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2:30 PM - Cabinet Meeting Wednesday, April 16, 1975

WHAT WILL BE THE BUDGET DEFICIT? (in billions)

THE CURRENT ESTIMATE (with tax bill as written)	\$60	
If Congress rejects President's holddown legislation-ADD	12	
If features of tax bill become permanentADD	5	n de la construcción de la constru La construcción de la construcción d
NEW CONGRESSIONAL SPENDING PROPOSALS	\$30	
POTENTIAL DEFICIT THREAT	\$]	LOO BILLION

New Congressional Spending Proposals

N. P

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Anti-recession grants to State and local governments	\$5.0
Broadened unemployment compensation benefits	4.0
Additional public service jobs	3.0
Increased public works projects for State and local governments	3,-0,
Increased farm subsidies	2.2
Additional water pollution control and abatement projects	1. 9
New housing subsidies	1.9
Increased urban mass transit and highway projects	1.8
Health insurance subsidies for the unemployed	1.5
Increased school feeding and related programs	1.4
Increased veterans benefits	0.8
Additional small business loans	0.4
Other increases in a wide variety of spending programs	3.2

March 31, 1975

April 1975

WASHINGTON

TO: GOVERNMENT OPERATIONS COMMITTEE

Representative Jack Brooks Representative Frank Horton Senator Abraham Ribicoff Senator Charles Percy

Dear ():

In the interest of protecting the American consumer, I am directing department and agency heads, in coordination with the Domestic Council, to review Executive branch procedures to make certain that consumer interests receive full consideration in all Government actions.

To be frank, I recognize the legitimate public and Congressional concerns that the interests of consumers have not always been adequately considered by Federal departments and agencies. This must be changed. Therefore I am asking each agency head to examine the specific efforts he is making now to represent the consumer in the agency's decisions and activities and to work with Virginia Knauer, my Special Assistant for Consumer Affairs, in instituting additional efforts his agency could undertake to better represent consumer interests.

In examining their present procedures and in establishing new ones, department and agency heads will follow these guidelines:

All consumer interests should receive a fair chance to be heard in the Government decision making process; and

The costs and administrative requirements of Federal rules and regulations on the private sector should be held to a minimum.

Regulatory reform is one of the most important vehicles for improving consumer protection. Outdated regulatory practices lead to higher prices and reduced services. I urge the Congress to pass a number of specific legislative proposals in this regard, including the bill I submitted in January to establish a Regulatory Review Commission. I have also requested the Congress to repeal outdated fair trade laws which raise prices and to reform many of the existing banking laws and regulations which penalize small savers. I will soon request legislation to overhaul our system of transportation regulation to allow freer competition, improved services, and lower prices.

I am also asking the chairmen and members of the independent regulatory agencies to meet with me. I intend to ask for their suggestions and to discuss with them ways they can make immediate improvements in the regulatory process. I am determined that the public will receive the most efficient and effective public service at the least cost.

In view of the steps that are being taken by the Executive department to make Government-wide improvements in the quality of service to the consumer, I am requesting that the Congress postpone further action on S. 200, which would create a new Federal Agency for Consumer Advocacy.

I do not believe that we need yet another Federal bureaucracy in Washington, with its attendant costs of \$60 million for the first three years and hundreds of additional Federal employees, in order to achieve better consumer representation and protection in Government. At a time when we are trying to cut down on both the size and the cost of Government, it would be unsound to add another layer of bureaucracy instead of improving the underlying structure.

Although the purpose of this new Federal agency would be to protect the consumers, the practical effect could well be to raise costs and prices to consumers.

It is my conviction that the best way to protect the consumer is to improve the existing institutions of Government, not to add more Government.

I look forward to working with you, the members of your Committee, and the Congress in advancing the interests of all consumers within our existing departments and agencies.

ACTION

WASHINGTON April 8, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Administration Consumer Policies

At the Cabinet meeting on March 26 you requested that the Domestic Council staff discuss with Cabinet members what might be done by Executive and Administrative action to assist consumers.

BACKGROUND:

1. Your Position on Consumer Protection Agency Proposals

Your objectives, as we understand them, are:

- (1) Prevent, if possible, the passage of legislation creating a Consumer Protection Agency.
- (2) Have enough votes to sustain a veto of S. 200, which would create a Consumer Advocacy Agency, if Congress should pass it or similar legislation.
- (3) Demonstrate, at the same time, your Administration's concern for consumers, and your belief that consumer concerns can be well represented through existing government structures, which were created to advance the public interest.

2. Your Position on Regulatory Reform

Since the greater part of the consumer problem lies with the independent regulatory agencies, you proposed to Congress in January that a Regulatory Review Commission be established to review the independent regulatory agencies. Under your proposal, particular attention would be paid to the effect of these agencies upon consumers and the extent of consumer representation in their decision making.

ALTERNATIVES TO CPA:

To carry out your proposal to work with the Cabinet in developing alternatives to S. 200 and other proposed consumer legislation, I have talked with each Cabinet member and requested a response to these questions:

- What specific problems does this bill, which would create a new Agency for Consumer Advocacy, present to your department?
- 2. What specific efforts are you making now to better represent the consumer in your department's decisions and activities?
- 3. What additional efforts could you take to better represent the consumer in your department's decisions and activities?
- 4. What regulatory reforms would you suggest to assist the consumer?

The responses from the Cabinet officers are attached at Tab A. In summary, they replied:

- An Agency for Consumer Advocacy created by S. 200 would grossly interfere with the efficient conduct of the business and operations of every department.
- Each department in its own way has already been taking specific steps to represent the consumer. Your Administration is doing more than is generally realized.
- 3. While all felt they are conscientiously representing consumers, they also conceded they could do more to make their consumer work more effective and visible. Many made practical suggestions, e.g., dissatisfied consumers could find redress in the small claims courts in operation in many States.
- 4. Regulatory reform is badly needed.

CONGRESSIONAL SITUATION:

Many Members of the Congress believe there is great popular appeal in the "consumer protection" issue.

The Senate Government Operations Committee plans formally to report out S. 200 with a 12-1 vote shortly after Congress reconvenes.

The House passed a consumer protection bill last year, and apparently will do so again this year.

Yet a recent poll (Tab B) conducted by Opinion Research Corporation and sponsored by the U.S. Chamber of Commerce, indicates that 75 percent of a sample of 2,000 American consumers would rather make existing agencies more effective than create a new Agency for Consumer Advocacy.

OPTIONS:

In view of your opposition to establishing an Agency for Consumer Advocacy and taking into account your Cabinet's suggestions for alternative actions, we believe these to be the practical options:

1. Executive Action:

- a. By Executive order, expand Mrs. Virginia Knauer's Office of Consumer Affairs and authorize her to formally comment in all rule-making proceedings affecting consumer interests. Also, direct her to participate in agency adjudicatory proceedings when authorized by law.
 - Pro: Would permit the Office of Consumer Affairs to more effectively carry out its duties, would assure greater Executive control than with a CPA and could command support as an alternative to CPA.
 - Con: Would go against the spirit of your ban on new spending programs. Also, this very well might not stop CPA legislation and we could end up with both this office and a CPA.

AGREE

DISAGREE

(Baroody, Knauer)

(Lazarus, Marsh, Seidman, Lynn, Cannon)

- b. By Executive order, establish in each executive department a consumer representative.
 - Pro: Could provide visible proof of the President's consumer commitment. Could be a strong Administration alternative to a CPA.
 - Con: Could require sizable increased spending. Could have the effect of relieving agency operational units of considering the public interest. Consumer leaders could see this as an insufficient alternative to CPA.

AGREE

DISAGREE

(Baroody; Knauer: should be Office of Consumer Representation) (Lazarus, Marsh, Seidman, Lynn, Cannon)

- c. Ask each department and agency head to meet with Mrs. Knauer to discuss how to develop best an adequate internal structure to provide consideration of consumer views. A lack of such mechanisms appears to be the greatest single weakness in most departments. Where a sufficient structure is already in place, the department or agency head should discuss with Mrs. Knauer how to make it function more effectively.
 - Pro: Could be an effective means of increasing consumer representation in each department. Would allow flexibility in each agency's consumer structure and show that consumer concerns can be handled by existing departments.
 - Con: Could be ineffective means of insuring consumer representation. Probably would not placate consumer leaders.

AGREE

DISAGREE

(Lynn, Knauer, Baroody, Seidman, Lazarus, Marsh, Cannon) d. Discuss consumer policies at the next Cabinet meeting. Remind each Cabinet member of the problems they found with S. 200. Point out that to stop that legislation each has a responsibility to speak out against a CPA and to put their own houses in order by improving and publicizing their consumer representation efforts.

AGREE

DISAGREE

(Lynn, Knauer, Baroody, Lazarus, Seidman, Marsh, Cannon)

e. Tell the Cabinet you are determined to prove that consumer representation can be adequately handled by their existing departments. Therefore, you expect them all to do a better job in this area than they now are.

AGREE

DISAGREE

(Lynn, Lazarus, Seidman, Marsh, Baroody, Knauer, Cannon)

f. Swear in new members of the National Consumer Advisory Council at the White House. This would provide an opportunity to highlight further your consumer policies and to discuss your concerns directly with these national consumer leaders.

AGREE

DISAGREE

(Lynn, Knauer, Baroody, Lazarus, Seidman, Cannon)

2. Regulatory Reform Action:

a. Meet with members of the independent regulatory agencies to seek their suggestions and to discuss with them ways to make immediate improvements in the regulatory process.

AGREE

DISAGREE

(Lynn, Knauer, Baroody, Marsh, Lazarus, Seidman, Cannon) b. Send a special message to the Congress on regulatory reform. Reiterate your support for a Regulatory Review Commission, review your pending reform proposals for financial institutions and fair trade laws and submit new reform initiatives.

AGREE

DISAGREE

(Seidman, Marsh, Lynn, Cannon) (Lazarus) (Baroody and Knauer if called Government Reform Message)

3. Other Actions:

- a. Communicate your position on a Consumer Protection Agency by letters to the Chairmen and ranking minority members of the House and Senate Government Operations Committees. A draft letter is at Tab C.
 - Pro: Would not only make clear your position on S. 200 but would also publicize your consumer initiatives at the same time.
 - Con: Could be a red flag to Congress and preclude any possibility of compromise.

AGREE

DISAGREE

(Lynn, Baroody, Friedersdorf, (Knauer) Marsh, Seidman, Lazarus, Cannon)

b. Plan to discuss your consumer policies in a speech before a major forum.

AGREE

DISAGREE .

(Lynn, Lazarus, Seidman, Marsh, Baroody, Knauer, Cannon)

WASHINGTON

April 14, 1975

MEMORANDUM FOR

THE CABINET

SUBJECT: CABINET MEETING WEDNESDAY, APRIL 16, 1975 2:00 P.M., THE CABINET ROOM

The President has approved the following agenda for the Cabinet meeting scheduled for Wednesday, April 16th at 2:00 p.m.

5 minutes	The President	Introduction
30 minutes	Secretary Kissinger	Foreign Policy Review
10 minutes	Secretary Schlesinger	Cambodian EvacuationSouth Vietnam Military Situation
20 minutes	Mr. Cannon et al	Discussion of Consumer Affairs Issue
10 minutes	Mr. Greenspan	Economic Review
10 minutes	Mr. Lynn	Expenditure Restraint
10 minutes	Secretary Dunlop	Communications with the Press

JAMES E. CONNOR SECRETARY TO THE CABINET

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WASHINGTON

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MEMORANDUM FOR

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10 minutes	Mr. Lynn	Expenditure Restraint
10 minutes	Secretary Dunlop	Communications with the Press
		pull

JAMES E. CONNOR SECRETARY TO THE CABINET

WASHINGTON

April 15, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

FROM:

SUBJECT:



Your memorandum to the President of April 8 on the above subject has been reviewed and the following decisions were made:

1. Executive Action:

a. By Executive order, expand Mrs. Virginia Knauer's Office of Consumer Affairs and authorize her to formally comment in all rule-making proceedings affecting consumer interests. Disagree.

b. By Executive order, establish in each executive department a consumer representative. Disagree.

c. Ask each department and agency head to meet with Mrs. Knauer to discuss how to develop best an adequate internal structure to provide consideration of consumer views. Agree.

d. Discuss consumer policies at the next Cabinet meeting. Agree.

e. Tell the Cabinet you are determined to prove that consumer representation can be adequately handled by their existing departments. Agree.

f. Swear in new members of the National Consumer Advisory Council at the White House. Agree.

2. Regulatory Reform Action:

a. Meet with members of the independent regulatory agencies to seek their suggestions and to discuss with them ways to make immediate improvements in the regulatory process. Agree.

b. Send a special message to the Congress on regulatory reform. Disagree.

3. Other Actions:

a. Communicate your position on a Consumer Protection Agency by letters to the Chairmen and ranking minority members of the House and Senate Government Operations Committees. Agree.

b. Plan to discuss your consumer policies in a speech before a major forum. No decision was indicated and a question mark was noted in the left margin next to this option.

Please follow-up with the appropriate action.

Thank you.

cc: Don Rumsfeld Bill Baroody Jim Lynn Bill Seidman Jack Marsh Ken Lazarus

-2-

WASHINGTON

April 15, 1975

CABINET MEETING Wednesday, April 16, 1975 2:30 P.M. (95 minutes) The Cabinet Room

James E Connor From:

I. BACKGROUND, PARTICIPANTS & PRESS PLAN

- 1. <u>Background:</u> You last met with the Cabinet on March 26th when the agenda covered a briefing by Secretary Kissinger on his Middle East trip, a discussion of the use of inflation impact statements, a presentation by Jim Cannon on the consumers issue, and remarks by Jack Marsh on Congressional budget committee iestimony procedures.
- 2. Participants: Attached at Tab A
- 3. <u>Press Plan:</u> Meeting to be Announced: Press Photo at Beginning of meeting; David Kennerly Photo.

II. TALKING POINTS

- 1. Our agenda is very heavy this afternoon, and I'd like to get started right away.
- 2. I've asked Henry Kissinger to review broadly the international situation and to give the Cabinet a view of the thinking that went into my speech of last Thursday night. Henry,...
- 3. The military situation in Southeast Asia has been changing rapidly. I'd like Jim Schlesinger to brief you on the Cambodian evacuation and events in South Vietnam. Jim,...

4. Before I ask Jim Cannon to speak about our consumer policies, let me make it clear that the consumer issue is a key priority of this Administration. And it should be a priority for all of you, too. You'll be the ones in Government that will be affected most if a consumer agency is established. You'll be the ones that will have to live with it.

I realize Government is not doing all it can to adequately consider consumer views. But I totally disagree with the idea that the way to improve that representation is to create an independent agency accountable to no one and authorized to intervene in nearly every Government activity.

Instead, I'm determined to prove that these concerns can be adequately handled by our existing agencies. Therefore, I expect each of you to do a better job in assuring consumer representation than you are now.

I want each Cabinet officer to meet with Mrs. Knauer and to discuss with her additional efforts you could take to improve consumer representation in your departments.

Jim Cannon, why don't you say more about this....

Given the problems with S. 200 that you all have identified, I expect each of you to be pointing out your difficulties with an Agency for Consumer Advocacy to the people you talk to on the Hill. The bill is scheduled to come to the floor by the end of the month. Unless we can do a better job of explaining its problems, it could pass easily.

At the same time, I'm depending on each of you to prove that my policies can work. We must all work together to demonstrate that the best route to improved consumer representation is reform of both the executive departments and the independent agencies.

5. At the last Cabinet meeting we did not have time to review the economic situation. I have asked Alan Greenspan to do that for us today. Alan,...

6. When I signed the tax bill I spoke strongly about the issue of expenditure restraint. I have asked Jim Lynn to outline what the expenditure picture looks like now in terms of Congressional actions. Jim,...

- 3 -

When I drew that line showing an expenditure limit of \$60 billion I meant it. In thinking about proposals and programs I want each of you to be certain that we have got ourselves to live within the expenditure limits I have proposed.

7. When I met with John Dunlop last Friday, I was interested to learn that he had developed what I think is a novel way of dealing with the tough problems of communicating with the press. John, would you explain to the Cabinet the kind of technique you have developed....

Of course, I don't expect John's technique to be useable by all or even most of you. What I think is important, and what I want to stress is that there are ways of improving our relations with the press, and I hope each of you will spend some time thinking about the problem of developing effective techniques and communicating your views and the Administration's views to the public.

Attendees for Cabinet Meeting Wednesday, April 16, 1975 2:30 p.m. The Cabinet Room

THE PRESIDENT

CABINET

The Secretary of State, Henry A. Kissinger The Secretary of Defense, James Schlesinger The Attorney General, Edward H. Levi The Secretary of The Interior, Rogers C. B. Morton The Secretary of Agriculture, Earl T. Butz The Secretary of Labor, John T. Dunlop The Secretary of Health, Education and Welfare, Caspar W. Weinberger The Secretary of Housing and Urban Development, Carla A. Hills The Secretary of Transportation, William T. Coleman The Under Secretary of the Treasury, Stephen S. Gardner (for Secretary Simon who is abroad until the end of the month) The Counsellor to the President, Robert Hartmann The Counsellor to the President, John O. Marsh The Counsel to the President, Philip Buchen The Assistant to the President, Donald Rumsfeld The Ambassador to the United Nations. John Scali The Special Representative for Trade Negotiations, Ambassador Frederick Dent The Director of the Office of Management and Budget, James Lynn

WHITE HOUSE/EXECUTIVE OFFICE

Mr. William Baroody Mr. James Cannon Mr. Richard Cheney Dr. James Connor Mr. Max Friedersdorf Mr. Alan Greenspan Mrs. Virginia Knauer Mr. Ron Nessen Gen. Brent Scowcroft Mr. William Seidman

AGENCIES:

Mr. Russell Train, Administrator, EPA Mr. Frank Zarb, Administrator, FEA

OTHER:

Mary Louise Smith, Chairman, Republican National Committee

REGRETS:

The Vice President will be unable to attend since he will not have returned from Taiwan.

Note: There will be no representative from Commerce since the Secretaryship is vacant and the Under Secretary, Mr. Tabor, is attending a meeting abroad.

4/16/75

Mr. President after your last Cabinet Meeting, the Domestic Council staff received from each Cabinet member an analysis by his department of the consumer protection situation.

In summary, the Cabinet replied:

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- (a) An Agency for Consumer Advocacy created by S. 200 would grossly interfere with the efficient conduct of the business and operations of the departments.
- (b) Each department in its own way has already been taking specific steps to represent the consumer. Your Administration is doing more than is generally realized.
- (c) While all felt they are conscientiously representing consumers, they also conceded they could do more to make their consumer work more effective and visible. Many made practical suggestions, e.g., dissatisfied consumers could find redress in the small claims courts in operation in many States.
- (d) Regulatory reform is badly needed.

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AGRICULTURE

& decisions Commodity Credit Poultry Credit Pest Control COMMERCE Patent Office Research by the National Bureau of Standards Anti-Trust JUSTICE Labor Standards LABOR Equal Pay TREASURY IRS & Customs TRANSPORTATION Automobile Safety Administrative burden hurt the consumer HUD Prevent HUD from getting confidential financial information from industry HEW Could possibly Affect every major departmental action EPA INTERIOR

700 regulatory actions, proceedings



Mr. President, S. 200 would --

- Provide sweeping authority for a new force to intervene or participate in the business of government and
- Could hurt the consumer through delays and additional costs of government and costs to business which would also be subject to this bill.

Yet it looks as though --

- It will pass in the Senate and
- A similar bill could pass in the House

We are working with Max Friedersdorf's staff to --

Develop a strategy, first in the Senate, to focus attention on the inherent dangers in this bill and

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BRIEF COMMENTS FOR CABINET MEETING

Mr. President, the protection of the consumer is an unassailable objective.

But in the name of protecting the consumer Congress is moving toward the creation of a new federal agency that would have unprecedented power to intervene in the operations of the Federal Government and in the operations of private business.

The Consumer Bill that is most advanced at this point is S.200. This bill, sponsored by Senator Ribicoff and 38 other Senators, would create a new agency to be called the Agency for Consumer Advocacy.

At the start it would have 600 new Federal employees and a Budget of \$60 million for the first three years.

The status of this bill is that it was supported 12 to 1 in the Senate Government Operations Committee. The best estimates are that when it comes to the Floor it will have 20 to 30 votes against it.

Four consumer bills have been introduced in the House but the House Government Operations Committee has not yet begun to consider a Consumer Protection Bill. However, the House did pass a Consumer Protection bill last year and our best judgment is that the House will pass some kind of a strong Consumer Protection Bill at this session.

2

As to the Senate Bill S.200 -

To its supporters, the Agency for Consumer Advocacy would be the consumer's lawyer. And many consumer groups feel such an advocacy is particularly important before the regulatory agencies which - in the view of consumers - regulate on behalf of industry and not for the consumer.

The opponents of S.200 feel that this bill would give an appointed official unprecedented power to coerce other agencies of the Government and to intervene in private business.

This agency would be headed by an Administrator appointed by the President, but once confirmed by the Senate he could be removed from office only for inefficiency, neglect of duty, or malfeasance.

So he would be a power unto himself, answerable to no one.

He would have independence on his budget, for he would submit his appropriation request simultaneously to Congress and to the President.

The Head of the Agency would have the authority to choose which consumer or group of consumers he might want to represent against other consumers who might hold opposing views.

The administrator could publicize an anonymous consumer complaint against any producer or company.

This agency would have full legal power to intervene in every domestic department, agency and program of the United States Government.

Because of its unique powers, the Agency for Consumer Advocacy could result in dual prosecution. Private businessmen might have to defend themselves simultaneously against prosecutors representing the regulatory agencies and the prosecutors representing the Agency for Consumer Advocacy.

The Agency for Consumer Advocacy could require a company to provide information which might be used later against the company.

3

In sum, Mr. President, there are two major dangers in this bill.

> The Agency for Consumer Advocacy would intrude into the orderly operation of the federal government/s, departments and agencies.

4

2. This Advocacy Agency would intrude in a major way in the operation of private business firms. It is the kind of legislation that suggests that the federal government is trying to put business out of business.

[4/16/75]

AGRICULTURE

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--In Agriculture, the agency for Consumer Advocacy could have an impact on over 700 departmental regulatory action proceedings and decisions - such as

- 1. Commodity credit decisions
- 2. Forrest services timber sales
- 3. Poultry inspection
- 4. Pest control programs
- 5. Plant control programs

COMMERCE

--Such an advocate could effect - Patent Office proceedings

- 1. Tariff decisions that effect trade
- 2. Research by the National Bureau of Standards

EPA

--For EPA the advocate could have an impact on virtually every EPA activity. Russell Train advises us it would be difficult to find any EPA action which would not be subject to such an advocate. HEW

--For HEW the advocate would be taking part in every health related decision and perhaps every other major action the Department takes.

HUD

--For HUD there is a concern the advocate could be involved and form informal constituent industry groups and in effect perhaps prevent HUD from having the financial and other information from industry which they need to conduct the Department's business.

INTERIOR

--There is concern that the advocate would be a powerful special interest that could intervene in departmental activities.

JUSTICE

--The Consumer Advocate could participate in decisions by the anti-trust division on whether or not to bring anti-trust action.

LABOR

--The advocate would be a new Party enforcement activity for labor standards. Equal pay and other enforcement decisions.

2

TRANSPORTATION

--Secretary Coleman points out that the advocate could have a serious effect on automobile safety and could impose an administrative burden that might actually harm the consumer.

TREASURY

--The advocate could impose a tremendous burden such as intervening in IRS and Customs' decisions.