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THE WHITE HOUSE
WASHINGTON

ok to Moore
FM

to: Bill Simon

This is for The President
to raise at The Leadership
Breakfast tomorrow AM
-- should get to him
today.

Thanks

Alice

DF
Incl in K
FM Murphy
paper
Commemorated
L. B.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

October 9, 1979

MEMORANDUM FOR THE PRESIDENT

Subject: Federal Trade Commission (FTC) Authorization
Legislation

FTC authorization bills are stalled in Congress over the issue of the Congressional veto of FTC actions. The House Commerce Committee reported an authorization bill (H.R. 2313) with such a provision; the Senate bill (S. 1020) was reported by the Senate Commerce Committee without one. It appears that the Congress is determined to resolve this issue before it passes an appropriations bill for the FTC.

The Senate has usually been unsympathetic toward Congressional veto provisions. Recent developments indicate that this attitude--at least as it pertains to the FTC--may be changing:

- Senator Schmitt, as of last week, had 35 co-sponsors for a veto amendment to the FTC bill. As recently reported in the Congressional Quarterly, Senator McGovern, as the result of extensive lobbying, may also support a veto provision. Other Senators may follow.
- The Administration's argument that its regulatory reform proposals would achieve the purposes of the veto-supporters has not yet proven effective because those proposals are still in committee.
- Business opposition to FTC actions has led to extensive criticism of its actions and lobbying activity in behalf of the veto proposal.
- The Senate has recently taken other unexpected action indicating its strong desire to curb regulatory agencies--e.g., the Bumpers Amendment to the Federal Courts Improvement Act. This amendment reverses the traditional presumption of regularity accorded agency rulemaking activities.

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Under these circumstances, I recommend that you voice your concern about this legislation at one of your regular meetings with the Congressional leadership. If the FTC bill passes with a Congressional veto provision, it may open the floodgates for other bills with similar provisions.

Specifically, I suggest you advise the leadership that:

- You still find Congressional veto provisions in legislation, and especially in the FTC bills, as seriously objectionable.
- You believe that the best way for Congress to strike a blow at unnecessary Government regulation is to enact the Administration's Regulatory Reform proposals.


James T. McIntyre, Jr.
Director

cc: Frank Moore