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APPROVED

DEC 16 1975

signed 12/16/75

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 24

December 15, 1975

Per [unclear]

12/17

*To Archives
12/17*

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *[initials]*

SUBJECT: Enrolled Bill H.R. 11027 - Amending the Effective Date of the Defense Production Act Amendments of 1975

Attached for your consideration is H.R. 11027, sponsored by Representative Ashley, which would make the effective date extending the Defense Production Act retroactive to November 30, 1975.

Additional information is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 11027 at Tab B.





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

DEC 12 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11027 - Amending the effective date of the Defense Production Act Amendments of 1975
Sponsor - Rep. Ashley (D) Ohio

Last Day for Action

Concurrent with signing of Defense Production Act Amendments of 1975 (S. 1537) which must be signed no later than December 16, 1975.

Purpose

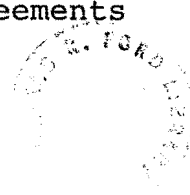
To make the effective date extending the Defense Production Act (DPA) retroactive to November 30, 1975.

Agency Recommendations

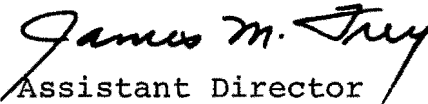
Office of Management and Budget	Approval
General Services Administration	Approval (informally)
Department of Defense	Approval (informally)
Federal Energy Administration	Approval (informally)

Discussion

H.R. 11027 would amend the Defense Production Act Amendments of 1975 to change the effective date for the extension of that Act from the date of enactment to November 30, 1975. This amendment is necessary because Congress failed to enact the customary extension of the DPA before its November 30, 1975, expiration date. Moreover, when S. 1537, the DPA extension, was subsequently passed, Congress neglected to provide that its effective date would be retroactive to November 30, thus raising doubts about the viability of voluntary agreements entered into prior to December 1, 1975.



S. 1537 is now before you for signature. In our memorandum accompanying that bill, we suggested that, if H.R. 11027 was enrolled and presented to you by December 16, the final day for your action on S. 1537, you sign both bills at the same time. That has now occurred and we again recommend that you sign them into law on the same date.


Assistant Director
for Legislative Reference

Enclosures



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

15 December 1975

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

Dear Mr. Lynn:

Reference is made to your request for a report on the enrolled enactment of H.R. 11027, 94th Congress, a bill to amend the effective date of the Defense Production Act Amendments of 1975.

The bill would change the effective date of the Defense Production Act Amendments of 1975 from the "date of enactment" to the "close of November 30, 1975."

The Department of Defense concurs with this legislation and recommends that the President sign the bill.

Sincerely,

A handwritten signature in cursive script, reading "L. Niederlehner", is positioned above the typed name.

L. Niederlehner
Acting General Counsel

FEDERAL ENERGY ADMINISTRATION
WASHINGTON, D.C. 20461

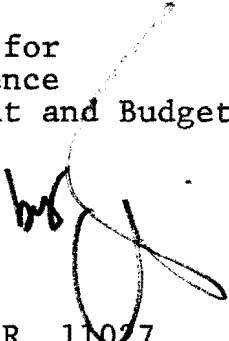
December 12, 1975

MEMORANDUM FOR: James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget

ATTENTION: Jim MacRae

FROM: Michael F. Butler
General Counsel

SUBJECT: Enrolled Bill - H.R. 11027



This is in response to your request for the views of the Federal Energy Administration on H.R. 11027, "To amend the effective date of the Defense Production Act Amendments of 1975."

This Act corrects the shortcoming in the Defense Production Act Amendments of 1975 which we noted in our letter to you of December 9, 1975 on S. 1537 (attached). Under H.R. 11027, there will no longer be a lapse between the expiration of the Defense Production Act and its extension by S. 1537.

In our December 9 letter we recommended that S. 1537 not be signed by the President until the corrective amendment was also ready for signature. H.R. 11027 fully meets our concerns and we recommend that if the President signs the Defense Production Act Amendments of 1975, he sign this bill at the same time.

Attachment

DEC 9 1975

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

Dear Mr. Frey:

This is in response to your request for our comments on S. 1537, an enrolled bill, "to amend the Defense Production Act of 1950, as amended."

Effective on enactment, S. 1537 would extend the Defense Production Act (DPA) until September 30, 1977. The DPA expired on November 30, 1975. In extending the Act, S. 1537 also makes significant changes in the existing provisions of the Defense Production Act dealing with voluntary agreements by private parties to carry out the purposes of the Act. In this regard, section 708 of the DPA has been totally revised to establish a multitude of procedural requirements with respect to such voluntary agreements. In addition, a new section 708A has been added establishing somewhat different requirements for voluntary agreements to assist in carrying out the International Energy Program (IEP). These requirements take into account the peculiar character of groups established by the International Energy Agency.

The Federal Energy Administration is concerned that some of the restrictions contained in the bill may hinder the development of appropriate mechanisms for providing flexible responses to future energy supply disruptions. In particular, the bill, in combination with S. 622, would prevent the use of voluntary agreements in carrying out international petroleum supply arrangements except pursuant to the IEP. Nevertheless, since we believe that the authority contained in the Defense Production Act must be continued as expeditiously as possible, we do not object to the enactment of this bill.

There is one serious shortcoming contained in the bill which should be corrected before the bill is signed by the President. As presently drafted, the bill would become effective on enactment rather than at the expiration of the Defense Production Act on November 30, 1975. This lack of continuity could cause doubt as to the continued viability of existing voluntary agreements including the Voluntary Agreement and Program related to the International Energy Program. It is essential that there be no doubt concerning the availability of antitrust immunity under this important ongoing program.

We understand that an attempt will be made to cure this defect through an amendment to the enrolled bill. We recommend that S. 1537 not be signed by the President until any amendment is also ready for signature. If the amendment is not ready for signature by the time Presidential action is required, we have no objection to the President's signing the bill.

Sincerely,

Michael F. Butler
General Counsel



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: 12-18-75

TO: Bob Linder

FROM: Jim Frey

Attached is the GSA views
letter on H.R. 11027. Please
have it included in the
enrolled bill file.

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



DEC 15 1975

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

Dear Mr. Lynn:

By letter of December 12, 1975, you requested the views of the General Services Administration on enrolled bill H.R. 11027, a bill "To amend the effective date of the Defense Production Act Amendments of 1975."

On December 3, the Congress passed S. 1537, a bill to extend the Defense Production Act of 1950. However, the Act expired on the close of November 30, 1975. H.R. 11027 would provide for the extension to take effect at the close of November 30, 1975 and alleviate any possible legal problems developing from a gap in the DPA.

GSA strongly endorses Presidential approval of H.R. 11027.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Eckerd", is written over the typed name and title.

Jack Eckerd
Administrator

10
J. Casper
12-12-75
6 p.m.



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

DEC 12 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11027 - Amending the effective date of the Defense Production Act Amendments of 1975
Sponsor - Rep. Ashley (D) Ohio

Last Day for Action

Concurrent with signing of Defense Production Act Amendments of 1975 (S. 1537) which must be signed no later than December 16, 1975.

Purpose

To make the effective date extending the Defense Production Act (DPA) retroactive to November 30, 1975.

Agency Recommendations


Office of Management and Budget	Approval
General Services Administration	Approval (informally)
Department of Defense	Approval (informally)
Federal Energy Administration	Approval (informally)

Discussion

H.R. 11027 would amend the Defense Production Act Amendments of 1975 to change the effective date for the extension of that Act from the date of enactment to November 30, 1975. This amendment is necessary because Congress failed to enact the customary extension of the DPA before its November 30, 1975, expiration date. Moreover, when S. 1537, the DPA extension, was subsequently passed, Congress neglected to provide that its effective date would be retroactive to November 30, thus raising doubts about the viability of voluntary agreements entered into prior to December 1, 1975.

NATIONAL SECURITY COUNCIL

December 15, 1975

MEMORANDUM FOR: JAMES CAVANAUGH
FROM: Jeanne W. Davis 
SUBJECT: H. R. 11027

The NSC Staff concurs in the proposed Enrolled Bill H. R. 11027 -
Amending the Effective Date of the Defense Production Act Amendments
of 1975.

THE WHITE HOUSE

WASHINGTON

December 15, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *MLF*
SUBJECT: H. R. 11027 - Amending the Effective Date of the
Defense Production Act Amendments of 1975

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

Attachments

Date: December 12

Time: 700pm

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus
NSC /S

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 15

Time: noon

SUBJECT:

H.R. 11027 - Amending the Effective Date of the Defense
Production Act Amendments 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

Agree.

Ken Lazarus

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. [unclear]
For the [unclear]

Date: December 12

Time: 700pm

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus
NSC /S

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 15

Time: noon

SUBJECT:

H.R. 11027 - Amending the Effective Date of the Defense
Production Act Amendments 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

*Revised approval
Commence
Schleede*

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.

*Judy Johnston
For the Staff Secretary*

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 12

Time: 700pm

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus
NSC /S

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 15

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SUBJECT:

H.R. 11027 - Amending the Effective Date of the Defense
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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

Handwritten note:
Key copy on

H. R. 11027

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the effective date of the Defense Production Act Amendments of 1975.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 9 of the
Defense Production Act Amendments of 1975 is amended by striking
out "date of enactment of this Act" and inserting in lieu thereof
"close of November 30, 1975".*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 12, 1975

Dear Mr. Director:

The following bills were received at the White House on December 12th:

✓ H.R. 2724	✓ S. 55 ✓
✓ H.R. 8773 ✓	✓ S. 447 ✓
✓ H.R. 9883 ✓	✓ S. 605 ✓
✓ H.R. 9924 ✓	✓ S. 1653 ✓
H.R. 11027 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

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