856,000	No change

Change by Major Element
(In thousands of dollars)

	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Defense Agencies</u>	<u>Total</u>
Regular program	-167,875	-83,982	-152,956	-122,200	-527,013
Family housing	<u>+9,824</u>	<u>-9,264</u>	<u>+3,767</u>	<u>-1,320</u>	<u>+3,007</u>
Total Change	-158,051	-93,246	-149,189	-123,520	-524,006

1/ Amount for debt reduction is not considered budget authority and, therefore, is excluded from the total.

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

NOV 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2343 - George W. Andrews
Forestry Sciences Laboratory
Sponsor - Rep. Nichols (D) Alabama and 6 others

Last Day for Action

December 3, 1975 - Wednesday

Purpose

To designate the new Forest Service laboratory at Auburn, Alabama, as the "George W. Andrews Forestry Sciences Laboratory."

Agency Recommendations

Office of Management and Budget Approval


Department of Agriculture Approval

Discussion

The enrolled bill would name the new laboratory, presently under construction by the United States Forest Service on the campus of Auburn University, for the late Congressman George W. Andrews, in recognition of his contribution to the establishment of this facility.

While acknowledging the efforts of Rep. Andrews on behalf of the project, the Department of Agriculture testified against the bill because of the Department's "longstanding and continuing policy not to name research laboratories for individuals." The House Agriculture Committee noted, however, that the Department had made exceptions to this policy in the past and that the proposal had the unanimous support of the Auburn University Board of Trustees. Both Houses overwhelmingly passed H.R. 2343.

To: J. Conaway
11-26-75
2:15 p.m.



In light of the strong congressional desire to honor one of its members, who served for 26 years in the House, in this fashion, the Department of Agriculture and we recommend that you approve H.R. 2343.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures

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

NOV 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8841 - Extend and amend the
Federal Insecticide, Fungicide and Rodenticide
Act
Sponsors - Rep. Foley (D) Washington and
Rep. Wampler (R) Virginia

Last Day for Action

December 3, 1975 - Wednesday

Purpose

Extends the appropriations authorization for the Environmental Protection Agency (EPA) to carry out the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) at a level of \$47,868,000 from October 1, 1975, through September 30, 1976, and \$23,600,000 from October 1, 1976, through March 31, 1977; extends for one year certain deadline dates on actions remaining to be taken under FIFRA; requires EPA to assess the impact of proposed changes in pesticide classification or cancellations on production and prices of agricultural commodities, retail food prices, and other effects on the agricultural economy, and further requires the Secretary of Agriculture to be provided with such analysis; requires EPA to provide the Secretary of Agriculture with notices of proposed changes in regulations issued under FIFRA; changes certain provisions relating to self-certification of private pesticide applicators.

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency	Approval
Department of Agriculture	Approval (Informally)
Council on Environmental Quality	Approval
Department of Commerce	Approval
Civil Service Commission	Approval

Department of Health, Education,
and Welfare
National Science Foundation
Department of Justice

No objection (Informally)
No objection
Defers to interested
agencies

Discussion

FIFRA is the basic act under which the manufacture and sale of insecticides and pesticides are controlled. It was significantly amended by the Federal Environmental Pesticide Control Act of 1972 which also transferred administration of the regulatory program from the Department of Agriculture to the EPA. The 1972 Act provided a three-year appropriation authorization which, with a series of recent interim extensions, expired on November 15, 1975.

The use of insecticides and pesticides to achieve high agricultural yields and the control of their use to protect human health and the environment often represent conflicting objectives. Difficulties attendant on the reconciliation of these conflicts have made administration of the program by EPA controversial and the subject of frequent court actions. H.R. 8841, in addition to extending the expired appropriation authorization, contains a number of amendments to FIFRA designed to deal with those problems.

The original Administration bills called for a simple two-year extension of FIFRA. H.R. 8841, as enrolled, extends the appropriations authorization for the EPA to carry out FIFRA through March 31, 1977; it authorizes \$47,868,000 for the period October 1, 1975, through September 30, 1976 and \$23,600,000 from October 1, 1976, through March 31, 1977. These amounts conform to the levels requested by the Administration.

Other major amendments the enrolled bill makes in FIFRA are described in the following paragraphs.

Notice to the Secretary of Agriculture

EPA must submit proposed notices of intent to suspend or cancel the use of pesticides to the Secretary of Agriculture for comment, at least 60 days prior to taking such action. This requirement may be waived in cases of imminent hazard to human health. Consultation is also required with the Secretary on proposed and final regulations. The Secretary's comments

on such regulations and the Administrator's response must be published in the Federal Register.

Economic Impact

In determining whether the current use of a pesticide should be restricted or cancelled, the Administrator of EPA must take into account the impact of that action on crop production and prices, retail food prices, and the general agricultural economy, as well as the adverse impact on the environment from its continued use. This analysis must be submitted to the Secretary of Agriculture for comment, and his comment and the Administrator's response must be published in the Federal Register with any final actions.

Self-certification of Private Pest Applicators

The EPA Administrator must approve any application to use restricted pesticides (which can only be used by certified applicators) if the applicator signs a self-certification form declaring he has a sufficient ability to use those pesticides without adverse affects. The Administrator may require an affirmation by the applicator that he has completed an approved training program but the Administrator may not require the program to include an examination to establish competency in the use of the pesticide. In addition, any State plan for the certification of applicators shall be approved by EPA if it only requires that self-certification forms be completed. However, a State plan, at the option of the State, may contain variations if it otherwise comports with the requirements of the Act.

Scientific Advisory Panel

The bill provides for the establishment of a scientific advisory panel with which the EPA Administrator must consult on notices of intent to cancel or reclassify the use of a pesticide, and on proposed and final regulations.

Integrated Pest Management

EPA and the States are required to make available to interested individuals instructional materials on integrated pest management techniques in cooperation with the Agricultural Extension Service.

Other Provisions

The bill contains a number of other amendments to FIFRA including cost sharing arrangements for test data, emergency exemptions from the Act, permits for experimental uses, and exclusion of new animal drugs from the coverage of the Act.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

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

NOV 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9472 - Tennessee Valley
Authority bond increase
Sponsor - Rep. Jones (D) Alabama and 13 others

Last Day for Action

December 3, 1975 - Wednesday

Purpose

Provides for an increase from \$5 billion to \$15 billion in additional borrowing authority for the Tennessee Valley Authority; provides for annual instead of semi-annual payments to the Treasury.

Agency Recommendations

Office of Management and Budget	Approval
Tennessee Valley Authority	Approval
Department of the Treasury	No objection (informally)

Discussion

Existing law authorizes the TVA to have not to exceed \$5 billion of revenue bonds (not considered as obligations of, or guaranteed by, the United States) outstanding at any one time. Outstanding obligations plus commitments are expected to reach the limitation by the end of this calendar year. The enrolled bill would increase the amount of the authorization to \$15 billion.

H.R. 9472 would enable the TVA to continue to finance the construction of a number of electric generating and power transmission facilities to meet projected electric energy needs in the area it serves. The proposed \$10 billion increase in the bond authorization was recommended to the Congress by the Tennessee Valley Authority with the concurrence of the Administration.

The legislative history of H.R. 9472 calls for full funding and identifies the specific purposes and projects for which funds would be used. This will permit more effective management of the new construction program.

The House added a provision which allows TVA to make certain required payments to the Treasury annually instead of semiannually under current law. These payments consist of repayments of the original Federal investment from appropriated funds plus interest on the outstanding principal amount. Annual payments would place the TVA on the same basis as other Government corporations that make similar payments to Treasury.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures.