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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

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FRIDAY, MARCH 21, 1975

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STATEMENT OF
ELMER B. STAATS
COMPTROLLER GENERAL OF THE UNITED STATES
BEFORE THE
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
ON
SENATE BILLS S. 765 AND S. 937
CONCERNED WITH ESTABLISHING
A NATIONAL CENTER FOR PRODUCTIVITY
AND QUALITY OF WORKING LIFE

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am pleased to respond to your invitation to testify on the two revised bills--introduced respectively by Senators Percy and Nunn--each of which would create an independent Federal center to promote improvement in productivity and the quality of working life.

Let me say at the outset that both of these bills make a landmark contribution, and that either one as now written is a significant improvement over the current statute establishing the National Commission on Productivity and Work Quality.

It is my understanding that you would like us to offer our views on the key provisions of the two bills, and especially to comment on their differences where we have a useful opinion. In order to do this systematically, I would like to compare the provisions of the bills in respect to:

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--Their statements of findings, policies, and purposes.

--Organizational arrangements and functions,

--Responsibilities specified for other Federal agencies.

--Uses of contracts and grants.

--Duration of authorization and levels of funding.

STATEMENT OF FINDINGS, POLICY, AND PURPOSES

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Title I of each bill contains a forceful presentation of the problem of declining productivity growth in the United States, and the importance of action to arrest this trend. While the detailed provisions in Title I of each bill differ, we find that the full range of points made are useful. For example, we endorse the statement in Section 103 of S. 937 that governments at all levels have a responsibility to provide leadership and assistance to stimulate a high rate of productivity growth in all sections of the economy. We also believe that the detailed provisions of S. 765 (Sections 101, 102, and 103) add elements which are necessary to a comprehensive statement of policy and purpose. Especially relevant is the stress on removing barriers to productivity improvement, the need to strengthen employee security, the importance of expanding joint labor-management research and experimentation, the desirability of improving the utilization of institutions of higher learning, and the need for

improved measures of productivity and the quality of working life.

We believe that Title I of the two bills should be integrated in order to produce a strong charter.

ORGANIZATIONAL ARRANGEMENTS (TITLE II OF S. 765 AND TITLE III OF S. 937)

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Both bills establish an independent agency in the Executive Branch and abolish the present National Commission on Productivity and Work Quality. We fully concur with this. Our preferences in respect to the specific provisions are discussed below:

1. Overall Governing Body. S. 765 establishes a 12-man "Board" appointed by the President and confirmed by the Senate. Its Federal members would be the Vice President; the Secretaries of Labor, Commerce and Treasury; and the Director of the Federal Mediation and Conciliation Service. S. 937 provides for a similar 11-member "Council" but omits the Vice President and the Director of Federal Mediation and Conciliation Service. We find either membership appropriate.

   In respect to private sector members, each bill provides for three members representing private sector management, three representing labor, and one representing State and local governments--all confirmed by the Senate. In addition, S. 937 provides a member from academia appointed by the President and confirmed by the Senate. We consider this to be a most desirable addition in light of

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the strong emphasis contained in both bills on utilizing the resources of institutions of higher learning.

2. Executive Direction of the National Center. Both bills provide for a director (or executive director) appointed by the President, but S. 937 would also have the director and his deputy confirmed by the Senate. We believe there is merit in Senate confirmation of the director, and recommend that this position be placed in Executive Level III rather than Executive Level IV as specified in S. 765 (S. 937 does not specify the level) in order that the incumbent may have the same status as Under Secretaries and the Deputy Director of OMB. We likewise suggest that the restrictive language which requires that the director "shall be appointed from private life" (S. 937) be deleted to provide for the possibility of choosing someone already serving in Government for this post.

3. Establishment of a Separate "National Advisory Council." S. 765, in addition to a Board of Directors,establishes a National Advisory Council to "review and evaluate the administration, operation, and performance of the Center." The Council would report its findings and recommendations to

the President and the Congress annually. We do not believe that this additional oversight body is required and we feel it would detract from the exercise of the responsibilities of the Board or Council.

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4. Size and Composition of Staff. S. 937 limits the staff to a number not to exceed 100. S. 765 does not specify a limitation but cautions that funds expended for the payment of staff should be held to a minimum. As we testified in December, we believe that the Center's professional staff should be chosen to provide a wide range of competencies--both in public and private sector activities--as well as in the technological and human aspects of productivity. Thus, it would be preferable not to specify the size of staff by statute in order to allow the Center to use the funds made available to achieve the best and fastest results, depending on the specific projects and priorities established.

5. Responsibilities and Authority of the Center. It is in this area that the two bills appear, on the surface, to have extensive differences. However, a close reading of the provisions of each (Sections 103 and 207 of S. 765 and Sections 303 and 306 of

S. 937) suggests that these differences may be subject to reconciliation and integration in respect to most points.

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In each case, the Center's operational responsibilities consist of establishing a national clearinghouse, engaging in an aggressive public education program, arranging or providing technical assistance, and awarding contracts and grants to support research, educational, assistance and demonstration projects.

Otherwise, the Center's role is to be the recognized focal point for leadership in the Federal Government, responsible for (1) conducting studies, examinations and assessments; (2) formulating recommendations for the President, Congress, and Agency Heads, and (3) stimulating improvements through programs of encouragement. support,and (when necessary) authoritative coordination. We believe these are all appropriate techniques and that the implementation should be carried on through the normal Government structure. We would consider it appropriate, however, for the Center to develop formal coordinating procedures--such as prior review and approval of certain types of R&D projects which are directly concerned with improving productivity and the quality of working life--and such

as participation in budget reviews of R&D and capital projects.

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One difference in philosophy between the two bills is the implication in Section 305 of S. 937 that the Center's influence may be exercised primarily through States, units of local government, and institutions of higher learning who would be encouraged "to develop and implement centers, programs, and projects to improve and stimulate productivity growth..." By contrast, S. 765, Section 205, specifies that the Center shall "seek to maximize the active participation and expert contribution, in equal measure, of labor, industry, and the Federal, State, and local governments of the United States..." While the role of State and local governments and universities should be optimized, it is believed that the broader language contained in S. 765 is preferable. For example, the establishment of independent non-profit productivity centers (such as those in other countries) may prove to be important mechanisms.

RESPONSIBILITIES SPECIFIED FOR FEDERAL AGENCIES (TITLE II OF S. 937 AND SECTIONS 207, 208, 302, and 303 of S. 765

The bills touch upon the role of individual Federal agencies in respect to (1) organization structure, (2) the identification of impediments to productivity improvement

resulting from agency regulations or programs, (3) the preparation of productivity impact statements, and (4) the improvement of internal Federal productivity. We fully endorse this expanded support for improving Federal productivity--an effort in which we have been actively engaged since 1970, in collaboration with the Office of Management and Budget, the Civil Service Commission, and the General Services Administration.

In respect to organization structure, S. 765 requires the Secretaries of Commerce and Labor each to establish an "Office of Productivity and Quality of Working Life," and specifies that all agencies designate a liaison with the Center. S. 937 provides that each Federal agency should promote internal productivity improvement by establishing a small "directorate level staff," and, on request, render assistance to the Center.

We believe it is desirable to avoid specifying internal agency organization structure in this statute, and suggest that the final bill require each agency (1) to cooperate fully with the National Center, (2) to conduct a vigorous internal productivity improvement program, and (3) to establish high-level oversight and coordination of all agency activities concerned with improving productivity.

The provisions of each bill in respect to identifying and eliminating barriers to productivity resulting from agency regulations and programs appear appropriate. The language of the two bills should be reconciled to provide for consistent application (S. 765, Sections 103(2) 207(4); and S. 937, Section 204).

Finally, in respect to productivity impact statements, S. 765 (Section 303) requires a statement that such impacts have been evaluated in connection with the Inflation Impact Statements called for in Executive Order 11821. S. 937 in Section 201 requires that a detailed discussion and analysis of productivity impact accompany each report on proposed legislation, major program recommendations, and other major Federal actions.

As indicated in our testimony on December 17, we suggest that detailed procedures be omitted from the bill. The report accompanying the bill can discuss the importance of such evaluations but leave the implementation to the determination of the National Center and its Board or Council, based on experience with various review techniques. Furthermore, we believe that it should be a continuing duty of the Center to assist the President and agency heads by selectively reviewing and assessing the productivity implications of existing and proposed regulations, legislation, and programs.

USE OF GRANTS AND CONTRACTS
(SECTION 209 OF S. 765 ANI
SECTION 307 OF S. 937)

Both bills have provisions covering the use of the contracts and grants. Both specify a preference for matching funds in the case of grants.

One principal difference lies in the fact that S. 937 provides separate funds (1) for grants for the purposes of developing productivity centers to carry out demonstration and technical assistance projects, and (2) for grants and contracts supporting research designed to develop new methods, techniques, systems, etc. Government units and universities would participate in both, while private organizations would participate only in the latter. We question whether this separation and earmarking of funds is desirable. Furthermore, if limited grant funds are spread widely among State and local agencies before establishing and testing criteria for awards, their effectiveness could be diminished.

A second difference is the requirement in S. 765 that "equal emphasis" be given to projects designed to improve technology on the one hand, versus those aimed at improving the utilization of human resources and quality of working life on the other hand. (S. 765, Section 210(3d).) This emphasis appears desirable as indicated in our December testimony.

We urge that the Center have latitude under the direction of its Board or Council to select those projects and performing organizations which appear to offer the most fruitful opportunities. The Center would, of course, be fully accountable to the Congress each year for the results achieved.

In this connection, the experience of productivity centers in other countries merits careful study to determine how some have succeeded in minimizing government investment and maximizing private sector support for such efforts. As noted in our December testimony, it is of interest that in Japan over 90 percent of the support of the Japan Productivity Center is from private sources--and that in Germany, Israel, and Norway private support is reported to be one-third to one-half. The provision in Section 207(12) of S. 765 calling for maintaining liaison with foreign productivity centers is highly desirable.

It is suggested that the participation of the Department of Justice be obtained in developing the criteria for the award of projects and grants in order to avoid anti-trust problems.

LIFE OF CENTER AND LEVEL OF AUTHORIZATION (SECTION 305 OF S. 765 AND SECTION 601 OF S. 937)

The two bills provide for the following:

APPROPRIATIONS AUTHORIZED
(Available until Expended)

FISCAL YEAR	BY S. 765 (millions)	BY S. 937 (millions)
1976 (15 months)	$ 5	$ 20
1977	10	20
1978	15	25
1979	20	--*
1980	20	--*
TOTAL	$ 70	$ 65

*The sectional analysis states that the intended life of the Center is 5 years.

We believe that a life of at least 5 years for the Center is essential since the lead time for major technology improvements (such as in manufacturing) may require an extended period. Sustained leadership by the National Center in such projects may be crucial to their success. It is also hoped that the possibility of continuing central leadership at the Federal level will be left open for later determination based on the results produced during the first 5 years--even though we agree that the main initiatives should shift progressively to individual units of government and private sector organizations.

We also believe that first-year funds should be adequate to build the high quality professional staff discussed earlier in this statement. Without such a foundation of staff expertise, only limited progress can be made in launching programs of the scope and complexity envisioned in these bills. We suggest that first-year funding of at least $10 million be provided to cover startup costs and initial contract and grant programs.

Funding in subsequent years should be based upon the merits of the program presented to the Congress in the President's budget.

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In conclusion, we will be pleased to continue working with the Committee and its staff on any of the points covered in this statement, as well as to discuss our continuing studies of productivity improvement opportunities.

APR 22 1975

The Honorable Senator Sam Nunn
Chairman, Oversight
Procedure Subcommittee
Senate Committee on Government
Operations

Dear Senator Nunn:

During our testimony on March 21, you asked that we separately submit our views to you on three matters.

One of these is our evaluation of the Administration bill which was submitted by Secretary Simon on March 20, 1975, and has been introduced in the House as H.R. 6078. Attachment "A" to this letter sets forth our views on this bill.

Secondly, you requested that we submit a discussion of how to provide, by statute, a requirement for economic impact statements and, as a part of such statements, an assessment of the productivity implications of proposed legislation and regulations of the executive agencies. Our views on this matter are enclosed as Attachment "B".

Thirdly, you asked us to comment further on how to restrain any tendency of the National Productivity Center to establish an unnecessarily large staff which would tend to perpetuate its existence, or to absorb funds which might otherwise be applied to contract and grant arrangements.

We believe that in the appropriate section of the final bill (such as in Section 305 of S. 937 or in Section 103 of S. 765) appropriate language might be inserted to clearly express the intent of the Congress in respect to the long-term objectives of the National Center. The sense of this statement might be as follows:

> "It is the intent of the Congress that the National Center established in Section of this statute shall have the long-term objective of fostering the creation of non-Federal sector programs--self-supporting to the fullest practicable extent--to conduct the research, educational, and technical assistance programs needed to improve productivity and quality of working life in all segments of the U.S. economy. The National Center itself should phase-down its efforts to the extent that the initiatives, funding, and support are assumed by non-Federal sector activities."

I believe we are in agreement that the basic purposes to be served by the National Center are those of energizing research, educational and technical assistance in support of public and private sector needs, and that the role of the National Center should be that of a dynamic catalyst, with sufficient funding and authority to start a series of initiatives (education, research, and technical assistance), to coordinate existing governmental efforts, and to furnish the seed money for the inauguration of new non-Federal efforts, such as those envisioned by Mr. Jerome Rosow and Dr. C. Jackson Grayson.

It must be stressed that the National Center, if it is to achieve these goals, must be supported at the highest levels of the Federal Government, have adequate funding and staff of exceptional competence. We believe it unwise to set any precise limit on the size of staff since in its initial years a staff of great diversity, competence and leadership ability will be needed to perform the tasks which are laid out. However, by stating a long-term phase-down objective, it should be possible to avoid the tendency to perpetuate a large bureaucracy. If it is desired to apply any limitation, it is suggested that in each annual appropriation, a dollar limitation be stated. For example, in the first year an appropriation limitation of $5 million for salaries and other operating costs of the National Center--within an overall total appropriation of $10 million--might be appropriate.

Again, we congratulate you and your committee for its forward-looking leadership in the introduction of these bills. We hope that they will proceed to a favorable conclusion.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

Enclosures

April 22, 1975

The Honorable Senator Sam Nunn
Chairman, Oversight
Procedure Subcommittee
Senate Committee on Government
Operations

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Dear Senator Nunn:

During our testimony on March 21, you asked that we separately submit our views to you on three matters.

One of these is our evaluation of the Administration bill which was submitted by Secretary Simon on March 20, 1975, and has been introduced in the House as H.R. 6078. Attachment "A" to this letter sets forth our views on this bill.

Secondly, you requested that we submit a discussion of how to provide, by statute, a requirement for economic impact statements and, as a part of such statements, an assessment of the productivity implications of proposed legislation and regulations of the executive agencies. Our views on this matter are enclosed as Attachment "B".

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Again, we congratulate you and your committee for its forward-looking leadership in the introduction of these bills. We hope that they will proceed to a favorable conclusion.

Sincerely yours,

(Signed) ELMER B. STAATS

Comptroller General
of the United States

Enclosures

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ATTACHMENT A
4/21/75

GAO COMMENTS ON ADMINISTRATION DRAFT BILL ENTITLED
THE NATIONAL CENTER FOR PRODUCTIVITY ACT OF 1975 H.R. 6078

The basic purposes of this bill are similar to the purposes of S. 765 and S. 937. The draft bill includes a clear statement of purposes and provides desirable flexibility in structure and approach. However, the National Center envisioned by this bill is not as strong as that contemplated in the other two bills and thus would be subject to some of the problems which the present organization has encountered. A consolidation of the three bills could produce legislation which could have a very substantial impact on productivity improvement.

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The major areas of concern to us in H.R. 6078 are summarized below:

1. The term "output quality" needs clear definition. As currently used in the legislation, it is simply added to the repeated phrasing calling for improvement in productivity and quality of work life with the inference that output quality is among the problems faced by the Nation today, and that quality needs to be constantly improved. We know of no finding which has asserted this or which links productivity improvement with the need for concurrent quality of output improvement. In fact, the two might work in opposite directions. It seems to us that the essential policy in respect to output quality is that it should meet an acceptable standard and not be subject to degradation as productivity or unit cost performance is improved. A general policy statement along these lines at the outset of the bill would be useful but, thereafter, we would recommend deletion of the words "output quality" wherever they now appear.

2. A Council of 30 members is cumbersome and impractical for decision-making. A small governing body of 10 - 12 members is preferable to the proposed combination of a 30-member Council and smaller Executive Committee. If, however, a large Council is provided, the chief decisionmaking group should be a small Executive Committee with clearly defined responsibilities. Members should be Presidential nominees, confirmed by the Senate, in the case of the governing body.

3. As indicated in our testimony on S. 765 and S. 937, Executive Level III is considered a more appropriate level for the position of Executive Director than the Level V specified in the Administration bill. The Executive Director would then have the same status as the Deputy Director of OMB and Under Secretaries. Senate confirmation is desirable.

4. Because of the importance of sustained leadership, the Center should have an assured life of at least 5 years rather than the 3 years specified in the draft bill.

5. The bill should specify a funding level at least for the first year. As indicated in the Comptroller General's previous testimony, the funding level for the first year should be about $10 million, with funding in subsequent years based upon the merits of the program. About half of this funding should be for purposes of building and operating the staff and activities of the Center, and about half for contracting.

6. The bill should give the Center a strong coordinating role, for guiding the productivity efforts of other Federal agencies. This should be founded in a Presidential Executive Order. H.R. 6078 as now written provides for "encouraging" and not "coordinating" other Federal activities.

7. The bill does not give the Center the authority to make grants. While use of contracts is suitable in many cases, there are some circumstances where grants may be more appropriate. The Center should have this authority.

8. There should be a stronger emphasis on the need for improving technology, including manufacturing technology in areas where the United States may be in danger in dropping behind.

9. Cost-sharing by non-Federal organizations should be encouraged.

10. Positive responsibilities for the Center should be stated, covering:

- Conducting or fostering research requisite to improve productivity and quality of work life.
- Fostering the formation of non-Federal productivity centers or institutes such as those in other countries.
- Providing or arranging technical assistance.

As noted, most of the suggestions made to improve H.R. 6078 have already been incorporated in S. 765 and S. 937.

ATTACHMENT B
4/21/75

DISCUSSION OF GAO VIEWS ON ECONOMIC IMPACT STATEMENTS

The basic objective of requiring economic impact statements should be to assure that decisions are made in the light of the best available information and analysis of economic consequences. With respect to legislation being considered by the Congress and regulations being considered within the Executive Branch, one of the economic consequences most frequently encountered, and often with the greatest potential significance, is the impact on productivity. Therefore, we would see an assessment of any potential impact on productivity (whether favorable or adverse) as being a major element of any effort to analyze the economic impact of a particular action. Thus, it should be part of the overall assessment of economic impact, rather than being a separate analysis.

The process of assuring that decisions are made in the light of the best available information and analysis has two essential parts. First, the process must assure that the decision-maker is presented with--and considers--the analysis and information which is available. Second, the process must assure that those who are affected by the decision have the opportunity to present their own analysis and information in confidence that it will be considered, on the merits, by the decision-maker.

The only way to be absolutely certain that these elements are present in the process is to lay down (in statute or by regulation) an explicit and highly detailed procedure which must be followed in every case at the risk of having the decision overturned in the courts if the procedures are not followed. Even this does not guarantee the desired result. While a detailed process can assure the opportunity to present analysis, it cannot guarantee that fair and objective consideration will be given to the analysis.

Moreover, a highly detailed process carries serious risks of its own. First, it would tend to generate large amounts of paper (to meet the procedural requirements) which may actually cloud the issues rather than illuminating them. Second, the more detailed the requirements, the more likely it is that the process will lead to serious delays in decisions

while the procedural requirements are satisfied. Finally, a mandatory and detailed procedure offers opportunities for special interest groups to delay or avoid actions to which they may be opposed for reasons having nothing to do with the objectives of the process.

We are convinced that these risks are sufficiently serious for us to recommend that the Congress avoid the imposition of highly detailed procedural requirements except in the most unusual circumstances. Under most circumstances, the objectives can be achieved by a clear statement of policy on the part of the Congress, backed up by effective use of the oversight powers. This is particularly true if one assumes that Executive Branch officials are reasonable and conscientious in the exercise of their responsibilities. Unless that "reasonableness" is present, no set of detailed procedures will guarantee reasonable decisions.

Accordingly, we recommend that the Congress limit its action on this issue to a policy statement along the following lines:

> "It is the policy of the United States that decisions with respect to proposals for new legislation and decisions with respect to new or revised regulations or regulatory policy, in any case in which the action being proposed may be reasonably expected to have significant economic consequences (including any impact on productivity), shall be made after consideration of those potential consequences. Such consideration shall include, where appropriate, seeking analysis and comments from recognized authorities, including the National Center for Productivity and Quality of Work. The President shall establish such procedures as may be necessary to assure the effective implementation of this policy and to assure that the written record of decisions affected by this policy reflects the considerations set forth herein and is available for examination by the Congress and other interested parties."

A statement of policy along these lines would clearly establish the intent of Congress that the impact on productivity

and the economy is a major factor to be considered in Executive Branch decisions, and that the independent views of recognized authorities (including the National Center) are to be sought in evaluating these factors.

This would have the effect of placing the force of congressional intent behind Executive Order 11821 and would give the National Center an important role under that Order. As we recommend, however, it would leave to the Executive Branch the responsibility for implementation of the policy. At the same time, it would provide for congressional oversight of implementation and would reserve to the Congress the right to legislate more detailed requirements if that should prove necessary at some future date.

NOTICE OF HEARINGS

COMMITTEE	: Senate Government Operations
SUBJECT	: Productivity legislation
DATE	: Friday, March 21, 1975
TIME	: 10:00 a.m.
ROOM	: 3302 Dirksen (New Senate) Office Building
Membership	: Sam Nunn (D. Ga.), Acting Chairman
Majority	: (9 D.) Senators Ribicoff (Conn.), McClellan (Ark.), Jackson (Wash.), Muskie (Me.), Metcalf (Mont.), Allen (Ala.), Chiles (Fla.), Nunn and Glenn (Ohio)
Minority	: (5 R.) Senators Percy (Ill.), Javits (N.Y.), Roth (Del.), Brock (Tenn.) and Weicker (Conn.)
Principal Staff	: William P. Goodwin, Staff Director, Subcommittee on Oversight Procedures
GAO Witness	: Elmer B. Staats, Comptroller General
Accompanied by	: Thomas D. Morris, Assistant Comptroller General Fred Shafer, Director, Logistics and Communications Division Donald C. Kull, Executive Director, Joint Financial Management Improvement Program Roger L. Sperry, Legislative Adviser, OCR

CARS WILL LEAVE G STREET, 1st BASEMENT AT 9:45 a.m.

Roger L. Sperry

Roger L. Sperry
Legislative Adviser
Office of Congressional Relations