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WITHDRAWAL SHEET

Ronald Reagan Library

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*Box 2
QA 9107*

Date 7/15/99

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Frank Hodson to Jim Baker re: Executive Office of the President, 2p.	2/16/81	P5
2. memo	Ed Harper to Ed Meese and Jim Baker re: Executive Office of the President, 2p.	2/10/81	P5
3. memo	Edwin Harper to Senior Policy Group re: Council on Environmental Quality, 3p.	n.d.	P5
4. memo	Don Moran to Jim Miller re: Consumer Affairs, 1p.	2/2/81	P5
5. memo	Don Derma to Don Moran re: Rescinding Executive Order on Consumer Affairs Programs, 3p.	1/29/81	P5
6. memo	Frank Hodson to Jim Baker re: Executive Office of the President, 2p.	2/16/81	P5
7. memo	Same Text as Item #2, 2p.	2/10/81	P5
8. memo	Same as Item #3, 3p.	n.d.	P5
9. memo	Same as Item #4, 1p.	2/2/81	P5
10. memo	Same as Item #5, 3p.	1/29/81	P5

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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THE WHITE HOUSE OFFICE
STAFF CEILINGS

*File
WH 019*

1. WHITE HOUSE POLICY AND POLITICAL OFFICES

<u>Office</u>	<u>Authorized Ceiling</u>
<u>Immediate Office of the President</u> (Appointments/Personal Secretary)	3
<u>Office of the Counsellor to the President</u>	
-- Immediate Office	7
-- Deputy Counsellor	2
-- Cabinet Administration	2
-- Planning and Evaluation	1
<u>Office of the Chief of Staff/Assistant</u> <u>to the President</u>	
-- Immediate Office	8
<u>Office of Staff Director</u>	3
<u>Office of Staff Secretariat and Directorate</u> <u>of Management Support</u>	5
<u>Office of the Deputy Chief of Staff</u>	
-- Immediate Office	6
-- Scheduling (8) and Advance (12)	20
-- Directorate of Special Support	2
-- First Lady's Office	17
<u>Office of Communications</u>	12
<u>Office of Intergovernmental Affairs</u>	13
<u>Office of Legal Counsel</u>	9
<u>Office of Legislative Affairs</u>	27
<u>Office of National Policy Development</u>	5
<u>Office of National Security Affairs</u>	2
<u>Office of Political Affairs</u>	8
<u>Office of Presidential Personnel</u>	10
<u>Office of Public Liaison</u>	16
<u>Press Office</u>	22
<u>Presidential Writing (7) and Research (3)</u>	<u>10</u>
TOTAL POLICY AND POLITICAL OFFICES	210

WHITE HOUSE OPERATIONAL SUPPORT OFFICES

<u>Office</u>	<u>Authorized Ceiling</u>
<u>Personal Photographer to the President</u>	1
<u>Executive Clerk</u>	5
<u>Administrative Law Officer</u>	2
<u>Directorate of Management Support</u>	5
-- Personnel, Facilities, Finance	9
-- Telephone Service	10
-- Travel and Telegraph	8
-- Records Management	33
<u>Reception</u>	
-- West Wing	4
-- Visitors Office	1
<u>Correspondence</u>	60
<u>Special Presidential Messages</u>	4
TOTAL OPERATIONAL SUPPORT	142
	210
	<u>352</u>

THE WHITE HOUSE

WASHINGTON

February 16, 1981

MEMORANDUM FOR JIM BAKER

FROM: FRANK HODSOLL *Frank*

SUBJECT: EXECUTIVE OFFICE OF THE PRESIDENT

Attached is a memorandum dated February 10 from Ed Harper to you and Ed Meese on EOP. It proposes:

1. Completion of the COWPS termination.
2. Abolition of CEQ (I have inserted a new improved memo under Tab B).
3. Abolition of the Office of Consumer Affairs (included in HHS personnel count, but with headquarters in the WH).
4. Making CEA (like OSTP) a single headed agency instead of a Council.

In addition, Ed Harper notes that we should review the Office of Administration to see whether this is organized in the best possible fashion. Dick Darman already has this under review. Finally, we have talked at various times about reducing the size of the NSC and Domestic Policy staffs, although this is clearly a question for Ed Meese.

I have discussed the above at some length with Ed Harper and Dick Darman, and recommend the following:

1. We agree privately among ourselves that CEQ should be abolished, but not proceed with this until after we have new reorganization authority. Carter's attempt in 1977 to abolish CEQ raised considerable Congressional opposition. We would not want to jeopardize our obtaining new reorganizational authority by moving with CEQ

now. There are other less controversial candidates for reorganization under the existing authority (International Development Cooperation Agency, ACTION); we can probably only get two reorganizations through between now and April. We can, however, reduce the size of the CEQ staff from 54 to 16 and its budget from \$3.4 million to \$1.0 million in FY 82. (OMB will propose this.)

NOTE: After obtaining new reorganization authority, we should sound out the relevant Congressional leaders on CEQ; if the opposition appears manageable, we should move forward with abolition. We should, however, avoid spending too many chips on this issue.

2. We should also abolish the Office of Consumer Affairs (budget and slots in HHS). This can be done by Executive Order (rather than by using reorganization authority). We may wish, however, to postpone this action until after the initial wave of cuts. We should also consult with Elizabeth Dole, who is on record that OCA should be "as strong as ever".
3. OSTP should be retained, although its slots and budget could possibly be reduced. It is important to have first-class scientific and technological capability at EOP level--both for domestic and international policy advice. Ed Harper and Dick Darman agree. If you and Ed agree, we need to proceed quickly with appointment of a first-class Science Advisor.

Finally, you should be aware that Dick Darman's people are working with OMB on developing a budget submission for the EOP which will result in an overall 10% reduction in slots and budget. The elimination of COWPS' slot ceiling of 202 will cause a reduction in excess of 10% in slots. With various minor reductions here and there, we can achieve the EOP 10% cut on budget, even without eliminating CEQ at this time.

ATTACHMENT

cc: Ed Harper
Dick Darman



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

FT -
JAB has
NOT SEEN
2/11/81
MOT
11:45 AM
Mulvey

February 10, 1981

MEMORANDUM FOR: ED MEESE
JIM BAKER ✓
FROM: ED HARPER ✓
SUBJECT: Executive Office of the President

The Executive Office of the President should be the locus of balanced advice and political and professional staff assistance. From time-to-time, issues of contemporary interest dictate the desirability of creating a special unit in the EOP to follow-up on an initiative of special Presidential interest -- e.g., The Special Action Office for Drug Abuse Prevention.

Likewise, from time-to-time, it is necessary to tidy up the EOP and bring it in line with the incumbent President's priorities. A review of the Summary of the EOP suggests that it is time to tidy up the EOP. (See Tab A).

Specific proposals for change might be as follows:

1. COWPS termination should be completed.
2. CEQ seems an unnecessary anachronism although it might be politically troublesome to take it out of the EOP. (See Tab B)
3. Office of Consumer Affairs also seems out of place in the EOP. (See Tab C).
4. USTR has been targetted as a component of Sen. Roth's proposed Department of International Trade.

Three units probably deserve a place in the EOP -- OMB, NSC and the Domestic Policy Staff. The Office of Administration is an effort to realize some economies of scale from within the administration of the various EOP units.

The CEA and OSTP are both designed to provide professional advice to the President. The logic of the CEA being a Council and the OSTP's having a single head is vague. If there were to be a change in this area, I'd suggest that both have a single head.

Recommendations:

1. That the CEQ be abolished and that a single environmental advisor be made a part of the domestic policy staff.

Agree _____ Disagree _____ See Me _____

2. That the EOB Office of Consumer Affairs be eliminated as suggested in the memo at Tab C.

Agree _____ Disagree _____ See Me _____

Are there any other actions or issues you would like analyzed with respect to the EOP?

cc: Dave Stockman
Glen Schleede

SUMMARYEXECUTIVE OFFICE OF THE PRESIDENT

	<u>Outlays</u> <u>FY 81 Est.</u>	<u>FTE</u> <u>FY 81</u>	<u>Comment</u>
President's Compensation	300	1	
WH Office	21,036	390	
WH Residence	3,705	86	
VP's Residence	266	?	
Spec. Asst. for President	1,543	25	
CEA	2,296	36	
CEQ	4,733	54	
CWPs	9,447	202	1/29/81-135 terminated CWPs to die June, 81
Domestic Policy	2,907	50	
NSC	3,839	68	
Office of Action <i>Administration</i>	11,834	164	
OMB	37,514	562	
OSTP	2,700	24	
USTR	9,173	142	Large growth last 2yrs
SAODAP*	<u>277</u>	<u>0</u>	Terminated July, 1975
Total	108,275	1,804	
Office of Consumer Affairs		54	Included in HHS personnel count, but headquarters in the WH

* SAODAP - Special Action Office for Drug Abuse Prevention



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MEMORANDUM FOR THE SENIOR POLICY GROUP

FROM: Edwin L. Harper
Deputy Director

SUBJECT: Council on Environmental Quality (CEQ)

Establishment of the Council on Environmental Quality in 1970 was the first step in the Government's response to the growing environmental movement. Thus, CEQ predates the Environmental Protection Agency and the environmental offices of the other major federal departments, such as the Office of the Assistant Secretary for the Environment at the Department of Energy. Even CEQ acknowledges that it has outlived its original purposes. The preface to its 1979 annual report noted that "unlike a decade ago, we now have strong institutions like the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to carry out environmental protection activities and to develop and implement sound policies."

The purpose of this memorandum is to propose that the Administration initiate consultations with relevant congressional leaders to determine the acceptability of a President's reorganization plan that would abolish CEQ and transfer its functions.

Proposal -- CEQ performs four major functions under existing law:

- o It issues regulations governing the preparation of environmental impact statements.
- o It prepares an annual report on environmental quality.
- o It conducts investigations and studies of environmental questions.
- o It advises the President on policies and programs of the Federal Government affecting environmental quality.

The proposed reorganization would transfer the first three of these functions to the Environmental Protection Agency, while the fourth function would be transferred to a single, senior Executive Office of the President official designated for the purpose.

Rationale -- Such an action would have to be presented with a credible rationale in view of potentially spirited opposition (discussed below). The case can be made by developing such points as:

- o The Executive Office is a place for balanced advice; not special pleading.
- o Continuation of a single official to be an Executive Office environmental advisor will help assure sensitivity and legitimate access.
- o EPA can do the remaining functions as well or better than CEQ; it, in fact, performs now most of the analytical work for the report. (CEQ's oversight of the environmental impact statement process has become largely superficial.)
- o Presumption that a President should have substantial freedom as to the composition and make-up of his Executive Office.
- o A modest savings will occur, largely by eliminating the three-member Council and its immediate staff.

Opposition -- The case, which can be credibly made to objective audiences, will not be convincing to dedicated environmentalists, including some in Congress. Counter arguments will be forcefully pushed by interest groups. Important Chairmen, such as Senator Stafford and Congressmen Dingell and Udall, resisted CEQ abolition in the past. The thrust of opposing arguments will center on the idea that environmental concerns need an advocate in the highest places, and that the NEPA coordinator needs stature among the agencies. It is likely that the environmental community will allocate significant time and money to the cause of "saving" CEQ, and will attempt to arouse popular and congressional support.

Other Approaches Considered

- o Use appointive power to continue CEQ under a Chairman and members who are willing to work within the framework of the President's policies, and discontinue in-house advocate role.
- o Cut back CEQ staff and consultant budgets by 50 percent or more. (This can also be done to transferred functions as a separate action.)

Congressional Consultation -- Carefully planned and timed consultation of two kinds needed:

- o Substantive Committees -- First to line up support; then to mitigate opposition.
- o Governmental Affairs (Roth)/Government Operations (Brooks and Horton) -- Because they would have jurisdiction for the plan. Special need for advance consultation because of forced calendar on plans. Care needed here because of forthcoming bill to extend reorganization authority.

This consultation should be in advance of submitting a reorganization plan and in the framework of consolidating analytical and environmental impact statement functions in EPA while providing high level oversight in the EOP (more effective than CEQ). If congressional soundings result in major opposition, we would reconsider this proposal.

Priority Use of Plan Authority -- Only one plan can be submitted per month (effectively). If Congress does not extend the reorganization plan authority beyond its current April 6 expiration date, we may wish to use the two or three "slots" available for other changes, such as restructuring the Departments of Energy or Education. The advantage of using one of the early slots for CEQ dissolution is that the affected appointees are not yet in place.

Tab C



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

FEB 2 1981

Re: Consumer Affairs

MEMORANDUM FOR: Jim Miller

FROM: Don Moran 

On the theory that deregulation begins at home, I am transmitting for your perusal a staff proposal that the White House Office of Consumer Affairs be abolished.

Given Libby Dole's remarks in the Post this morning that the OCA would be "as strong as ever" under her ministrations, it may not be feasible to get rid of the thing without making Mrs. Dole look bad, and sparking off another low-substance, high-volume controversy on page A-2. It might be possible to pull its teeth, however. As the attached memorandum indicates, anything we can do is probably worthwhile.

Enclosure



Memorandum

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

TO: Don Moran

DATE: January 29, 1981

FROM: Don DeLima

SUBJECT: Rescinding Executive Order on consumer affairs programs

Following defeat by Congress in 1978 of the proposed Consumer Protection Agency, the Carter Administration expanded the role of the U.S. Office of Consumer Affairs (OCA) by executive order, including establishment of an interagency "Consumer Affairs Council" with the OCA Director designated by the President as chairperson. This has permitted OCA to have direct operational involvement in individual agency consumer programs. On January 15, 1981, an Executive Order was signed to increase membership of this Council to 24 agency heads (Attachment A). We believe rescission of this last minute directive, and a significant reduction in OCA's activities should be considered in the current budget and regulatory review.

BACKGROUND

Before 1978, OCA's role was primarily to advise the President. Agencies were responsible for developing, evaluating, and conducting their own consumer programs. Executive Order 12160 (Attachment B) expanded OCA's role by giving the Council review and approval authority for consumer affairs plans and resource levels in all executive departments. The plans were to provide for: (1) incorporating consumer perspectives and participation in early stages of decisionmaking, (2) informing and educating consumers, and (3) handling consumer complaints. Most of these plans have been approved and put in place.

OCA has a unique administrative arrangement. Its 54-member staff is included in HHS personnel totals, but OCA leadership has been housed in the Old Executive Office Building and had direct access to the President during the last Administration. This arrangement was devised to limit the size of the Executive Office of the President.

OCA has been one of a growing number of White House offices which have fragmented the OMB budget review process because of their narrow special interest perspectives. OCA's desire to become involved in operations of individual agency consumer programs has proved awkward and has diluted OCA's focus as a staff advisory group. For example, OCA has pushed for

approval of a legislative package authorizing new consumer grants to be administered by OCA. OMB has rejected the proposal because it would be infeasible and inappropriate for OCA to run a grant program from the White House.

We believe most OCA and Council functions can be handled effectively by individual agencies:

- Consumer Participation. This is a controversial component of consumer programs, with federal financing for "self-appointed" consumer representatives, travel and consultant costs viewed by some congressmen and business groups as inappropriate. Agencies can improve participation without OCA or White House involvement by soliciting comments from individuals and consumer advocacy organizations through their General Counsel offices, conducting consumer polls, and using small advisory groups.
- Information and Education. Individual agencies can perform these functions through publications and other mechanisms under the direction of large existing public affairs staffs.
- Complaints Handling. While OCA may have a limited oversight role, individual agencies must be responsible for handling specific complaints.

We believe a 24 member Consumer Affairs Council is unwieldy and unnecessary. As indicated above, most functions can be performed by individual agencies. Since most agency programs are already in place, little central leadership and coordination should be necessary. Since agencies such as the Department of Defense and the Small Business Administration have unique programs and problems, including them on the same Council would probably have little benefit. It is also unlikely that any committee with 24 members would be workable.

RECOMMENDATIONS:

1. Rescind January 15 Executive Order expanding membership on the Consumer Affairs Council, as an undesirable last minute Carter Administration action which would merely increase the federal bureaucracy.
2. Consider rescinding Executive Order 12160 (including the original Council) and significantly reducing the

scope of OCA activities. This recommendation is included in "D" list budget items which you will receive next week. A fallback approach would be to leave the original Executive Order intact but not to appoint a Council chairperson, to direct agencies not to appoint Council representatives, and to eliminate funds related to Council activities from OCA's 1982 budget.

Attachments

Executive Order 12265 of January 15, 1981

Providing for Enhancement and Coordination of Federal Consumer Programs

By the authority vested in me as President by the Constitution of the United States of America, and in order to enlarge the membership of the Consumer Affairs Council from twelve to twenty-four, Section 1-102 of Executive Order No. 12160 of September 26, 1979, is hereby amended to read as follows:

"1-102. The Council shall consist of representatives of the following agencies and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health and Human Services.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.
- (m) ACTION Agency.
- (n) Administrative Conference of the United States.
- (o) Community Services Administration.
- (p) Department of Education.
- (q) Environmental Protection Agency.
- (r) Equal Employment Opportunity Commission.
- (s) Federal Emergency Management Agency.
- (t) General Services Administration.
- (u) Small Business Administration.

EXECUTIVE ORDERS

No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

1-102. Report. The board shall report its finding to the President with respect to these disputes within 30 days from the date of this Order.

1-103. Maintaining Conditions. As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the Chicago, Rock Island, Pacific Railroad & Peoria Terminal Company, or by its employees, in the conditions out of which these disputes arose.

JIMMY CARTER

THE WHITE HOUSE,
September 20, 1979.

No. 12160

September 26, 1979, 44 F.R. 55787

**PROVIDING FOR ENHANCEMENT AND COORDINATION OF
FEDERAL CONSUMER PROGRAMS**

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1-1. Establishment of the Consumer Affairs Council.

1-101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1-102. The Council shall consist of representatives of the following agencies, and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health, Education, and Welfare.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

1-2. Functions of the Council.

1-201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1-3. Designation and Functions of the Chairperson.

1-301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

EXECUTIVE ORDERS

1-303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1-4. Consumer Program Reforms.

1-401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) **Consumer Affairs Perspective.** Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) **Consumer Participation.** Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) **Informational Materials.** Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the market-place for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

(d) **Education and Training.** Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) **Complaint Handling.** Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

1-402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1-5. Implementation of Consumer Program Reforms.

1-501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1-4 above. Each agency shall publish its draft consumer program in the Federal Register and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

EXECUTIVE ORDERS

1-502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the Federal Register. Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1-503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the Federal Register.

1-504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1-505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1-6. Budget Review.

1-601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1-7. Civil Service Initiatives.

1-701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

(c) the training and development of employees for the performance of such duties.

1-8. Administrative Provisions.

1-801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1-802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1-803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1-804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

EXECUTIVE ORDERS

1-9. Definitions.

1-901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1-902. "Agency" or "agencies" means any department or agency in the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1-804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044 ³⁶.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.

JIMMY CARTER

THE WHITE HOUSE,
September 26, 1979.

No. 12161

September 28, 1979, 44 F.R. 56663

SECOND YEAR OF ANTI-INFLATION PROGRAM

By the authority vested in me as President and as Commander in Chief of the Armed Forces by the Constitution and statutes of the United States of America, including the Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904 note), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to supplement the anti-inflation program established on November 3, 1978, Section 1-102 of Executive Order No. 12092 ³⁷ is hereby amended to read as follows:

"1-102. Anti-inflationary wage and price behavior shall be measured by the following standards:

(a) For prices, anti-inflationary price behavior of a company is a current rate of average price increase no greater than its historical rate of price increase during 1976-1977, except where the company experiences uncontrollable increases in the prices of the goods and services it buys, and subject to the provisions of paragraphs (c) and (d).

(b) For pay, anti-inflationary pay behavior is the holding of pay increases to not more than 7 percent annually above their recent historical levels, subject to the provisions of paragraphs (c) and (d).

(c) These standards, which shall be further defined or modified by the Chairman of the Council on Wage and Price Stability, shall be subject to limitations and exceptions as determined by the Chairman and shall be administered so as to take into account any inequities that may have been created by the standards during the past year.

(d) The Council is directed to reconstitute in accordance with the Federal Advisory Committee Act, as amended, a Pay Advisory Committee and a Price Advisory Committee in order to provide greater participation by the public in the anti-inflation program. The Pay Advisory Committee and the Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay and price behavior by private industry, employers, and labor, that

36. 1979 U.S. Code Cong. and Adm. News
Rd. Vol. p. 9680.

37. 1978 U.S. Code Cong. and Adm. News
Rd. Vol. p. 9768.

OFFICE OF PUBLIC LIAISON

PORTFOLIO MANAGEMENT RESPONSIBILITIES

*File
with
Organization*

COMMERCE

Deputy Director Portfolio

Agriculture
Ethnic Affairs
Catholic Affairs

Business, Trade & Finance Portfolio

Corporations
Small Business
Finance
Chambers of Commerce
Construction (Mgmt)
Energy (Mgmt)
Trade Associations
Professionals

Labor, Natural Resources & Public
Services Portfolio

Labor
Natural Resources
Public Services
Construction (Labor)
Energy (Labor)

Deputy Special Assistant Portfolio

Business Portfolio Deputy
Jewish Affairs

HUMAN SERVICES

Deputy Director Portfolio

Recreation
Entertainment

Humanities Portfolio

Arts
Education
Foundations
Foreign Affairs
Academics
Journalism

Membership Groups Portfolio

Fraternal Organizations
Veterans
National Security Orgs.
Limited Government Orgs.
Religious Organizations
Native American Affairs

Social Services Portfolio

Aging
Consumers
Disabled
Health Care

Deputy Special Assistant Portfolio

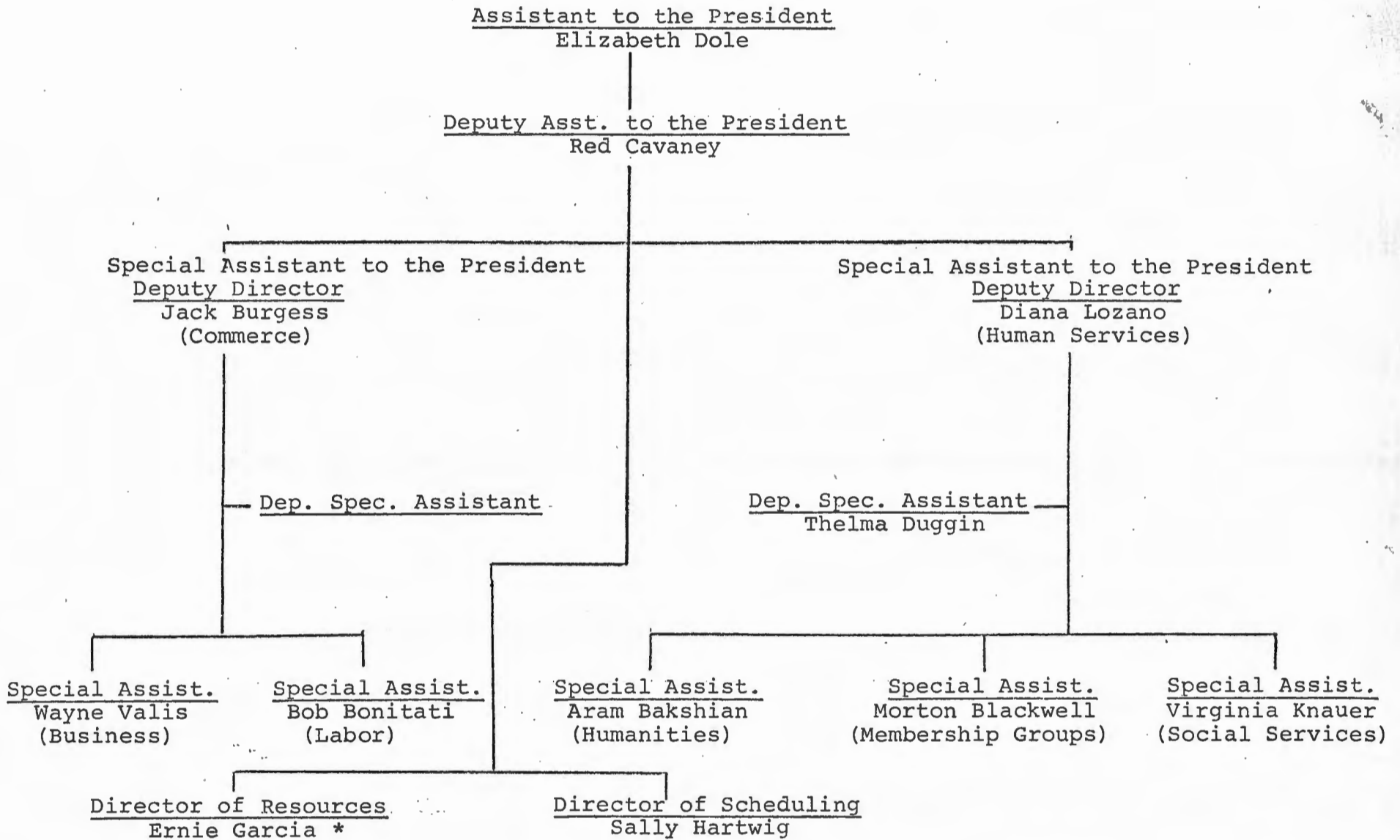
Volunteers
Youth
Black Affairs

Director of Resources Portfolio

Social Services Portfolio Deputy
Hispanic Affairs

OFFICE OF PUBLIC LIAISON

ORGANIZATIONAL CHART



* Also Deputy Director, Office of Consumer Affairs

THE WHITE HOUSE
WASHINGTON

File
EOP

February 16, 1981

MEMORANDUM FOR JIM BAKER

FROM: FRANK HODSOLL *Frank*

SUBJECT: EXECUTIVE OFFICE OF THE PRESIDENT

Attached is a memorandum dated February 10 from Ed Harper to you and Ed Meese on EOP. It proposes:

1. Completion of the COWPS termination.
2. Abolition of CEQ (I have inserted a new improved memo under Tab B).
3. Abolition of the Office of Consumer Affairs (included in HHS personnel count, but with headquarters in the WH).
4. Making CEA (like OSTP) a single headed agency instead of a Council.

In addition, Ed Harper notes that we should review the Office of Administration to see whether this is organized in the best possible fashion. Dick Darman already has this under review. Finally, we have talked at various times about reducing the size of the NSC and Domestic Policy staffs, although this is clearly a question for Ed Meese.

I have discussed the above at some length with Ed Harper and Dick Darman, and recommend the following:

1. We agree privately among ourselves that CEQ should be abolished, but not proceed with this until after we have new reorganization authority. Carter's attempt in 1977 to abolish CEQ raised considerable Congressional opposition. We would not want to jeopardize our obtaining new reorganizational authority by moving with CEQ

now. There are other less controversial candidates for reorganization under the existing authority (International Development Cooperation Agency, ACTION); we can probably only get two reorganizations through between now and April. We can, however, reduce the size of the CEQ staff from 54 to 16 and its budget from \$3.4 million to \$1.0 million in FY 82. (OMB will propose this.)

NOTE: After obtaining new reorganization authority, we should sound out the relevant Congressional leaders on CEQ; if the opposition appears manageable, we should move forward with abolition. We should, however, avoid spending too many chips on this issue.

2. We should also abolish the Office of Consumer Affairs (budget and slots in HHS). This can be done by Executive Order (rather than by using reorganization authority). We may wish, however, to postpone this action until after the initial wave of cuts. We should also consult with Elizabeth Dole, who is on record that OCA should be "as strong as ever".
3. OSTP should be retained, although its slots and budget could possibly be reduced. It is important to have first-class scientific and technological capability at EOP level--both for domestic and international policy advice. Ed Harper and Dick Darman agree. If you and Ed agree, we need to proceed quickly with appointment of a first-class Science Advisor.

Finally, you should be aware that Dick Darman's people are working with OMB on developing a budget submission for the EOP which will result in an overall 10% reduction in slots and budget. The elimination of COWPS' slot ceiling of 202 will cause a reduction in excess of 10% in slots. With various minor reductions here and there, we can achieve the EOP 10% cut on budget, even without eliminating CEQ at this time.

ATTACHMENT

cc: Ed Harper
Dick Darman



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

FT -
JAB has
NOT SEEN
2/11/81
NOT
11:45 AM
Mulvey

February 10, 1981

MEMORANDUM FOR: ED MEESE
 JIM BAKER ✓
 FROM: ED HARPER ✓
 SUBJECT: Executive Office of the President

The Executive Office of the President should be the locus of balanced advice and political and professional staff assistance. From time-to-time, issues of contemporary interest dictate the desirability of creating a special unit in the EOP to follow-up on an initiative of special Presidential interest -- e.g., The Special Action Office for Drug Abuse Prevention.

Likewise, from time-to-time, it is necessary to tidy up the EOP and bring it in line with the incumbent President's priorities. A review of the Summary of the EOP suggests that it is time to tidy up the EOP. (See Tab A).

Specific proposals for change might be as follows:

1. COWPS termination should be completed.
2. CEQ seems an unnecessary anachronism although it might be politically troublesome to take it out of the EOP. (See Tab B)
3. Office of Consumer Affairs also seems out of place in the EOP. (See Tab C).
4. USTR has been targetted as a component of Sen. Roth's proposed Department of International Trade.

Three units probably deserve a place in the EOP -- OMB, NSC and the Domestic Policy Staff. The Office of Administration is an effort to realize some economies of scale from within the administration of the various EOP units.

The CEA and OSTP are both designed to provide professional advice to the President. The logic of the CEA being a Council and the OSTP's having a single head is vague. If there were to be a change in this area, I'd suggest that both have a single head.

Recommendations:

1. That the CEQ be abolished and that a single environmental advisor be made a part of the domestic policy staff.

Agree _____ Disagree _____ See Me _____

2. That the EOB Office of Consumer Affairs be eliminated as suggested in the memo at Tab C.

Agree _____ Disagree _____ See Me _____

Are there any other actions or issues you would like analyzed with respect to the EOP?

cc: Dave Stockman
Glen Schleede

TAB A

SUMMARYEXECUTIVE OFFICE OF THE PRESIDENT

	<u>Outlays</u> <u>FY 81 Est.</u>	<u>FTE</u> <u>FY 81</u>	<u>Comment</u>
President's Compensation	300	1	
WH Office	21,036	390	
WH Residence	3,705	86	
VP's Residence	266	?	
Spec. Asst. for President	1,543	25	
CEA	2,296	36	
CEQ	4,733	54	
CWPs	9,447	202	1/29/81-135 terminated CWPs to die June, 81
Domestic Policy	2,907	50	
NSC	3,839	68	
Office of Action <i>Administration</i>	11,834	164	
OMB	37,514	562	
OSTP	2,700	24	
USTR	9,173	142	Large growth last 2yrs
SAODAP*	<u>277</u>	<u>0</u>	Terminated July, 1975
Total	108,275	1,804	
Office of Consumer Affairs		54	Included in HHS personnel count, but headquarters in the WH

* SAODAP - Special Action Office for Drug Abuse Prevention

TAB B



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

MEMORANDUM FOR THE SENIOR POLICY GROUP

FROM: Edwin L. Harper
Deputy Director

SUBJECT: Council on Environmental Quality (CEQ)

Establishment of the Council on Environmental Quality in 1970 was the first step in the Government's response to the growing environmental movement. Thus, CEQ predates the Environmental Protection Agency and the environmental offices of the other major federal departments, such as the Office of the Assistant Secretary for the Environment at the Department of Energy. Even CEQ acknowledges that it has outlived its original purposes. The preface to its 1979 annual report noted that "unlike a decade ago, we now have strong institutions like the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to carry out environmental protection activities and to develop and implement sound policies."

The purpose of this memorandum is to propose that the Administration initiate consultations with relevant congressional leaders to determine the acceptability of a President's reorganization plan that would abolish CEQ and transfer its functions.

Proposal -- CEQ performs four major functions under existing law:

- o It issues regulations governing the preparation of environmental impact statements.
- o It prepares an annual report on environmental quality.
- o It conducts investigations and studies of environmental questions.
- o It advises the President on policies and programs of the Federal Government affecting environmental quality.

The proposed reorganization would transfer the first three of these functions to the Environmental Protection Agency, while the fourth function would be transferred to a single, senior Executive Office of the President official designated for the purpose.

Rationale -- Such an action would have to be presented with a credible rationale in view of potentially spirited opposition (discussed below). The case can be made by developing such points as:

- o The Executive Office is a place for balanced advice; not special pleading.
- o Continuation of a single official to be an Executive Office environmental advisor will help assure sensitivity and legitimate access.
- o EPA can do the remaining functions as well or better than CEQ; it, in fact, performs now most of the analytical work for the report. (CEQ's oversight of the environmental impact statement process has become largely superficial.)
- o Presumption that a President should have substantial freedom as to the composition and make-up of his Executive Office.
- o A modest savings will occur, largely by eliminating the three-member Council and its immediate staff.

Opposition -- The case, which can be credibly made to objective audiences, will not be convincing to dedicated environmentalists, including some in Congress. Counter arguments will be forcefully pushed by interest groups. Important Chairmen, such as Senator Stafford and Congressmen Dingell and Udall, resisted CEQ abolition in the past. The thrust of opposing arguments will center on the idea that environmental concerns need an advocate in the highest places, and that the NEPA coordinator needs stature among the agencies. It is likely that the environmental community will allocate significant time and money to the cause of "saving" CEQ, and will attempt to arouse popular and congressional support.

Other Approaches Considered

- o Use appointive power to continue CEQ under a Chairman and members who are willing to work within the framework of the President's policies, and discontinue in-house advocate role.
- o Cut back CEQ staff and consultant budgets by 50 percent or more. (This can also be done to transferred functions as a separate action.)

Congressional Consultation -- Carefully planned and timed consultation of two kinds needed:

- o Substantive Committees -- First to line up support; then to mitigate opposition.
- o Governmental Affairs (Roth)/Government Operations (Brooks and Horton) -- Because they would have jurisdiction for the plan. Special need for advance consultation because of forced calendar on plans. Care needed here because of forthcoming bill to extend reorganization authority.

This consultation should be in advance of submitting a reorganization plan and in the framework of consolidating analytical and environmental impact statement functions in EPA while providing high level oversight in the EOP (more effective than CEQ). If congressional soundings result in major opposition, we would reconsider this proposal.

Priority Use of Plan Authority -- Only one plan can be submitted per month (effectively). If Congress does not extend the reorganization plan authority beyond its current April 6 expiration date, we may wish to use the two or three "slots" available for other changes, such as restructuring the Departments of Energy or Education. The advantage of using one of the early slots for CEQ dissolution is that the affected appointees are not yet in place.

TAB C

Tab C



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

FEB 2 1981

Re: Consumer Affairs

MEMORANDUM FOR: Jim Miller

FROM: Don Moran 

On the theory that deregulation begins at home, I am transmitting for your perusal a staff proposal that the White House Office of Consumer Affairs be abolished.

Given Libby Dole's remarks in the Post this morning that the OCA would be "as strong as ever" under her ministrations, it may not be feasible to get rid of the thing without making Mrs. Dole look bad, and sparking off another low-substance, high-volume controversy on page A-2. It might be possible to pull its teeth, however. As the attached memorandum indicates, anything we can do is probably worthwhile.

Enclosure



Memorandum

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

TO: Don Moran

DATE: January 29, 1981

FROM:

Don DeMa

SUBJECT:

Rescinding Executive Order on consumer affairs programs

Following defeat by Congress in 1978 of the proposed Consumer Protection Agency, the Carter Administration expanded the role of the U.S. Office of Consumer Affairs (OCA) by executive order, including establishment of an interagency "Consumer Affairs Council" with the OCA Director designated by the President as chairperson. This has permitted OCA to have direct operational involvement in individual agency consumer programs. On January 15, 1981 an Executive Order was signed to increase membership of this Council to 24 agency heads (Attachment A). We believe rescission of this last minute directive, and a significant reduction in OCA's activities should be considered in the current budget and regulatory review.

BACKGROUND

Before 1978, OCA's role was primarily to advise the President. Agencies were responsible for developing, evaluating, and conducting their own consumer programs. Executive Order 12160 (Attachment B) expanded OCA's role by giving the Council review and approval authority for consumer affairs plans and resource levels in all executive departments. The plans were to provide for: (1) incorporating consumer perspectives and participation in early stages of decisionmaking, (2) informing and educating consumers, and (3) handling consumer complaints. Most of these plans have been approved and put in place.

OCA has a unique administrative arrangement. Its 54-member staff is included in HHS personnel totals, but OCA leadership has been housed in the Old Executive Office Building and had direct access to the President during the last Administration. This arrangement was devised to limit the size of the Executive Office of the President.

OCA has been one of a growing number of White House offices which have fragmented the OMB budget review process because of their narrow special interest perspectives. OCA's desire to become involved in operations of individual agency consumer programs has proved awkward and has diluted OCA's focus as a staff advisory group. For example, OCA has pushed for

approval of a legislative package authorizing new consumer grants to be administered by OCA. OMB has rejected the proposal because it would be infeasible and inappropriate for OCA to run a grant program from the White House.

We believe most OCA and Council functions can be handled effectively by individual agencies:

- Consumer Participation. This is a controversial component of consumer programs, with federal financing for "self-appointed" consumer representatives, travel and consultant costs viewed by some congressmen and business groups as inappropriate. Agencies can improve participation without OCA or White House involvement by soliciting comments from individuals and consumer advocacy organizations through their General Counsel offices, conducting consumer polls, and using small advisory groups.
- Information and Education. Individual agencies can perform these functions through publications and other mechanisms under the direction of large existing public affairs staffs.
- Complaints Handling. While OCA may have a limited oversight role, individual agencies must be responsible for handling specific complaints.

We believe a 24 member Consumer Affairs Council is unwieldy and unnecessary. As indicated above, most functions can be performed by individual agencies. Since most agency programs are already in place, little central leadership and coordination should be necessary. Since agencies such as the Department of Defense and the Small Business Administration have unique programs and problems, including them on the same Council would probably have little benefit. It is also unlikely that any committee with 24 members would be workable.

RECOMMENDATIONS:

1. Rescind January 15 Executive Order expanding membership on the Consumer Affairs Council, as an undesirable last minute Carter Administration action which would merely increase the federal bureaucracy.
2. Consider rescinding Executive Order 12160 (including the original Council) and significantly reducing the

scope of OCA activities. This recommendation is included in "D" list budget items which you will receive next week. A fallback approach would be to leave the original Executive Order intact but not to appoint a Council chairperson, to direct agencies not to appoint Council representatives, and to eliminate funds related to Council activities from OCA's 1982 budget.

Attachments

Executive Order 12265 of January 15, 1981

Providing for Enhancement and Coordination of Federal Consumer Programs

By the authority vested in me as President by the Constitution of the United States of America, and in order to enlarge the membership of the Consumer Affairs Council from twelve to twenty-four, Section 1-102 of Executive Order No. 12160 of September 26, 1979, is hereby amended to read as follows:

"1-102. The Council shall consist of representatives of the following agencies and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health and Human Services.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.
- (m) ACTION Agency.
- (n) Administrative Conference of the United States.
- (o) Community Services Administration.
- (p) Department of Education.
- (q) Environmental Protection Agency.
- (r) Equal Employment Opportunity Commission.
- (s) Federal Emergency Management Agency.
- (t) General Services Administration.
- (u) Small Business Administration.

EXECUTIVE ORDERS

No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

1-102. Report. The board shall report its finding to the President with respect to these disputes within 30 days from the date of this Order.

1-103. Maintaining Conditions. As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the Chicago, Rock Island, Pacific Railroad & Peoria Terminal Company, or by its employees, in the conditions out of which these disputes arose.

JIMMY CARTER

THE WHITE HOUSE,
September 20, 1979.

No. 12160

September 26, 1979, 44 F.R. 55787

**PROVIDING FOR ENHANCEMENT AND COORDINATION OF
FEDERAL CONSUMER PROGRAMS**

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1-1. Establishment of the Consumer Affairs Council.

1-101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1-102. The Council shall consist of representatives of the following agencies, and such other officers or employees of the United States as the President may designate as members:

- (a) Department of Agriculture.
- (b) Department of Commerce.
- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health, Education, and Welfare.
- (f) Department of Housing and Urban Development.
- (g) Department of the Interior.
- (h) Department of Justice.
- (i) Department of Labor.
- (j) Department of State.
- (k) Department of Transportation.
- (l) Department of the Treasury.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

1-2. Functions of the Council.

1-201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1-3. Designation and Functions of the Chairperson.

1-301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

EXECUTIVE ORDERS

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September 20, 1979.

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September 26, 1979, 44 F.R. 55787

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- (c) Department of Defense.
- (d) Department of Energy.
- (e) Department of Health, Education, and Welfare.
- (f) Department of Housing and Urban Development.
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1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

EXECUTIVE ORDERS

1-303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1-4. Consumer Program Reforms.

1-401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) **Consumer Affairs Perspective.** Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

(b) **Consumer Participation.** Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

(c) **Informational Materials.** Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the market-place for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

(d) **Education and Training.** Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

(e) **Complaint Handling.** Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

1-402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1-5. Implementation of Consumer Program Reforms.

1-501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1-4 above. Each agency shall publish its draft consumer program in the Federal Register and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

EXECUTIVE ORDERS

1-502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the Federal Register. Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1-503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the Federal Register.

1-504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1-505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1-6. Budget Review.

1-601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1-7. Civil Service Initiatives.

1-701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

(c) the training and development of employees for the performance of such duties.

1-8. Administrative Provisions.

1-801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1-802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1-803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1-804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

EXECUTIVE ORDERS

1-9. Definitions.

1-901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1-902. "Agency" or "agencies" means any department or agency in the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1-804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044 ³⁶.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.

JIMMY CARTER

THE WHITE HOUSE,
September 26, 1979.

No. 12161

September 28, 1979, 44 F.R. 56663

SECOND YEAR OF ANTI-INFLATION PROGRAM

By the authority vested in me as President and as Commander in Chief of the Armed Forces by the Constitution and statutes of the United States of America, including the Council on Wage and Price Stability Act, as amended (12 U.S.C. 1904 note), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to supplement the anti-inflation program established on November 3, 1978, Section 1-102 of Executive Order No. 12092 ³⁷ is hereby amended to read as follows:

"1-102. Anti-inflationary wage and price behavior shall be measured by the following standards:

(a) For prices, anti-inflationary price behavior of a company is a current rate of average price increase no greater than its historical rate of price increase during 1976-1977, except where the company experiences uncontrollable increases in the prices of the goods and services it buys, and subject to the provisions of paragraphs (c) and (d).

(b) For pay, anti-inflationary pay behavior is the holding of pay increases to not more than 7 percent annually above their recent historical levels, subject to the provisions of paragraphs (c) and (d).

(c) These standards, which shall be further defined or modified by the Chairman of the Council on Wage and Price Stability, shall be subject to limitations and exceptions as determined by the Chairman and shall be administered so as to take into account any inequities that may have been created by the standards during the past year.

(d) The Council is directed to reconstitute in accordance with the Federal Advisory Committee Act, as amended, a Pay Advisory Committee and a Price Advisory Committee in order to provide greater participation by the public in the anti-inflation program. The Pay Advisory Committee and the Price Advisory Committee will advise the Council on developing policies that encourage anti-inflationary pay and price behavior by private industry, employers, and labor, that

36. 1979 U.S. Code Cong. and Adm. News
Rd. Vol. p. 9680.

37. 1978 U.S. Code Cong. and Adm. News
Rd. Vol. p. 9768.

~~VICE PRESIDENT~~

THE PRESIDENT

To: JTB
DRAFT NUMBER 3

Assistant to the President and Deputy Chief of Staff

Chief of Staff
Assistant to the President and Staff Director

Speechwriters

Counsellor to the President

Assistant for the Cabinet

appointments and paper flow

Assistant to the President for Congressional Liaison

Counsel to the President

Assistant to the President for Public Liaison

Assistant to the President for Communications

Assistant to the President for Political Affairs

Assistant to the President for Intergovernmental Affairs

Press Secretary

Assistant to the President for Domestic Affairs
Domestic Council Staff

Assistant to the President for National Security
National Security Council Staff

Director, Military Office

Director, ~~Appointments~~ ~~Secretary~~

Director, First Lady's Office

Director, Presidential Personnel Office

Deputy Assistant to the President and Staff Secretary

Cabinet Secretary

Director, Scheduling Office

Director, Advance Office

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