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AUTHORIZATION FOR STAFF SUPPORT IN THE WHITE
HOUSE OFFICE AND FOR THE EXECUTIVE DUTIES
OF THE VICE PRESIDENT

GOVERNMENT

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HEARING
BEFORE THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 14715

A BILL TO CLARIFY EXISTING AUTHORITY FOR EMPLOYMENT
OF WHITE HOUSE OFFICE AND EXECUTIVE RESIDENCE PER-
SONNEL, AND EMPLOYMENT OF PERSONNEL BY THE PRESI-
DENT IN EMERGENCIES INVOLVING THE NATIONAL SECURITY
AND DEFENSE, AND FOR OTHER PURPOSES

MAY 23, 1974

Serial No. 93-34

Printed for the use of the
Committee on Post Office and Civil Service



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(II)

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C O N T E N T S

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THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1880

The history of the city of Boston, from 1630 to 1880, is a story of growth and development. It begins with the arrival of the first settlers in 1630, who founded the city as a haven for religious freedom. Over the years, Boston grew from a small fishing village into a major center of commerce and industry. The city played a key role in the American Revolution, and its citizens were instrumental in the fight for independence. In the 19th century, Boston became a leading center of education and culture, with the founding of many of the city's most famous universities and museums. The city's economy diversified, with the rise of manufacturing and trade. By 1880, Boston was one of the most important cities in the United States, a city that had shaped the course of American history.

AUTHORIZATION FOR STAFF SUPPORT IN THE WHITE HOUSE OFFICE AND FOR THE EXECUTIVE DUTIES OF THE VICE PRESIDENT

THURSDAY, MAY 23, 1974

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The committee met at 9:55 a.m., in room 210, Cannon House Office Building, Hon. Thaddeus J. Dulski (chairman of the committee) presiding.

Mr. DULSKI. The committee will come to order.

I introduced H.R. 14715, by request dated April 29 from Mr. Roy Ash, Director of the Office of Management and Budget, in order to update the legislative authority for the staffing and the administrative expenses of the White House Office and the Executive Office of the Vice President.

The request of the Director, in turn, is based on a request from the House Committee on Appropriations, contained in House Report No. 93-663, accompanying the Supplemental Appropriations Act, 1974, H.R. 11576, that authorizing legislation be obtained for the funding of these activities in order to meet the requirement of Clause 2 of House Rule XXI.

Clause 2, in part, provides that no appropriation shall be reported by the Appropriations Committee in any general appropriation bill for any expenditure not previously authorized by law. H.R. 14715 will provide the authority of law for such expenditures by the White House, as required by the House rule.

I would like to point out to the members that the bill, as introduced, authorizes the appointment of not more than 35 administrative and staff assistants in the White House Office and Executive Residence at rates of pay not in excess of Executive Level II, and for 1 assistant for the Vice President at the rate for Executive Level II.

These provisions were based on the best information that was available at the time our staff prepared the revised draft of the bill.

I would want the members to know that when the bill is marked up, I will offer amendments to both of these sections, specifying the number of employees that can be placed in Executive Level II and the numbers that can be placed in Executive Levels III-V.

The provisions relating to the White House Office may be found on page 2, lines 1 through 10 and the provisions relating to the Vice President may be found in paragraph (2), starting at the bottom of page 3, line 24.

I have attached to my statement background information containing an explanation of the bill, the existing legislative authority and the Appropriation Act authority.

I would also invite the members' attention to the report entitled, "A Report of the Growth of the Executive Office of the President," which was prepared under the direction of Mr. Udall in 1972, that is on each member's desk.

I wish to point out in this connection that this legislation relates only to the White House Office, the Executive Residence, and the Special Assistance to the President (the Vice President), and does not relate to any of the other organizations under the Executive Office of the President. I am advised that the other organizations have permanent legislation authorizations for the expenditure of funds. A listing of all the organizations may be found on page 5 of Mr. Udall's report.

[The executive communication, bill, and other documents follow:]

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 29, 1974.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a proposed bill to provide for employment and compensation of employees of the White House and for certain other activities in the Executive Office of the President.

A review of the provisions of title 3, United States Code, has indicated that they are in need of revision as to those sections which authorize appropriations for ongoing staff support for the Office of the President. The basic structure of these provisions has not been altered since 1948. They require updating to reflect the actual needs of the Presidency for staff assistance and administrative support as they have developed over the past quarter of a century.

This proposed legislation would provide an updated basic authorization for staffing and funding White House and related activities, subject of course to the annual appropriations process and the review it provides. We urge its prompt consideration and passage.

Sincerely,

ROY L. ASH, *Director.*

Enclosure.

[H. R. 14715, 93d Cong., 2d sess.]

A BILL To clarify existing authority for employment of White House Office and Executive Residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105 of title 3, United States Code, is amended to read as follows:

"§ 105. Assistance and services for President and Vice President

"(a) Without regard to any provision of law regulating employment and pay of persons in the service of the Federal Government, the President is authorized to appoint and fix the pay of—

"(1) not more than thirty-five administrative and staff assistants in the White House Office and the Executive Residence at respective rates not more than the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5; and

"(2) other administrative and staff assistants in the White House Office and the Executive Residence at respective rates not more than the maximum rate of basic pay then currently paid under the General Schedule of section 5332 of title 5;

who shall perform such official duties as the President may prescribe.

"(b) The President is authorized to procure within the White House Office and the Executive Residence temporary or intermittent services of experts and

consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5, at respective daily rates of pay for individuals not more than the daily equivalent of the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5.

"(c) The President is authorized to procure goods and administrative services necessary in connection with the performance of his official duties (including maintenance, operation, and preservation of the Executive Residence).

"(d) There are authorized to be appropriated each fiscal year to the President—

"(1) such sums as may be necessary to pay official reception, entertainment, and representation expenses, to be expended at the discretion of the President and accounted for solely on his certificate; and

"(2) such sums as may be necessary for allocation within the Executive Office of the President for official reception and representation expenses.

"(e) There are authorized to be appropriated each fiscal year such sums as may be necessary to enable the Vice President to provide assistance to the President in connection with the performance of functions specially assigned to the Vice President by the President in the discharge of Executive duties and responsibilities, including the use of such funds to—

"(1) procure temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3019(b) of title 5, at respective daily rates of pay for individuals not more than the daily equivalent of the maximum rate of basic pay then currently paid under the General Schedule of section 5332 of title 5;

"(2) appoint and fix the pay of one assistant at a rate not more than the rate of basic pay then currently in effect for level II of the Executive Schedule of section 5313 of title 5; and

"(3) appoint and fix the pay of other personnel at rates not more than the maximum rate of basic pay then currently paid under the General Schedule of section 5332 of title 5 without regard to any provision of law regulating employment and pay of persons in the service of the Federal Government."

(b) The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by deleting—

"105. Compensation of secretaries and executive, administrative, and staff assistants to President."

and inserting in place thereof—

"105. Assistance and services for President and Vice President."

SEC. 2. (a) Section 106 of title 5, United States Code, is amended to read as follows:

"§ 106. Assistance to President in emergencies involving the national interest, security, or defense

"There are authorized to be appropriated to the President each fiscal year such sums as may be necessary to enable the President, in his discretion, without regard to any provision of law regulating employment and pay of persons in the service of the Federal Government or regulating expenditures of Federal Government funds, to respond to and deal with emergencies involving the national interest, security, or defense which may arise within or outside the United States of America."

(b) The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by deleting—

"Administrative assistants."

and inserting in place thereof—

"106. Assistance to President in emergencies involving the national interest, security, or defense."

SEC. 3. Section 103 of title 3, United States Code, relating to travel expenses of the President, is amended by deleting "\$40,000" and inserting in place thereof "\$100,000".

SUMMARY OF H.R. 14715

AUTHORIZATION FOR STAFF SUPPORT IN THE WHITE HOUSE OFFICE AND FOR THE EXECUTIVE DUTIES OF THE VICE PRESIDENT

Source

H.R. 14715 was introduced by Chairman Dulski, by request, on the basis of an official request from the Director of the Office of Management and Budget, dated April 29, 1974.

Purpose

To provide basic legislative authority for the ongoing staff support, maintenance, and operation of the White House Office, the Executive Residence, and for the executive duties and responsibilities of the Vice President.

Explanation

The provisions of section 105, title 3, United States Code, now provide very limited authorization (14 positions at rates of basic compensation not to exceed the rate for Executive Level II—for secretaries and staff assistants in the White House Office). Authority for additional staff support has been included in annual Appropriation Acts for the past several years.

In order to meet the requirements of House Rule XXI, Clause 2, relating to the prohibition against appropriations being included in an appropriation bill not previously authorized by law, the Committee on Appropriations last year requested the Office of Management and Budget to submit a recommendation to the Congress for legislation to authorize appropriations for the ongoing staff support, maintenance, and operation of the White House Office, Executive Residence, and for the executive duties and responsibilities of the Vice President (see H. Rept. 93-633 in connection with the Supplemental Appropriation bill, 1974, H.R. 11576, Public Law 93-245).

H.R. 14715 will provide the basic authorizing legislation on which to base the annual appropriations.

EXPLANATION OF H.R. 14715

The first section of the bill amends section 105 of title 3, United States Code, to provide for the employment and pay of persons in The White House Office and the Executive Residence, and the Executive Office of the Vice President.

Paragraph (1) of subsection (a) authorizes the appointment of not more than 35 administrative and staff assistants at rates of pay not more than the rate of basic pay for Executive Level II, currently \$42,500.

Paragraph (2) authorizes the appointment of such other administrative and staff assistants as may be necessary at rates of pay not in excess of the rate for GS-18. The number of the latter group of employees will be controlled by the availability of funds authorized by the Appropriations Committee.

The authority in subsection (a) to employ and pay these persons "without regard to any provision of law" regulating the employment and pay of persons is similar to the authority currently contained in annual Appropriation Acts under the appropriations "The White House Office" and "The Executive Residence". Such authority has been the basis for placing employees in what is referred to as "ungraded" positions.

Subsection (b) of the amended section 105 of title 3 authorizes the employment of experts and consultants at daily rates of pay for individuals not more than the daily equivalent of the rate for Executive Level II. The authority currently contained in the appropriations referred to above for the employment of experts and consultants includes authority for the President to pay "such per diem rates for individuals as the President may specify".

Subsection (c) of such section 105 contains the legislative authority for the President to procure goods and administrative services necessary in the performance of his official duties, including the maintenance, operation, and preservation of The Executive Residence. Currently, such authority is included only under the appropriation "Executive Residence".

Subsection (d) authorizes appropriations for the President to pay official reception, entertainment, and representation expenses.

Paragraph (1) of subsection (d) extends authority for such expenses "at the discretion of the President and accounted for solely on his certificate". This provision is similar to the provisions currently contained in the appropriation "The White House Office" and the "Executive Residence".

Paragraph (2) of subsection (d) authorizes the appropriations for the allocation within the Executive Office of the President for official reception and representation expenses, but does not include the authority to be accounted for solely on the President's certificate. This will reinstate authority previously contained under the discontinued appropriation "Special Projects" and was used for allocating funds for official reception and representation expenses to other offices of the Executive Office of the President, which includes the various Councils in the Executive Office.

Subsection (e) of such section 103 authorizes appropriations to be made to enable the Vice President to provide assistance to the President in connection with performance of functions assigned to the Vice President in the discharge of Executive duties and responsibilities.

Such authorization includes authority to procure experts and consultants at a daily rate equivalent to the rate for GS-18, the authority to appoint and fix the pay of 1 assistant at Executive Level II, and the authority to appoint other assistants at rates not in excess of the rate for GS-18.

These provisions provide the legislative authority similar to the authority contained under appropriation "Special Assistance to the President".

Section 2 of the bill amends section 106 of title 5, United States Code, to provide the legislative authority for the appropriation of funds to the President to be expended at his discretion, to respond to and deal with emergencies involving the national interest, security, or defense, which may arise within or outside the United States of America. This section will provide the legislative authority previously contained in the appropriation "Emergency Fund for the President".

Section 3 of the bill amends section 103 of title 3, United States Code, relating to travel expenses of the President, to increase the amount of the permanent legislative authority from \$40,000 to \$100,000. While such section 103 currently includes a ceiling of \$40,000, the appropriation request for Fiscal Year 1975, as contained in the appropriation "The White House Office" requests an amount not to exceed \$100,000.

AUTHORITY FOR WHITE HOUSE OFFICE STAFF AND ADMINISTRATIVE EXPENSES

LEGISLATIVE AUTHORITY

White House staff

Sections 105 and 106 of title 3, United States Code, contain permanent legislative authority for the President to fix the compensation of six Administrative Assistants, and eight other secretaries or other immediate staff assistants in the White House Office, at rates of basic compensation not to exceed the rate of Executive Level II.

Section 107 of title 3, United States Code, provides that employees of Executive departments and independent establishments may be detailed from time to time to the White House Office for temporary assistance.

There is no permanent legislative authority for staff assistance for the Vice President in carrying out his Executive Branch duties.

Official reception, entertainment, and representation expenses

There is no permanent legislative authority for official reception, entertainment, and representation expenses.

Travel expenses

Section 103 of title 3, United States Code, authorizes the appropriation of travel expenses for the President "not exceeding \$40,000 per annum" to be expended at the discretion of the President and accounted for on his certificate solely.

Appropriation Act authority

In addition to the permanent legislative authority cited above, additional authority has been included in annual Appropriation Acts.

The Executive Office Appropriation Act, 1974, Public Law 93-143, includes four specific appropriations which contain the additional authority. An earlier appropriation, "Special Projects" was not continued under the 1974 Act. The four 1974 appropriations are set forth below.

WHITE HOUSE APPROPRIATIONS FROM THE EXECUTIVE OFFICE APPROPRIATION ACT, 1974, PUBLIC LAW 93-143

THE WHITE HOUSE OFFICE—SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed \$2,250,000 for services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals as the President may specify and other personal services without regard to the provisions of law regulating the employ-

ment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel (not to exceed \$75,000), and official entertainment expenses of the President, to be accounted for solely on his certificate; \$9,110,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, \$675,000.

EXECUTIVE RESIDENCE—OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President, to be accounted for solely on his certificate, \$1,370,000.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Ninety-second Congress or the first session of the Ninety-third Congress and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

WHITE HOUSE APPROPRIATION FROM THE EXECUTIVE OFFICE APPROPRIATION ACT, 1973, PUBLIC LAW 92-351 (DISCONTINUED IN THE 1974 APPROPRIATION ACT)

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,500,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed \$10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

PRESIDENT AND VICE PRESIDENT STAFF—APPENDIX TO 1975 BUDGET

THE WHITE HOUSE OFFICE

	Positions
Executive Level II.....	14
GS-17.....	1
GS-16.....	2
GS-15-GS-2.....	397
Ungraded ¹	126
Total.....	540

EXECUTIVE RESIDENCE

Ungraded ¹----- 86

EMERGENCY FUND FOR THE PRESIDENT

Ungraded ¹----- 20

SPECIAL ASSISTANCE TO THE PRESIDENT (VICE PRESIDENT)

Ungraded----- 30

Broken down as follows:

Executive Level II, \$42,500-----	1
\$38,000-----	3
\$36,000-----	1
\$35,000-----	1
\$28,000 and under-----	24

Total----- 30

¹ The ranges of rates for the ungraded positions had not been furnished when this table was prepared.

[The tabulation which follows was excerpted from the report entitled "A Report on the Growth of the Executive Office of the President, 1955-73," which was printed by the House Post Office and Civil Service Committee, April 24, 1972 (Committee Print 92-19).]

EXECUTIVE OFFICE OF THE PRESIDENT—TOTAL PERMANENT POSITIONS

	1955	1965	1970	1971	1972	1973
The White House Office-----	262	255	250	533	540	510
Executive Residence-----	72	77	75	75	75	75
The Domestic Council ¹ -----				52	70	66
National Security Council-----	28	50	75	70	75	79
Special projects-----				39	39	39
Special assistance to the President ¹ -----				57	57	57
Council of Economic Advisers-----	33	44	56	57	57	65
Council on Environmental Quality ¹ -----			30	54	57	16
National Aeronautics and Space Council-----		27	26	21	16	20
National Commission on Productivity ¹ -----					20	52
Office of Consumer Affairs ¹ -----				35	50	223
Office of Emergency Preparedness-----		250	227	235	223	9
Office of Intergovernmental Relations ¹ -----			9	9	9	9
Office of Management and Budget ¹ -----	² 435	² 480	555	657	684	660
Office of Science and Technology-----		34	54	50	50	50
Office of Telecommunications Policy ^{1,3} -----		40	63	48	65	65
Special Action Office Drug ¹ -----					172	174
Special Representative for Trade Negotiations-----		28	23	30	34	46
President's Advisory Commission of Government Reorganization-----	6					
Office of Defense Mobilization-----	294					
President's Commission on Equal Opportunity Housing-----		10				
President's Council on Equal Opportunity-----		18				
National Council on Marine Resources-----			20			
President's Advisory Council on Executive Reorganization-----			30			
Total, from budget documents-----	1,130	1,303	1,493	1,965	2,236	2,206
Add, details from other agencies-----	273	273	273			
Total-----	1,403	1,576	1,766	1,965	2,236	2,206

¹ New offices added since January 1969.

² Known as Bureau of Budget.

³ Prior to 1970 was part of OEP.

Mr. DULSKI. This morning we are very happy to have the Honorable Roy L. Ash, Director of the Office of Management and Budget.

STATEMENT OF ROY L. ASH, DIRECTOR; STANLEY EBNER, GENERAL COUNSEL; VELMA N. BALDWIN, ASSISTANT TO THE DIRECTOR FOR ADMINISTRATION; AND PHILLIP D. LARSEN, BUDGET AND MANAGEMENT OFFICER; OFFICE OF MANAGEMENT AND BUDGET

Mr. ASH. Thank you.

Mr. Chairman, I am pleased to appear before this Committee to testify in support of H.R. 14715, "A bill to clarify existing authority for employment of White House Office and Executive Residence personnel and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes."

The bill was introduced by the chairman on behalf of the administration, which we certainly appreciate.

For many years the Congress has routinely provided Presidents with funds to appoint the staff and procure the services they have deemed necessary for the White House Office, Executive Residence, and related operations. Although different Presidents have had varying structures for their organizations, Congress has as a matter of course, made available sufficient funds to carry out their work, following the principle of comity between branches of government.

Last year there was an unforeseen departure from this precedent in the course of the appropriations process, when points of order were raised against certain appropriations for which there was no supporting authorization statute.

Although history had left us unprepared for this eventuality, the handwriting on the wall was plainly there for the executive branch to read. We understand the reasons why the Congress would wish to have authorizing legislation as a prerequisite to appropriation. We also think that this new turn of events provides a good opportunity to review and revise outmoded statutes which have not changed during the past quarter century.

H.R. 14715 would revise and amend sections 103, 105, and 106 of title 3, United States Code. It would affirm and clarify the authority of the President to appoint assistants and procure services in the White House Office and Executive Residence, and to respond to unique emergency situations requiring flexibility and speedy action. It would also provide authority to enable the Vice President to provide assistance to the President in connection with the performance of functions specially assigned to the Vice President in the discharge of Executive duties and responsibilities.

I also understand that there remain some minor technical problems with the bill as introduced to be worked out at the staff level and that among these will be a change to proposed section 105(e) of title 3 to authorize the hiring of six assistants to the Vice President at levels of pay less than Executive Level II but more than GS-18.

We endorse and support such a change.

With such a change this bill would provide an updated basic authorization for staffing and funding White House and related activities, subject of course to the annual appropriations process and the review it provides. In essence, it provides nothing unique or new, but merely ratifies what has been the existing practice in recent years through annual appropriations acts.

H.R. 14715 is the product of a cooperative effort between committee staff and our staff and we are very grateful for the positive

way the committee staff has approached this legislation. We will be happy to cooperate further in any way desirable. We urge prompt consideration and passage of this bill, in order to facilitate the pending appropriations process.

I shall be happy to answer any questions you may have.

Mr. DULSKI. Thank you, Mr. Ash.

Mr. Ash, you have furnished us with information showing the range of the salaries for some of the ungraded positions. Can you furnish us information showing the range of salaries for all of the ungraded positions?

Mr. ASH. Yes, sir, we can.

We have information that shows the number of people in various salary ranges of the ungraded positions, and we have a list of the names that relate to each of them. Shall we submit for the record the schedule that I have in hand that shows for ungraded positions under various ranges, the number of people in the White House Office, the number of people concerned with the Executive Residence, ungraded and graded?

Mr. DULSKI. Is this the schedule'?

Mr. ASH. Yes, sir, that seems to be it. The heading is "Schedule of permanent positions as of May 1, 1974."

Mr. DULSKI. The table will be included in the record.

[The table follows:]

SCHEDULE OF PERMANENT POSITIONS, AS OF MAY 1, 1974

	White House Office	Executive Residence	Emergency fund
Executive level II ¹	13		
Unfilled, May 1, 1974.....	1		
Ungraded:			
\$40,000 to \$36,000.....	21		(?)
\$35,500 to \$30,000.....	27		
\$29,500 to \$25,000.....	16	1	
Under \$25,000.....	28	74	
Unfilled, May 1, 1974.....	4		
Total, ungraded.....	96	75	
Graded:			
GS-16.....	3		
GS-15 to GS-2.....	396		
Unfilled, May 1, 1974.....	1		
Total, graded.....	400		
Total, all positions.....	510		

¹ U.S.C. 105 and 106 authorizes 14 positions at not to exceed the pay of level II of the Federal Executive Salary Schedule

² This appropriation provides funds to the President to meet emergencies. The budget shows an average paid employment of 20 persons in fiscal year 1974. This was for the establishment of the Energy Policy Office, which has since been abolished by Executive Order 11775, dated Mar. 26, 1974.

Mr. DULSKI. My second question, Mr. Ash, is that the bill authorizes the President to pay consultants at a rate not in excess of the daily rate of Executive Level II.

The existing authorization in the appropriation provides that no limits on daily rates will be provided. How many consultants are now employed and what is their daily rate?

Mr. ASH. I do not believe we have a schedule of that information with us. We can acquire it and furnish it to you and I will not want to estimate that number except in general to say that it is very low.

[The information follows:]

WHITE HOUSE CONSULTANTS AS OF MAY 1, 1974

The current list of consultants, their rate of compensation, and the staff member to whom they report is shown below:

Consultant	Compensation ¹	Staff member
William H. Carruthers.....	\$150/day.....	Ronald L. Ziegler.
John S. D. Eisenhower.....	\$138/day.....	Kenneth R. Cole, Jr.
Vincent Ford.....	\$125/day.....	David J. Wimer.
Loie Grace Gaunt.....	\$ 60/day.....	Jerry H. Jones.
Mark Goode.....	\$150/day.....	Ronald L. Ziegler.
Paul W. Keyes.....	\$150/day.....	Stephen B. Bull.
Herbert G. Klein.....	WOC.....	Alexander M. Haig.
Thomas P. Marinis.....	\$150/day.....	James D. St. Clair.
Jerry J. Murphy.....	\$100/day.....	James D. St. Clair.
C. Gregg Petersmeyer.....	\$ 75/day.....	David N. Parker.
Samuel J. Powers, Jr.....	\$150/day.....	Jerry D. St. Clair.
Charles B. Wilkinson.....	\$100/day.....	Jerry H. Jones.
Charles Alan Wright.....	\$150/day.....	James D. St. Clair.
Lloyd A. Free.....	\$100/day.....	President's Foreign Intelligence Advisory Board.
Andrew M. Gleason.....	\$ 50/day.....	Do.
James G. Lay, Jr.....	\$100/day.....	Do.
Oliver G. Selfridge.....	WOC.....	Do.
John W. Tukey.....	\$ 50/day.....	Do.

¹ Consultants are paid on a WAE basis (when actually employed), unless they agree to serve without compensation (WOC).

Mr. ASH. We will provide that very specific information.

Mr. DULSKI. You say it is very low?

Mr. ASH. Yes, but I will provide the actual information, and that will be the best information.

Mr. DULSKI. Now, Mr. Ash, section 107 of title 3 of the United States Code authorized the detail of employees of Executive agencies to the White House Office for temporary assistance, and I emphasize the word "temporary."

I have three reports from the General Accounting Office on this which I will insert in the record. B-133209, January 30, 1973 and another report on February 15, 1973. One of those shows that as of May 1972, there were 22 employees in detail from other agencies to the White House. Another report, May 13, 1974, shows the employees detailed from other agencies to work on Watergate and related matters.

There were 22 employees detailed from other agencies to the White House in May. How many employees are on detail now?

Mr. ASH. Twenty-five employees are presently detailed to the White House Office from other agencies. Seven persons are detailed to the President's Foreign Intelligence Advisory Board and two persons detailed as White House Fellows.

Mr. DULSKI. That would be 34 altogether?

Mr. ASH. That would be 34 altogether and then just to complete the record, in addition to those that are detailed to the White House Office, several Government agencies assign people to support the President as part of the responsibility of that parent agency, itself, such as Secret Service Personnel, Post Office, National Archives and Record Service, Military Aides, and associated support from the Department of Defense.

But these are not detailed personnel. These are the ones carrying out the various duties of their agencies.

[The letters referred to by the chairman follow:]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 22, 1974.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: This refers to your letter of May 1, 1974, in which you requested our report on a draft bill submitted by the Office of Management and Budget "To provide for the employment and compensation of employees of the White House and for other purposes." Since the bill H.R. 14715, 93d Congress, having a similar purpose, was introduced on May 9, 1974, our remarks will be directed to the bill as introduced rather than to the proposed draft.

The subject bill would amend sections 105 and 106 of title 3, United States Code, to provide permanent statutory authority (1) for the President to appoint and fix the compensation of personnel, including experts and consultants, in the White House Office and the Executive Residence; (2) for procurement of goods and administrative services incident to the performance of official Presidential duties including maintenance, operation and preservation of the Executive Residence; (3) for official reception, entertainment and representation expenses; (4) for staff and personal service to enable the Vice President to provide assistance to the President; and (5) for emergency expenditures by the President. Authorization for most of these expenditures has, in the past, been found only in annual appropriation acts. The bill would also amend section 103 of title 3, United States Code, to increase the statutory travel allowance of the President to \$100,000 per annum.

It is our understanding that the authorities to be provided by H.R. 14715 would be applicable to the specific categories of appropriations requested by the President which were included under the following headings in the Executive Office Appropriation Act 1974, Title III of Public Law 93-143, October 30, 1973: (1) The White House Office; (2) Executive Residence; (3) Special Assistance to the President (assistance to enable the Vice President to assist the President in connection with the performance of Executive duties and responsibilities); and (4) Emergency Fund for the President.

We recognize the need for permanent authorizing legislation covering the expenditures in question and believe it would be in the best interests of the Congress and the Executive branch to enact such basic authorizing legislation.

The authority of the President to appoint persons for service in the White House Office as provided by permanent law is now found in sections 105 and 106 of title 3, United States Code. However, those provisions do not reflect the requirements of the President for adequate authority to employ and compensate the staff performing the functions of the White House Office, maintaining the Executive Residence and providing assistance to the Vice President in carrying out the executive responsibilities of that office. The difficulties presented by this lack of basic authority was demonstrated by the points of order raised in the House of Representatives against specific appropriation items in the Executive Office budget during debate on H.R. 9590, enacted as Public Law 93-143, *supra*. See House debate, Congressional Record for August 1, 1973, pp. H7146, 7147.

You specifically requested that we furnish the Committee with information this Office has developed in audits concerning the staffing of the White House Office and the office of the Vice President. This Office has not made a comprehensive audit of the staff of the White House Office, the Executive Residence or that assigned to the Vice President in connection with the executive responsibilities of that office. In the past we have made customary payroll audits of the White House staff; however, since 1972 such audits have not been made or reported. Accordingly, we do not have any general study of the staff which would provide the Committee with information directly related to the intent of the legislation now under consideration.

However, we have made studies of some aspects of White House staffing and staffing which would be included in other parts of the proposed legislation. These studies include:

A study of hours and costs incurred for attorneys on the White House staff or detailed from other agencies working on "Watergate" and related matters during fiscal year 1973, fiscal year 1974, to January 9, 1974, and fiscal year 1974, to March 24, 1974. A copy of this report (B-133209, May 13, 1974), is enclosed for your information.

An analysis of the status of the fund described as "Special Assistance to the President" with respect to its use for expenses incurred by former Vice

President Agnew subsequent to his resignation in connection with duties incident to termination of his service. We enclose a copy of our letter B-149372, March 13, 1974, to Representative John E. Moss concerning this.

A study of personnel detailed to the White House pursuant to the authority provided in section 107 of title 3, United States Code, and a legal analysis of the use of that authority. Copies of two reports made in connection with this study are enclosed (B-133209, January 30, 1973, and February 15, 1973).

An attempted study of the assignment of Navy stewards to the personal service of the President, the Vice President and the operation of the White House staff mess. In this case, however, we were unable to obtain permission from the White House to examine the records or interview personnel necessary to prepare a report in this matter.

With respect to the second item above, we pointed out in the letter to Representative Moss that some questions remain concerning the use of the Special Assistance fund in the case of the resignation of a Vice President and recommended the enactment of legislation to alleviate the problem. In subsequent correspondence we suggested that the Congress consider an amendment to the Presidential Transition Act of 1963, Public Law 88-277, March 7, 1964, to provide specifically for services and facilities required by a former Vice President in completing his duties following resignation. We suggested further that, in such cases, the authority for expenditure of funds on behalf of the former Vice President should not extend beyond a period of 30 days following resignation, rather than for the 6-month period provided in the transition act. It may be that your Committee will wish to consider legislation along those lines in connection with its consideration of H.R. 14715.

While we are in agreement with the intent of the bill to provide permanent statutory authority for the appropriation of funds for the purposes specified, we have certain comments, as set out below, with respect to specific provisions of the bill.

(1) In sections 1 and 2 of H.R. 14715 three provisions for the appointment and compensation of personnel include the phrase "without regard to any provision of law regulating employment and pay of persons in the service of the Federal Government." Those provisions cover appointments by the President to positions in the White House Office and the Executive Residence, to the staff of the Vice President and to positions paid for funds appropriated to the Emergency Fund of the President. No limitation is provided with respect to the numbers of positions authorized except for appointments at salary rates equivalent to those of the executive levels. The bill also provides, with respect to the White House Office, the Executive Residence and the Vice Presidential staff, authority for procurement of unlimited numbers of experts and consultants and firms of experts and consultants in accordance with the first two sentences of section 3109(b) of title 5, United States Code. Since the only numerical limitations on employment of staff apply to appointees to positions compensated at rates not to exceed level II of the Executive Schedule limitations on the numbers of other staff members would be determined indirectly by the amount of money provided in annual appropriation acts. Although the Committee may wish to consider placing some reasonable limitation on numbers of staff that may be appointed, including limitations on numbers of experts and consultants and on ungraded personnel, the indirect control provided by the appropriation process would seem to be adequate and would permit more flexibility in staffing the offices concerned.

With respect to the limitation in the bill on the number of positions in the White House Office to be compensated at not to exceed level II of the Executive Schedule, we note that the fiscal year 1975 budget includes an increase of 30 ungraded positions for the White House Office. We understand informally that it is intended that appointees to some of these positions would be compensated at annual salaries in excess of \$36,000. We suggest the same ratio of Executive Level salaries be applied to the additional 30 positions as is now contemplated in section 1 of the bill with respect to existing ungraded positions. Our analysis of current staffing shows that about one quarter of the ungraded positions excluding those currently authorized by 3 U.S.C. 105, 106 are paid at rates in excess of \$36,000. Therefore, authority to appoint a maximum of not more than one quarter (or 7) of additional 30 positions at not to exceed Executive Level II would appear to be appropriate. This would increase number of positions in the White House Office to be appointed under that authority to not more than 42. With respect to staff of the Vice President we have been informally advised that 4 positions on the current staff are paid at rates in excess of \$36,000.

(2) Since recurring questions arise concerning the use of authority provided by section 107 of title 3, United States Code, to detail employees of executive departments and independent establishments to work at the White House Office, we believe that the bill should include a provision amending that section to set a limit on the number of employees who may be detailed. Such amendment should also provide a definition of "temporary assistance." See pp. 1245, 1246, Hearings of the House Appropriation Committee on the Supplemental Appropriation bill for fiscal year 1974, Public Law 93-245, January 3, 1974. Also, since we note from the Office of Management and Budget statement on page 1245 of the Hearings that it is current practice to place details on a reimbursable basis after service for a period of six months at the White House, it may be advisable to enact a provision requiring details to be on a reimbursable basis if they extend for more than 6 months or some other appropriate period of time. See, also our report B-133209, January 39, 1973, *supra*.

(3) With respect to the proposed subsection 105(c) of title 3, United States Code, we note no limit is placed on Presidential authority to "procure goods and administrative services in connection with the performance of his official duties." We note the budget request for the Executive Residence for fiscal year 1975 includes the following specific enumeration of items for which the amount requested would be expended: "For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence * * *."

We are aware of no reason for broadening the President's authority for use of the funds in this category. Therefore we believe consideration should be given to amending the proposed subsection 105(c) to include a description of authorized items for which appropriations may be expended similar to that contained in the quoted language from the 1975 budget request.

Further, we are aware of no reason why the procurement of goods and services for the Executive Residence and for other property essential to the fulfillment of Presidential duties should not be subject to provisions of the Federal Property and Administrative Services Act of 1949, June 30, 1949, 63 Stat. 377, as amended, and the statutory regulations issued thereunder. Our opinion is that the controls provided under that act and implementing regulations should be made applicable to goods and services procured for the Executive Residence and for other property essential to the fulfillment of Presidential duties.

(4) Section 3 of H.R. 14715 which would increase the Presidential travel allowance from \$40,000 to \$100,000 should, we believe, specify the expenditures intended to be made from this allowance. As illustrated by the discussions at page 1254, through 1256 of the Hearings of the House Appropriations Committee on the supplemental Appropriation bill for 1974 (Public Law 93-245), *supra*, the use of this fund for payment of Presidential travel expenses is not entirely clear.

(5) Finally, with respect to the language appearing in the bill relating to appointment of personnel "without regard to any provision of law" (See comment (1) above), we suggest that the Committee include in its report on H.R. 14715 a statement that the inclusion of such language in no way diminishes or prevents the exercise by the General Accounting Office of its authority to examine records and audit accounts covering the various categories of expenditures (other than emergency expenditures) for which authorization is provided in the bill.

Sincerely yours,

R. F. KELLER,

Acting Comptroller General of the United States.

Enclosures.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 13, 1974.

B-133209

Hon. EDWARD R. ROYBAL,
House of Representatives.

DEAR MR. ROYBAL: Your letter of January 31, 1974, requested us to audit White House accounts to determine the total cost of various legal actions. In a later meeting with your office, we agreed to attempt to obtain:

(1) The names of and costs incurred for attorneys on the White House rolls or detailed from other agencies working on Watergate and related matters during fiscal year 1973, fiscal year 1974 to January 9, 1974, and fiscal year 1974 to the date of our audit.

(2) A breakout of the total time spent on Watergate matters.

(3) The amount of supporting expenses related to Watergate matters.

(4) The appropriations from which expenditures were paid.

The White House Office does not maintain accounting or other records which would permit us to obtain precise information on the costs incurred on Watergate. To obtain the best estimate of the information you requested, the White House staff furnished us the names of the attorneys, clerks, and secretaries who worked on or were assigned to offices which worked on Watergate. From White House payroll records, travel vouchers, and vouchers for fees paid to consultants, we obtained information on the expenditures from White House appropriations for the services and travel of these individuals. The White House staff also gave us the names of attorneys, clerks, and secretaries detailed to the White House and paid from the appropriations of other agencies. From information in the White House files, or furnished to us by the White House staff, as to grades and periods of detail, we computed the estimated salaries of these employees.

We reviewed the list of attorneys with Mr. Leonard Garment, Assistant to the President, who advised us as to his knowledge of those who worked on Watergate matters and, if less than full-time was spent on Watergate, his estimate on the percentage of time spent on Watergate. Mr. Garment was Counsel to the President from April 30, 1973, to January 4, 1974. During that time, he said, he spent from about 60 to 70 percent of his time on Watergate.

Using the above procedures, we have summarized below the information requested. (The salary cost of Government personnel includes 8 percent of gross salary for the Government's contribution to retirement, health, and life insurance plans.)

SUMMARY

Following is the estimated cost of attorneys fees, salaries, and travel and supporting expenses incurred by or for the White House on Watergate.

Fiscal year 1973:

Consultants.....	\$ 6,315.88
Attorneys—White House payroll.....	7,000.00
Attorneys—detailed from other agencies.....	18,998.56
Supporting costs.....	15,000.00
Total.....	47,314.44

Fiscal year 1974 to 1-9-74:

Consultants.....	40,300.46
Attorneys—White House payroll.....	44,876.83
Attorneys—detailed from other agencies.....	79,728.32
Supporting costs.....	76,001.24
Total.....	240,906.85

Fiscal year 1974—1-10-74 to 3-24-74:

Consultants.....	5,092.66
Attorneys—White House payroll.....	28,544.27
Attorneys—detailed from other agencies.....	31,031.52
Supporting costs.....	29,584.33
Total.....	94,252.78
Total.....	382,474.07

Additional information on these costs follows.

NAMES OF AND COSTS INCURRED FOR CONSULTANTS AND ATTORNEYS ON THE WHITE HOUSE ROLLS OR DETAILED FROM OTHER AGENCIES

Fiscal year 1973

Consultants.—Charles Alan Wright and Thomas P. Marinis:

Fees.....	\$4,762.50
Travel.....	1,553.38
Total.....	6,315.88

Expenditures were from appropriation (1130114), Special Projects. The services all related to Watergate.

White House payroll.—John W. Dean III, and Leonard Garment.

Mr. Garment told us that from about April 9 until June 30, 1973, he spent about 60 or 70 percent of his time on Watergate. Mr. Dean, who was Counsel to the President before Mr. Garment, obviously also spent some time on Water-

gate during fiscal year 1973, but Mr. Garment said he had no idea what percentage of Mr. Dean's time was so spent. Using Mr. Garment's estimate of the percentage of his time spent on Watergate, we estimate that about \$7,000 was expended during fiscal year 1973 from the appropriation Salaries and Expenses, the White House Office (1130110), for his services related to Watergate.

Detailed to the White House.

Name, agency, and amount:

Mary C. Lawton, Department of Justice.....	\$1,569.11
J. Fred Buzhardt, Department of Defense.....	5,831.55
Robert T. Andrews, Department of Defense.....	4,891.10
Douglas Parker, Department of Housing and Urban Development.....	6,706.80
Total.....	18,998.56

We were advised by officials in the White House Office that the salaries of the above personnel were paid by the agencies from which they were detailed. As far as we could determine, their assignments during this period all related to Watergate.

Fiscal year 1974 to 1-9-74

Consultants.—Charles Alan Wright, Jerome Murphy, Thomas P. Marinis, and Samuel Powers.

Fees paid from appropriation Special Projects (1140114).....	\$18,862.50
Fees paid from appropriation Salaries and Expenses, the White House Office (1140110).....	9,550.00
Travel paid from appropriation Special Projects (1140114).....	5,313.85
Travel paid from appropriation Salaries and Expenses, the White House Office (1140110).....	6,574.11
	40,300.46

During fiscal year 1973 consultants' fees and travel expenses were paid from the Special Projects appropriation. During fiscal year 1974, these costs continued to be charged to the Special Projects appropriation for which funds were made available under a continuing resolution until October 1973. The fiscal year 1974 appropriation law did not provide any funds for Special Projects, so, for the balance of the year, the fees and expenses of the consultants were charged to the Salaries and Expenses appropriation.

Full-time White House employees.—James D. St. Clair, J. Fred Buzhardt, Cecil Emerson, and Leonard Garment.

Salaries and travel were paid from appropriation Salaries and Expenses, the White House Office (1140110).

Salaries ¹	\$43,029.09
Travel.....	1,847.74
Total.....	44,876.83

¹ On the basis of a discussion with Mr. Garment, we have included only 70 percent of his salary during this period in this amount.

Detailed employees.

Name, agency, and amount:

Robert T. Andrews, Department of Defense.....	\$20,211.38
Richard T. Hauser, Department of Justice.....	10,583.88
Kenneth G. Haynes, Department of Justice.....	9,441.10
John A. McCahill, ¹	3,223.76
Douglas Parker, Department of Housing and Urban Development.....	16,394.40
Loren Smith, Federal Communications Commission.....	2,252.53
Paul S. Tribble, Jr., Department of Justice.....	4,629.66
George P. Williams, Department of Justice.....	9,853.41
Michael Sterlacci ¹	2,317.08
Total.....	78,907.20

¹ White House Office files show that Mr. McCahill was employed by Justice immediately before being detailed to the White House on November 27, 1973. Officials of Justice and Agriculture said he transferred to Agriculture on November 27, 1973, and his salary while on detail has been paid by Agriculture. The White House Office files show that Mr. Sterlacci was employed by the United States Information Agency (USIA) immediately before being detailed to the White House. USIA and Department of Transportation officials said he transferred to Transportation on December 9, 1973, and was immediately detailed to the White House. His salary while on detail to the White House has been paid by Transportation.

The detailed employees incurred travel expenses of \$821.12 during this period, which were paid from the Salaries and Expenses, the White House Office, appropriation (1140110).

Fiscal year 1974—1-10-74 to 3-24-74

Consultants.—Charles Alan Wright, and Jerome Murphy.

Fees and travel expenses were paid from Salary and Expenses, the White House Office (1140110).

Fees-----	\$4, 137. 50
Travel-----	955. 16
Total-----	5, 092. 66

Full-time White House employees.—Cecil Emerson, James D. St. Clair, John J. Chester, and George P. Williams (beginning 2-17-74).

Salaries and travel were paid from Salaries and Expenses, the White House Office (1140110).

Salaries-----	\$26, 746. 24
Travel-----	1, 798. 03
Total-----	28, 544. 27

Detailed employees.

Name, agency, and amount:

Robert T. Andrews, Department of Defense-----	\$7, 029. 24
Richard T. Hauser, Department of Justice-----	5, 655. 49
Kenneth Haynes, Department of Justice-----	1, 302. 22
John A. McCahill ¹ -----	5, 407. 53
Loren A. Smith, Federal Communications Commission-----	3, 778. 44
George P. Williams, Department of Justice (to 2-16-74)-----	2, 395. 79
Michael Sterlacci, ¹ -----	5, 238. 61

Total-----	30, 807. 32
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¹ See note for prior period.

Travel expenses of these employees of \$224.20 during this period were paid from the appropriation Salaries and Expenses, the White House Office (1140110).

SUPPORTING EXPENSES

The White House Office prepared an estimate of the supporting, or administrative, expenses for Watergate for fiscal year 1974 to January 9, 1974, and from January 10 to March 24, 1974. Included in these estimates were such items as the salaries of clerks, secretaries, paper and other supplies, and machine rental. For salaries paid from White House appropriations, we verified, for the names furnished to us, the salaries paid during the above periods. For salaries paid from appropriations of other agencies, we computed the salaries paid from information furnished to us by the White House staff as to the grades of these employees and periods assigned to the White House.

The White House staff did not prepare an estimate of supporting costs for fiscal year 1973. On the basis of the estimates which it did prepare for fiscal year 1974 through March 24, 1974, we estimated the supporting costs for this period.

Fiscal year 1973

The estimates prepared by the White House staff for fiscal year 1974 through March 24, 1974, as adjusted by us on the basis of our review of the supporting information, show that supporting costs amounted to about 46 percent of salaries and other costs for attorneys. Applying this percentage to the attorney costs for fiscal year 1973, we estimate that supporting costs for fiscal year 1973 amounted to about \$15,000.

Fiscal year 1974 to 1-9-74

The estimated supporting costs for this period were \$76,001.24. Of this, \$53,826.76 was spent from the White House Office Salaries and Expense appropriation (1140110). According to information furnished to us by the White House Office, the balance of \$22,174.48 was for salaries of detailed employees and was paid from the appropriations of the following agencies.

Department of Labor	\$951. 87
Department of Health, Education, and Welfare	951. 87
Department of Transportation ¹	538. 01
Department of Housing and Urban Development	11, 634. 54
Department of Defense	8, 098. 19
Total	22, 174. 48

¹ The employee paid by Transportation transferred from Justice and was immediately detailed to the White House.

Fiscal year 1974—1-10-74 through 3-24-74

The estimated supporting costs for this period were \$29,584.33. Of this, \$17,913.67 was expended from the White House Office Salaries and Expense appropriation (1140110). According to information furnished to us by the White House staff, the balance of \$11,670.66 was for salaries of detailed employees and was paid from the appropriations of the following agencies.

Department of Housing and Urban Development	\$2, 888. 87
Department of Defense	428. 20
Department of the Interior ¹	707. 62
Department of Agriculture ¹	241. 49
Domestic Council	948. 33
Department of Labor	2, 152. 05
Department of Health, Education, and Welfare	2, 152. 05
Department of Transportation ¹	2, 152. 05
Total	11, 670. 66

¹ Information furnished to us by the White House Office staff shows that employees paid by Agriculture and Transportation worked for Justice immediately before being detailed to the White House. They transferred to Agriculture and Transportation and were immediately detailed to the White House. The employee paid by Interior transferred from the Office of Management and Budget to Interior while on detail to the White House.

We plan no further distribution of this report unless you agree or publicly announce its contents.

Sincerely yours,

R. F. Keller,
Acting Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., January 30, 1973.

B-133209

Hon. PHILLIP BURTON,
House of Representatives.

DEAR MR. BURTON: In your letter of October 19, 1972, jointly signed by Congressman Les Aspin, you raised several legal questions. The following are the legal questions raised and our response to them:

Detailing of Federal employees to the White House

On page 5 of your letter it is stated that absent specific authority to the contrary the narrow language of section 628, title 31 of the United States Code severely restricts the President's hiring or detailing power. The cited language reads as follows: "Except as otherwise provided by law, sums appropriated for the various branches of expenditure and the public service shall be applied solely to the objects for which they are respectively made, and for no others."

On page 6 the view is expressed that the detailing authority of section 107 of title 3 of the United States Code does not contain authority or constitute a right to exceed limitations regarding the use of details. Following this statement these questions are posed:

"Would you also advise us therefore what the GAO now considers to be those specific Presidential or executive actions which are necessary to initiate or continue a 'detail' from another agency? What is the maximum duration of such a detail based on explicit or implicit history of the use of 'details'? Must there be a document in writing?

"Since the history of this detailing power also indicates its use has been restricted to permanent employees of agencies, does the GAO know of any converse authority (express or implied) that might allow detailing of temporary employees of which would allow a permanent White House employee to also serve as a temporary employee of another agency?"

The provision found at 3 U.S.C. 107 reads as follows:

"Employees of the executive departments and independent establishments of the executive branch of the Government may be detailed from time to time to the White House Office for temporary assistance."

This provision of law was first enacted in the Legislative, Executive, and Judicial Expenses Appropriations Act, 1906, Public Law 40, 58th Congress, approved February 3, 1905, 33 Stat. 631 642. While nothing has been bound in the legislative history of that act explaining the purpose for its enactment, in all likelihood it was prompted at least in part by the December 22, 1904, ruling of the Attorney General which held in effect that the Postmaster General had no authority to detail a registry clerk to the White House because of lack of statutory authority for such a detail. See 25 Ops. Atty. Gen. 301. In any event, nothing has been found in the legislative history of this language that would suggest any limitation on the expressed detail authority provided therein and we cannot agree with the suggestion made on page 6 that the lack of authorizing legislation for the original language somehow suggests a limitation. While the lack of authorizing language for a legislative item in an appropriation bill would under the rules of the House and the Senate furnish basis for a point of order during debate, once the language is enacted it becomes law and entitled to the same force and dignity as any other duly enacted measure. See *Aeronautical Radio, Inc. v. United States*, 335 F. 2d 304, 308 (1964). Moreover, with regard to the specific provisions of 3 U.S.C. 107, this language was enacted into positive law by the codification of title 3 of the United States Code by the act of June 25, 1948, 62 Stat. 672. Accordingly, in response to the specific questions quoted above we must advise that:

(1) The language of 3 U.S.C. 107 does not require any specific presidential or executive actions to institute or continue a detail.

(2) Although 3 U.S.C. 107 only constitutes authority for temporary details, there is no stated maximum limitation and whether or not a detail is "temporary" within the meaning of 3 U.S.C. 107 would depend upon the individual circumstances of each detail.

(3) There is no requirement that the detail must be documented in writing.

(4) The authority of 3 U.S.C. 107 is not limited to details of permanent employees.

Also in connection with 3 U.S.C. 107, it is our view that the provision does not require reimbursement on account of a detail thereunder.

Practice of placing Presidential appointees on payrolls of Federal agencies

On page 7 of your letter a practice is described whereby presidential appointees are placed on the payrolls of OEP and OTP thereby—according to your letter—resulting in a "de facto" detail to the White House. You therefore ask—

"Since these OEP expenditures appear to be both unprecedented and represent a major deviation from their testimony, do you know of any circumstances that allow OEP—without any emergency conditions—to step outside the existing spending restrictions in the laws of Congress? What remedies does the Congress now have if these OEP actions were unjustified?"

Whether an agency has employed an individual for the sole purpose of detailing him to the White House is at best difficult to establish. In view of the circumstances involved in this matter we know of no practical actions that the Congress can take which will correct what has already been done. While it may be that OEP has not kept faith with the Congress in the practice followed, the only effective remedies available to the Congress are prospective. In this regard it can restrict future appropriations by dollar amounts so that OEP will not have funding authority for employees to be detailed to the White House, or it can alternatively repeal 3 U.S.C. 107 or amend it in a manner to specifically state the conditions governing such details.

We trust the foregoing answers the legal questions you raised. We are sending a copy of this letter to Congressman Les Aspin.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C. February 15, 1973.

B-133209

Hon. PHILLIP BURTON,
House of Representatives.

DEAR MR. BURTON: Our interim report to you dated December 1, 1972, provided most of the information requested in (1) your letter dated October 19, 1972, jointly signed by Congressman Les Aspin, which also summarized earlier letters of August 25 and September 1, 1972, (2) the letters of Congressman Les Aspin dated September 6 and October 11, 1972, (3) the letter of the Chairman, General Subcommittee on Labor, House Committee on Education and Labor dated October 12, 1972, and (4) the letter of Mr. Gary Sellers dated November 15, 1972, to a member of my staff. The basic information requested relates to the detailing of employees to the White House from other Federal agencies. In our report we advised that we would send you this final report when all of our work had been completed.

On December 13, 1972, we forwarded a letter to the White House requesting information relating to personnel detailed to the White House from other Federal agencies, a copy of which is attached. A copy of the White House response dated January 15, 1973, is also attached.

We have researched the legal questions raised in your letter of October 19, 1972, jointly signed by Congressman Aspin. Our report on the results of our research was forwarded to you on January 30, 1973.

We have verified selected payroll information forwarded by your staff, involving employees of the Office of Emergency Preparedness and the Office of Telecommunications Policy. The information was provided informally to a member of your staff.

We trust this final report and reports previously furnished are responsive to your needs.

We are sending a copy of this letter to Congressman Les Aspin.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Attachments:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., December 13, 1972.

B-133209

Hon. H. R. HALDEMAN,
Assistant to the President,
The White House.

DEAR MR. HALDEMAN: In our letter to you of November 1, 1972, we advised that the scope of our examination has been expanded to include additional data being requested by members of the Congress to cover the period of fiscal year 1969 to the present.

Much of the data we have accumulated relates to personnel assigned to the White House offices from other Federal agencies. In this regard, the Congressmen have asked us to obtain in writing the names of all persons detailed to the White House on May 1, 1972 (exclusive of military details), and the total number of people detailed to the White House and the amounts of funds transferred for such details during fiscal year 1972.

For purposes of definition, the White House is considered to be the Executive Mansion, the old and new Executive Office Buildings, and any other location in or out of Washington, D.C., where services are performed for the White House. Also, a detailed individual is considered to be any individual performing services for the White House at the above locations and not directly paid from the "White House", "Special Projects" or "Domestic Council" appropriations.

We would appreciate a reply at your earliest convenience so that we can conclude our work in this area.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

THE WHITE HOUSE,
Washington D.C., January 15, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. STAATS: This is in response to your letter of December 13, 1972 requesting information concerning personnel detailed to the White House Office from other Federal agencies for fiscal year 1972.

Pursuant to your request, and our understanding of detail as defined in your letter, attached is a list of the names of those individuals, exclusive of military personnel, who were detailed to the White House on May 1, 1972. As you will note, eleven of the individuals were performing responsibilities indefinite in duration and their salaries were being reimbursed to their parent agencies, three were career Foreign Service officers serving on non-reimbursable detail pursuant to 22 U.S.C. 961, and eight were detailed on a short-term non-reimbursable basis. The total number of different individuals detailed to the White House Office on either a reimbursable or non-reimbursable basis over the course of fiscal year 1972 was 33, and the amount of funds transferred for such details during fiscal year 1972 totaled \$131,945.33.

I trust the foregoing information will be of assistance to you. If you have additional questions in this regard, please so advise.

With best wishes,

Sincerely,

JOHN W. DEAN, III, *Counsel to the President.*

Attachment:

PERSONNEL SERVING ON REIMBURSABLE DETAIL AS OF MAY 1, 1972

NAME AND EMPLOYING DEPARTMENT OR AGENCY

Bonnie Bradbeer, HEW.
Helen M. Browder, Agriculture.
Carol Condon, HEW.
Llewellyn J. Evans, Jr., Transportation.
Barbara H. Franklin, Labor.
Paul L. Gomory, Jr., Commerce.
Rayburn D. Hanzlik, HEW.
Warren Hendricks, HEW.
Bobbi Lungren, HEW.
Valerie Neveraskas, CIA.
Pamela Rabbitt, HEW.

PERSONNEL SERVING ON NONREIMBURSABLE DETAIL AS OF MAY 1, 1972

NAME AND EMPLOYING DEPARTMENT OR AGENCY

Michael P. Balzano, Jr., OEO.
Anita M. Beatty, Agriculture.
Judith A. Cole, Commerce.
Carlos D. Conde, Cabinet Committee on Spanish Speaking.
Bonnie L. Gage, ACTION.
Brad E. Hainsworth, OEO.
Judith M. Kaufman, ACTION.
Olga F. Labourdette, Cabinet Committee on Spanish Speaking.

FOREIGN SERVICE OFFICERS SERVING ON NONREIMBURSABLE DETAIL (22 U.S.C. 931) AS OF MAY 1, 1972

Karen D. Jenkins, Noble Melencamp, and Michael B. Smith.

Mr. DULSKI. Mr. Henderson.

Mr. HENDERSON. Thank you, Mr. Chairman.

Mr. Ash, before getting into the questions, I would like to get for the record for my own understanding, your views on just what we are doing here. I understand that last year in the appropriations process it was pointed out that there was not any authorization for some of the spaces and that authorization requests should be submitted to the Congress.

The bill introduced by our chairman was as a result of the request to provide for the authorization.

Heretofore, or at least in recent years, no committee of the Congress has authorized the provisions that we are being asked to act on at this time. Now I would like to have your views with regard to the necessity for Congress to authorize these positions. I guess what I am really saying is, as we understand the tripartite form of government, it is well established that the legislative branch has the authorization to provide for staffing and authorizing personnel. This principle is illustrated by the bill we had yesterday with regard to troop and civilian personnel levels of the Defense Department for example. But do you feel that the legislative branch must take the same type of action through the proposal we are considering this morning to require the Chief Executive to provide justification for his own staff, or do you feel that we should take the position that he has the responsibility and he ought to decide what he needs and simply authorize it by Executive order?

I understand that the Appropriations Committees have required justification in recent years and I presume that your staff has appeared before them to justify the money. But as we look at the authorization, how do you think the legislative authorization committees should operate?

MR. ASH. Well, as you know, there is a long history behind this very action that we are here considering today, that is, a long history where the comity between the branches has led to a process where there has not been a workable effective authorization.

We have merely operated on a general practice of many, many earlier years and therefore there has been no need for authorizing legislation, dealing with it instead in the appropriations process.

That has, I think, worked fairly well, but I understand completely the desires at this time to develop authorizing legislation and to restore the practice for the White House as it has been for the other agencies of the Government.

I think, in this case though, there is one thing that should be recognized as the authorizing legislation is considered, and that is in contrast to most of the other departments and agencies of the Government, the very nature of the functions of the President's Office is not as subject to the same precision of forecast or control as to personnel. There needs to be a fair amount of flexibility if the President is to do his job, because it is difficult to know what that job is likely to be a year ahead of time, and we certainly have considerable evidence in the past that it changes with events more rapidly than, say, do the functions of departments and agencies.

So, we are concerning ourselves with authorizing legislation, and I understand the reason to have it, but the thing I hope is that it does not become so rigid and so fixed that we have precluded the President from doing the most effective job that he is charged with doing. That is the basis of comity between the branches.

In past years that allowed this process to proceed without authorizing legislation.

MR. HENDERSON. I appreciate your response and as I understand it you are saying that even though you recognize that this year we are under pressure because of the time frame, that if we do agree that it is

necessary to obtain authorization from this committee we should act. I would hope that in future years the White House request would come to us early in the year and not wait until you are under appropriations deadlines, because I know you are under pressure, and, obviously, we are.

Then, when we are not under pressure, I would assume that you would expect the legislative committee to look reasonably into the needs, and you would be expected to justify the positions requested. If they proved not sufficient, I am sure that you would understand, that it would be possible to come back for supplemental or further requests of specific authority.

What I am laying the basis for is that, as one member of this committee, I certainly feel in this operation that our responsibility is to do the job that is necessary. But it seems to me significant that at this point we are providing authorization in the Congress for the whole executive branch even at the White House level. Yet when we created the Postal Service in the Reorganization Act, some of us on this committee felt that the one glaring mistake we made was that we relinquished legislative authority for funding the postal system.

The Chairman, Mr. Gross and I introduced a bill that would require congressional authorization of public funds in addition to appropriation.

As you know, it has passed this committee, passed the House and is now before the other body. My recollection is that the administration did not support that bill to require authorization of the funds for the postal system.

I thought it would be appropriate to ask you how do you square these things? We have what I consider a unique and unusual situation here to authorize appropriations for the Chief Executive, where certainly we feel great obligation to do what is necessary to help him with his responsibilities.

We have the basic responsibility for the postal system for the country, whatever its structure is. We find when this committee and the House, by earlier action this year, indicates that we think we have jurisdiction to authorize the money going into the postal system, the administration did not support that effort.

Would you like to comment on the administration's views or your own on Postal authorization?

Mr. ASH. Can I also comment on my views as to the other aspect of your question, the White House authorization?

The reason that our proposal to you to submit this authorizing legislation comes later, let us say, than you would have liked it, and that we would have liked it, is because we are taking quite an unprecedented step by moving away from what has been a practiced comity between the branches to a more formalized process.

That has taken a lot of consideration, because we are establishing, as we see it in the executive branch, a precedent of a very important nature.

Mr. HENDERSON. If you will permit me, the staff tells me this is permanent authorization and, of course, I should have made that clear. But I am sure we are agreed on the precedent that you are talking about. It would recognize the authority of the legislative committee of the Congress to review the authorization annually.

Mr. ASH. My other comments on the need to provide flexibility for the Executive, whether it be this President or the next President or the one after him, that once this permanent authorizing legislation is in place, that it would have sufficient flexibility to allow refinements be dealt with in the appropriations process, of course, but that it will not necessarily require an annual reconsideration in terms of the authorization itself.

Certainly the Congress and this committee would have such a right and such an authority, but we would hope in exercising it, it would keep in mind the principle of comity and that it would not feel that it was therefore necessary to have each year a reconsideration of all this committee is now interested in and studying.

Mr. HENDERSON. But you agree that if it were desirable in the future to increase the White House staff beyond the level now sought, it would require authorizing legislation?

Mr. ASH. It would be and that is one reason we think there should be some flexibility in that which is authorized so that that would allow this and all succeeding Presidents to deal with their office and the needs of their office as they best see them.

The reverse, of course, is true with regard to the Congress, itself, and its own budget.

So, with a permanent authority in front of us and with the possible need to amend that authority from time to time, I would hope nevertheless, that we would keep in mind the fundamental principle that this or any other President will need flexibility to do the job he is charged with doing and that that be in the authorizing legislation itself.

Now, as to the Postal Commission, what we are doing will be repeating arguments and discussions made before. It would be our hope and expectation that we can get the Postal Service to a point where it can be self-sustaining, surely we cannot get there immediately. There are many transitional issues and that transition does require a continued flow of Federal funds, but at some time as that organization can become self-sustaining, then the expectation would be that it would be providing the best possible postal service at the lowest possible cost and doing so fully funded without the necessity for governmental appropriations.

What we worry about are steps backward from that objective. That is really our worry, that there will be criticisms of the Postal Service, as there are, and will continue to be for some time. You take an organization of that size and try to change its nature to a more productive and more efficient one and it will involve mistakes, will involve the necessity to learn by those mistakes, and I hope as those mistakes are made and as that learning takes place, that it does not become the basis for reversing the whole process and say "Well, it looks like we cannot make it going that way, so let us go back and put it back into Government again."

That is our basic concern, and it relates to the whole business——

Mr. DULSKI. If the gentleman will yield, Mr. Ash has to leave at 11 o'clock. We would like to give each member a chance. If you have other questions, we will come back to you.

Mr. HENDERSON. All right, Mr. Chairman.

Mr. GROSS. I am very much interested in this talk about comity. I am not sure where comity begins and comity ends. This is one of the most flexible things you can talk about.

The President does sign the housekeeping bills for Congress, does he not?

Mr. ASH. He signs them, but without any observation as to whether he believes them too high, too low or just right. It is a matter of automatic process, of whatever the Congress or for that matter, the judicial branch puts in front of him he signs as a matter of automatic operation with no comment, no observation, no recommendation, no proposed change.

He just affixes his signature, recognizing his responsibility under the principle of comity to accept whatever is put before him by the Congress or by the judicial branch.

Mr. GROSS. I am afraid I do not agree with you, Mr. Ash, that he should automatically sign bills coming from Congress, no matter what they may be, including Congressional housekeeping bills, if he feels protest or comments or anything else are necessary.

Mr. ASH. Maybe he should not but he does. I agree with you, Mr. Gross, this is a very flexible concept, and does not exist in the law any place, and the practice is that he signs them automatically, but the thought that you are expressing is maybe he should not.

Mr. GROSS. Travel expenses of the President are authorized under section 103 of title 3, U.S. Code. The amount authorized is "not to exceed \$40,000." Is it not true that in his submission of the fiscal year 1971 budget, the White House requested and received \$75,000 for travel for the President, and is it not true that the same occurred in fiscal years 1972, 1973 and 1974? For the fiscal year 1975, the request is for \$100,000. Why, in view of the law authorizing \$40,000 did the Bureau of the Budget ask for higher amounts and why are you waiting to ask for authorization?

Mr. ASH. This goes back to the issues I was discussing earlier. Heretofore, not only this President, but earlier Presidents, had proposed and had received appropriations for amounts greater than the authorizing legislation.

It had been a practice of a great number of years, and what we are now doing is changing that practice by providing authorizations for those kinds of amounts, hopefully leaving still flexibility. So what we have done in earlier years was to continue a practice of what we had done last year and the year before. We have continued practices of even earlier years and earlier Presidents, and I can give no further reason, except we did what has always been done.

Now, the desire is to change it.

Mr. GROSS. What sort of travel does this appropriation cover?

Mr. ASH. This covers the travel of those who accompany the President and have costs, for hotels or that sort of thing, when they are traveling with the President. It does not include, say, the cost of a furnished military airplane, but there are still a lot of ancillary costs that go on to cover the costs of those who travel with the President.

Mr. GROSS. The Commander in Chief travels at the expense of the military, is that correct?

Mr. ASH. The direct cost of furnishing the plane and all that goes with it is military furnished.

Mr. GROSS. What other travel accounts does the President have?

Mr. ASH. That is the only one, I guess, isn't it? I am advised that, if his travels take him out of the country, there is a State Department payment for a portion of those costs that deal with international travels.

Mr. GROSS. What was the total cost of Presidential travel during the past year? Do you have that figure?

Mr. ASH. I think I have it. Just a moment—\$75,000 was spent in fiscal 1973.

Mr. GROSS. Out of a total appropriation of \$100,000?

Mr. ASH. Of \$75,000 which was appropriated.

Mr. GROSS. \$75,000 was appropriated, not \$100,000. You got \$75,000 and spent \$75,000.

Mr. ASH. I think for fiscal 1973, \$75,000 was requested, appropriated, and spent.

Mr. GROSS. This legislation on page 4 authorizes a fund for the President to be used in emergencies involving the national interest, security, or defense. Has any money been appropriated for this purpose in the past?

Mr. ASH. Yes.

Each year it has been a practice to appropriate \$1 million. Substantial of those amounts have lapsed, and have not been spent. I have a schedule of what was spent in each year and what lapsed each year.

Mr. GROSS. Will you provide that for the record?

Mr. ASH. We can submit it for the record and can also describe what the funds have been spent for this year if you wish to get an idea.

[The material follows:]

EMERGENCY FUND FOR THE PRESIDENT—PURPOSES OF ALLOCATIONS 1954-74

FISCAL YEAR 1974

\$340,000.....	Energy Policy Office (7/20/73).....	To provide funds for necessary expenses of the Energy Policy Office.
\$65,000.....	Federal Property Council (10/11/73).....	To provide funds for necessary expenses of the Federal Property Council.
\$150,000.....	U.S. Puerto Rico Ad Hoc Advisory Group (10/1/73).....	To provide funds for necessary expenses of the U.S. P.R. Ad Hoc Advisory Group.
\$100,000.....	Federal Energy Office (12/27/73).....	To provide funds for necessary expenses of the Federal Energy Office (allocation returned 2/4/74).

FISCAL YEAR 1973

(There were no allocations for fiscal year 1973)

FISCAL YEAR 1972

\$500,000.....	Special Action Office for Drug Abuse Prevention (12/7/71).....	To provide funds for necessary expenses of the Special Action Office for Drug Abuse Prevention.
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FISCAL YEAR 1971

\$20,000.....	National Industrial Pollution Control Council (7/21/70).....	To evaluate and make recommendations concerning the problem of industrial pollution.
\$45,000.....	Cabinet Committee on Education (7/24/70).....	To provide funds for necessary expenses of the Cabinet Committee on Education
\$75,000.....	Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico (8/20/70).....	To conduct a comprehensive review of extending to the citizens of Puerto Rico, the right to vote in Presidential elections.
\$250,000.....	Aviation Advisory Commission (1/26/71).....	To provide funds for necessary expenses of the Aviation Advisory Commission. (Allocation returned).
\$250,000.....	Commission on Marihuana and Drug Abuse (3/19/71).....	To provide funds for necessary expenses of the Commission on Marihuana and Drug Abuse. (Allocation returned).

EMERGENCY FUND FOR THE PRESIDENT—PURPOSES OF ALLOCATIONS 1954-74

FISCAL YEAR 1970

\$500,000	President's Advisory Council on Executive Organization (7/11/69).	To study the organization of the Executive Branch (Allocation returned, January 1970).
\$200,000	Cabinet Task Force on Oil Import Control (7/22/69).	To conduct a comprehensive review of oil import control policies.
\$250,000	Advisory Commission on an All-Volunteer Armed Force (8/4/69).	To develop a comprehensive plan for eliminating conscription and establishing an all-volunteer armed force.
\$200,000	Council on Environmental Quality (2/11/70).	To provide funds for necessary expenses of the President's Council on Environmental Quality.
\$30,000	Cabinet Task Force on Oil Import Control (2/13/70).	To continue a comprehensive review of oil import control policies.
\$85,000	Cabinet Committee on School Desegregation (3/25/70).	To provide funds for necessary expenses of the Cabinet Committee on School Desegregation.
\$30,000	Council on Environmental Quality (5/8/70).	To continue funds for necessary expenses of the President's Council on Environmental Quality.
\$50,000	National Industrial Pollution Control Council (5/20/70).	To conduct a comprehensive review of pollution control policies.

FISCAL YEAR 1969

\$250,000	Advisory Commission on an All-Volunteer Armed Force (4/19/69).	To develop a comprehensive plan for eliminating conscription and establishing an all-volunteer armed force.
\$100,000	Cabinet Task Force on Oil Import Control (5/7/69).	To conduct a comprehensive review of oil import control policies.
\$100,000	National Commission on the Causes and Prevention of Violence (6/2/69).	To help meet the expenses of the National Commission on the Causes and Prevention of Violence.
\$35,000	President's Advisory Council on Executive Organization (6/2/69).	To study the organization of the Executive Branch.
\$100,000	Department of Health, Education and Welfare (6/7/69).	To assist U.S. nationals and their dependents repatriated from Cuba.
\$27,000	National Commission on the Causes and Prevention of Violence (6/30/69).	To help meet the expenses of the National Commission on the Causes and Prevention of Violence.

FISCAL YEAR 1968

\$90,000	Department of the Interior (7/27/67).	To coordinate United States efforts on Mid-East oil crisis. (\$43,243 returned 5/17/68).
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FISCAL YEAR 1967

\$150,000	General Services Administration (7/2/66).	To provide funds for necessary expenses of National Advisory Commission on Selective Service.
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FISCAL YEAR 1966

\$50,000	Federal Power Commission (11/26/65).	To provide funds for preliminary study of causes of Northeast power failure undertaken pursuant to Presidential memorandum of November 9, 1965.
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FISCAL YEAR 1965

\$15,000	Department of Commerce (8/1/64).	To provide funds for community Relations Service authorized by the Civil Rights Act of 1964.
\$400,000	General Services Administration (8/13/64).	To provide funds for Commission under E.O. 11130 to report on assassination of President Kennedy.
\$10,000	Department of Commerce (9/14/64).	To provide funds for Community Relations Service authorized by the Civil Rights Act of 1964.
\$200,000	General Services Administration (3/1/65).	To provide funds for Commission under E.O. 11130 to report on assassination of President Kennedy.

FISCAL YEAR 1964

\$250,000	Department of Health, Education, and Welfare (8/5/63).	To support school guidance services to assist in reducing school dropouts.
\$240,000	General Services Administration (12/21/63).	To provide funds for Commission under E.O. 11130 to report on assassination of President Kennedy.
\$360,000	General Services Administration (5/6/64).	To provide additional funds for Commission under E.O. 11130 to report on assassination of President Kennedy.

EMERGENCY FUND FOR THE PRESIDENT—PURPOSES OF ALLOCATIONS 1954-74

FISCAL YEAR 1963

\$25,000	Department of Health, Education, and Welfare (4/29/63).	To reimburse public or private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.
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FISCAL YEAR 1962

\$25,000	Department of Health, Education, and Welfare (7/3/61).	To reimburse public or private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.
\$46,000	Department of State (7/18/61)	To finance carrying out of duties assigned to Disarmament Adviser by President's letter of 1/27/61.
\$32,000	Department of Health, Education, and Welfare (7/31/61).	To reimburse public or private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.
\$185,000	Department of Labor (8/17/61)	To finance Presidential Commission under EO 10891 to inquire into controversy between certain carriers and their employees.
\$32,000	Department of Health, Education, and Welfare (9/1/61).	To reimburse public or private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.
\$14,000	Department of Labor (9/1/61)	To finance Presidential Commission under EO 10921 to inquire into controversy between certain air carriers and certain of their employees.
\$130,500	Department of Labor (12/11/61)	To finance Presidential Commission under EO 10891 to inquire into controversy between certain carriers and their employees.
\$5,000	Department of Labor (12/30/61)	To finance Presidential Missile Sites Labor Commission under EO 10946.
\$50,000	Department of Labor (2/9/62)	To finance Presidential Commission under EO 10929 and 10948 to consider controversies between New York Harbor Carriers' Conference Committee and certain employees.
\$100,000	Department of Labor (3/6/62)	To provide training, by contract or otherwise, in democratic labor practices to officials of Latin American trade unions in order to equip them to conduct their affairs effectively, democratically and in accordance with the objectives of the Alliance for Progress.
\$25,600	The White House Office (4/30/62) (Special Projects).	To finance study by Office of the Special Assistant to the President for Science and Technology on scientific and technical problems relating to planning for limited war.
\$15,000	National Mediation Board (6/18/62)	To finance Presidential Emergency Boards created by EO 11015 and 11027 (Supplemental delayed).
\$210,000	Treasury Department (6/28/62)	To be expended for expenses of Secret Service related to protection of the President. (Supplemental delayed).

FISCAL YEAR 1961

\$40,000	Department of Commerce (8/3/60)	To finance Great Lakes Pilotage Administration (P.L. 86-555).
\$125,000	Department of Labor (11/25/60)	To finance Presidential Commission under EO 10891 to inquire into controversy between certain carriers and their employees.
\$119,000	Department of Commerce (11/29/60)	To finance expanded activities under the Export Control Act 1949 as amended.
\$75,000	Department of State (2/10/61)	To finance carrying out of duties assigned to disarmament adviser. (In addition to amounts otherwise available for U.S. Disarmament Administration).
\$25,000	Department of Health, Education, and Welfare (2/10/61).	To reimburse public and private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.
\$40,000	The White House Office (3/21/61)	To finance National Aeronautics and Space Council.
\$75,000	Department of Labor (4/7/61)	To finance Presidential Commission under EO 10921 to inquire into controversy between certain air carriers and their employees.
\$160,000	Department of Labor (4/7/61)	To finance Presidential Commission under EO 10891 to inquire into controversy between certain carriers and their employees (additional allocation above).
\$49,000	Department of Commerce (4/21/61)	To be expended for study of urban transportation problems.
\$49,000	Housing and Home Finance Agency (4/21/61).	Do.
\$50,000	Department of Commerce (5/11/61)	To be expended for expenses of Area Redevelopment Administration.
\$50,000	Department of Commerce (6/14/61)	To finance Area Redevelopment Administration.
\$58,000	Department of Labor (6/21/61)	To finance Presidential Missiles Sites Labor Commission (EO 10946).
\$5,000	Department of Health, Education, and Welfare (6/27/61).	To reimburse public or private agencies for welfare services and income maintenance for American nationals repatriated from Cuba.

EMERGENCY FUND FOR THE PRESIDENT—PURPOSES OF ALLOCATIONS 1954-74

FISCAL YEAR 1960

\$100,000..... Department of Commerce (4/14/60)..... To finance Export Expansion Committee and export promotion program.

FISCAL YEAR 1959

\$60,000..... Department of Commerce (12/20/58)..... To make study for report to Congress (required by P.L. 85-880) of participation by Federal Government in World Science-Pan Pacific Exposition in Seattle, in 1961.

\$400,000..... Department of Defense (12/23/58)..... To finance President's Committee to Study U.S. Military Assistance.

\$100,000..... Department of Commerce (1/15/59)..... To provide for staff of transportation experts for evaluation of Nation's transportation needs and problems.

\$100,000..... Department of State (2/17/59)..... To defray costs of participation in international conferences for which State did not budget in the original FY 1959 request. (Returned 2d Supplemental, 1959.)

\$25,000..... Commission on International Rules of Judicial Procedure (3/7/59). To study existing practices of judicial assistance and cooperation between United States and foreign countries with view toward achieving improvement.

\$200,000..... Department of State (3/10/59)..... To defray additional costs of participation in international conferences for which State did not budget in original FY 1959 request. (Returned 2d Supplemental, 1959.)

\$90,000..... Department of Defense (6/29/59)..... To defray additional costs of President's Committee to study U.S. Military Assistance.

FISCAL YEAR 1958

\$200,000..... Commission on Civil Rights (1/3/58)..... To initiate Commission prior to making of appropriation.

\$50,000..... General Services Administration (9/28/72)..... To finance Government representation in communication-rate proceedings connected with Operation SAGE.

\$15,000..... Alaska International Rail and Highway Commission (7/29/57). To initiate Commission prior to the making of appropriation. (Full amount returned when appropriation voted.)

\$25,000..... Office of Defense Mobilization (7/11/57)..... To finance completion of study by Science Advisory Committee on certain aspects of military and non-military defense (classified).

FISCAL YEAR 1957

\$275,000..... Office of Defense Mobilization (6/17/57)..... To finance initiation of study referred to in item next above.

\$35,000..... Department of Health, Education, and Welfare (12/22/56). To reimburse welfare agencies for services provided for American nationals repatriated from the Middle East to escape hostilities. (\$12,825 returned 4/22/57).

\$20,000..... Department of Health, Education, and Welfare (7/8/56). To finance Committee on Education Beyond the High School, pending the making of appropriation.

FISCAL YEAR 1956

\$50,000..... Department of Health, Education, and Welfare (4/18/56). To initiate Committee on Education Beyond the High School (see item next above).

FISCAL YEAR 1955

\$100,000..... President's Commission on Veterans' Pensions (2/7/55). To finance comprehensive survey and appraisal of laws providing pensions and certain other benefits to veterans and dependents.

\$100,000..... Department of State (12/1/54)..... To finance U.S. participation in Rio Conference of Finance Ministers. (\$20,000 returned 3/9/55).

\$50,000..... Office of Defense Mobilization (9/13/54)..... To finance special study on technological capabilities by Science Advisory Committee.

FISCAL YEAR 1954

\$24,000..... National Security Training Commission (10/20/53). To finance report, requested by the President, dealing with phases of national security training.

\$85,000..... National Mediation Board (10/30/53)..... To permit continuation of Special Adjustment Board programs pending supplemental appropriation.

\$5,000..... President's Advisory Committee on Government Organization (11/12/53). To finance work of Committee, for which allocations previously had been made in FY 1953.

Mr. GROSS. How much are you presently requesting?

Mr. ASH. \$1 million. It is in a sense an arbitrary number. It is certainly a round number. Rarely has there been a year in which a million dollars has been spent.

Mr. GROSS. How is that money used?

Mr. ASH. This year for instance, some monies were spent on the Energy Policy Office. You may remember there was a need without much advance notice to set up an Energy Policy Office and begin to do some of that initial work on energy before we had the legislation that we now have.

The Federal Property Council, the U.S.-Puerto Rico Advisory Group—those were the areas where funds were spent this year.

Those amounts spent were about \$555,000 out of the \$1 million.

Mr. GROSS. Is there any accounting of the expenditure of this money, and if so, by whom?

Mr. ASH. Yes, the allocations of these amounts are made and either we or GSA provide the detailed and specific accounting to make sure that those monies are properly spent and that there is a full and complete record of what they are spent for.

Mr. GROSS. You said GSA, not GAO?

Mr. ASH. Yes, GSA, because that is in doing just the accounting for the expenditures.

Mr. GROSS. Mr. Chairman, I have other questions but I do not want to take all the time.

Mr. DULSKI. Mr. Udall.

Mr. UDALL. Mr. Ash, this is a happy day for me in that I have been concerned for a number of years about the increasing number of White House staff and the costs related to that explosion.

I strongly concur in what has been said by my colleague, Mr. Gross, about the need for congressional review of this spending, not in a vindictive spirit, but in a spirit of control.

You are a management expert and I think you recognize the necessity for reviewing certain types of expenditures.

It seems to me you are suggesting that under the rule of comity, the President simply sends us a budget and we rubberstamp it. It is fine that we have been doing that in the past. We have never done that for the judicial branch. They would laugh us out of the Capitol if it were suggested that the judges could establish as many judges and referees in bankruptcy as they want to, without review by the Congress.

Lyndon Johnson was no slouch at building up the White House staff but the current administration has gone all out of bounds these last 5 years in laying on all kinds of people that ought to be in the Cabinet Departments.

I am really appalled when I see a request for 35 Executive Level II positions.

Wilbur Mills is Level II, George Mahon is Level II, and the chairman of our committee is. I am ready to go for some Level II's in the cabinet departments but how can we justify 35 people at the White House in a constitutional system? Who are the 35 people? Did the chairman ask you to submit a list of who you would have in these 35 positions?

Mr. ASH. There are a number of answers to the compounded questions you have asked. There are not 35 people. There are 13 at Executive Level II, to clarify that point first.

Mr. UDALL. But you have ungraded people getting \$42,000, haven't you?

Mr. ASH. The ungraded people get \$40,000 at the highest.

Mr. UDALL. Did the chairman ask you for the names of those people?

Mr. ASH. We have submitted a schedule for the record and it does show the distribution by executive level, ungraded, and graded.

Mr. UDALL. But did he ask you who these are, the names of these people and what their functions are?

Mr. ASH. They change every month. We have the information. I discussed with the chairman that we had the information, and that, as I understand it, we are going to submit for the record the summary of how many.

Mr. UDALL. I will not belabor the point if I understand that we can get the names of these people. I would like to have them today at least, so that we know who they are. Is this the list here?

Mr. ASH. The list of names is available. You may certainly have it if you wish.

[The list follows:]

PRESIDENTIAL APPOINTMENTS (STATUTORY)

Basic compensation not to exceed level II, Federal executive salary schedule

Counsellors to the President.—Anne L. Armstrong, and Dean Burch.

Assistants to the President.—Peter M. Flanigan, Alexander M. Haig, Jr., and Leonard Garment.

Assistant to the President for Legislative Affairs.—William E. Timmons.

Counsel to the President.—J. Fred Buzhardt, Jr.

Assistant to the President and Press Secretary.—Ronald L. Ziegler.

Special Counsel to the President.—James D. St. Clair.

Assistant to the President for Domestic Affairs.—Kenneth R. Cole, Jr.

Special Consultants to the President.—Raymond K. Price, Jr., William J. Baroody, Jr., and Patrick J. Buchanan.

Salary level \$36,000—\$40,000

Deputy Assistant to the President.—John C. Bennett.

Special Counsels to the President.—Richard A. Moore, and John J. Chester.

Communications Director to the President.—Ken W. Clawson.

Deputy Assistants to the President for Legislative Affairs.—Tom C. Korologos, and Max L. Friedersdorf.

Special Assistants to the President.—Charles M. Lichenstein, David J. Wimer, Stanley S. Scott, Daniel T. Kingsley, Virginia H. Knauer, Patrick E. O'Donnell, and John E. Nidecker.

Executive Assistant and Personal Secretary to the President.—Rose Mary Woods.

Special Assistants to the President for Legislative Affairs.—Wilburn Eugene Ainsworth, Jr., Vernon C. Loen, and Frederick L. Webber.

Deputy Press Secretary.—Gerald L. Warren.

Deputy Communications Director to the President.—James R. Holland.

Salary level \$30,000—\$35,500

Deputy Assistant to the President.—Lawrence M. Higby.

Special Assistants to the President.—Franklin R. Gannon, W. Richard Howard, Stephen B. Bull, Roland L. Elliott, David R. Gergen, William Henkel, Jr., David C. Hoopes, Jerry H. Jones, Bruce A. Kehrli, David N. Parker, Noel C. Koch, Lyndon K. Allin, and Michael J. Farrell.

Salary level \$23,000—\$36,000

Deputy Special Assistants to the President.—S. Bruce Hershensohn, Harold P. Leinbaugh, Webster B. Todd, Jr., John C. Vickerman, John G. Carlson, Samuel A. Schulhof, John McLaughlin, Aram Bakshian, Jr., Kenneth L. Khachigian, John S. Guthrie, and Terrence O'Donnell.

Salary level \$13,000-\$34,000

Staff Assistants.—W. Dewey Clower, Powell A. Moore, Allen Parmenter, David D. Smyth, Nola F. Smith, Larry M. Speakes, J. Bruce Whelihan, Fred G. Kareem, Alvin Snyder, Theodore J. Garrish, John C. Calhoun, Byron M. Cavaney, Jr., Eliska A. Hasek, Lewis I. Dale, Agnes M. Waldron, John Coyne, Vera Hirschberg, Benjamin J. Stein, Charles W. B. Wardell III, Malcolm J. Howard, Anne E. Higgins, Thomas P. DeCair, Marjorie P. Acker, Robert L. Knudsen, Gertrude B. Fry, James J. Tansey, Robert J. Genader, Jane M. Dannenhauer, L. Diane Sawyer, Larry G. Gutterridge, Ann M. Morgan, James R. Prochnow, Eugene R. Sullivan, Eric H. Rosenberger, Wayne H. Valis, Pamela A. Powell, Elizabeth Nolan, Mary Alice Fenton, Jean A. Staudt, Ira David Wheat, Jr., Harold K. Lezar, Jr., Judy Beth Entler, and Pamela A. McCormick.

Mr. ASH. Now the rest of your question. First, as you know, we have had appropriations every year for whatever have been the number of people and amounts under a practice that had been existing for a great number of years.

So in that sense, it has been all appropriated through normal processes.

Secondly, when this President came into the White House, one of the decisions that he made and carried through was to put on the record all of those people that had been detailed to the White House and that theretofore had not shown on the record.

Mr. UDALL. I was aware of that.

Mr. ASH. There were a great number of such, which accounts for the apparent increase in the number of this President's White House staff to those of other Presidents.

In 1970, there were 574 people on the White House staff. In 1971 there were 533. So we then went to 540, 510, 510 and now propose 540 again, so it is a reduced number from that number that existed in 1970 which was largely merely an extrapolation of what theretofore had been on the White House staff but not officially counted.

What we have done is first to count them, you see.

Mr. UDALL. I praise your candor, but you do not make any brownie points by me when you say there are only 540. Most of these people are making \$30,000 a year or more. I think the White House should have a tight little staff with overall policy administered by the executive departments.

Mr. ASH. Many of those people are GS-2 to GS-13. So it would be hard to characterize them all as making \$30,000. The executive level and ungraded, added together come to 110.

Mr. UDALL. That includes supergrades?

Mr. ASH. Supergrades, ungraded, and executive level, 110. I think we should not be talking about 510 executive level, supergrade or any of that. We should be talking about 110.

Now, this is another part of the answer to your question that I think is more important than anything I have said before, and that is this: Over the years, the executive branch has grown in size and has been charged with carrying out more and more programs in greater detail than had been the function of the Federal Government in years past.

Mr. UDALL. I am aware of that and I have supported that.

Mr. ASH. In the process of legislating those programs and creating organizational structures in the executive branch to carry them out, there have been created at least 50 major departments and agencies

that report directly to the President and over 100 that are not major, but nevertheless report to the President.

With that sort of a stricture imposed upon him by legislation with at least 50 people reporting directly to him by statute and having important functions to carry out, he has a very difficult job of carrying out his role under the Constitution to take care that the laws are faithfully executed.

Because he cannot give an hour a day to 50 people, you see—

Mr. UDALL. I understand that. Does he need three times as many Executive Level II as all the Cabinet departments?

Mr. ASH. What is needed is a means whereby the President can work with all of the people that he must work with in these 50 major departments and agencies without giving all of his own personal time. What we have proposed to the Congress in 1971 is a restructuring of the executive branch so that these many and varied functions can be put in a rational organizational structure so that he can more efficiently carry out his responsibilities.

Failing to do that, the President has only two choices and that is he can just abrogate his responsibilities under the Constitution and say to every department and agency: "Be on your own, be your own president, you figure out what you want to do, and you go to it." That is one choice.

The other choice, again failing to get the legislation he has asked for, is to create an in-house mechanism, White House staff in an attempt to help him in carrying out the job that he is charged with.

Mr. UDALL. The third choice is to pick Cabinet men who are not yes men, and giving the assistance to these men in the Departments.

Mr. ASH. That's not a realistic choice. He already has capable members of the Cabinet and members of all of these Executive agencies, but if there are 50 of them reporting directly to him, as competent as they are, and they are very competent, he cannot spend personally an hour a day or 30 minutes a day with each. Let me go into another aspect of this. The more agencies that report directly to him, the more that each issue that comes up is interdepartmental. When an issue is interdepartmental, the only way to resolve it is by having some other view presented and some other person involved in synchronizing and trying to unify interdepartmental activities. If we could get the legislation that would create a structure where there would not be 50 people reporting to the President directly but six or eight or ten, we could dispense with a substantial part of the White House staff.

Mr. UDALL. I recognize that management principle and we have to go into that direction, but we cannot resolve this today. You are testifying that you now need, until we have some such reorganization, 35 Executive Level personnel, making \$40,000 and up, in the White House, and I want to see some justification for it.

Before my time runs out, I want to get to one other matter. There was an article in the Washington Star yesterday which said that from mid-1973 to March 24, 1974, the White House had expended \$382,474 for consultants, attorneys, and support services related to preparation of the President's legal defense in the Watergate scandals and impeachment. My question is, How much money in this bill—and on what page may I find it—are we asked to authorize for Presidential defense in the impeachment proceeding?

Mr. ASH. This article apparently is drawn from a GAO report, and I have not had that report in hand to be able to confirm or deny any particular number, but I do wish to say something about how the numbers are characterized.

These are not amounts to defend the President. These are amounts to provide information, a response generally to congressional and judicial requests for information from him.

Mr. UDALL. You will pardon me if I chuckle a little bit in light of this morning's stories about providing the information we are getting here in Congress.

Mr. ASH. Yes, when the Congress and the judicial branch have hundreds of lawyers spending many, many times the amount even indicated here asking questions, the easy job it takes a fair amount of money to answer them, the difficult job and—

Mr. UDALL. It does not take any money to send up the message we got today saying "To hell with you, you have all the messages and tapes."

Mr. ASH. The reason that message was so stated is that there has already been provided ample information that took a tremendous amount of time to put together and provide that which becomes the reason for the message today. So I think it is not exactly correct to say that this money has been spent to not provide information. Quite the contrary. It has been spent to provide information.

Mr. UDALL. How many of the people authorized in this bill and how much of the money in this bill will the President have to allocate to impeachment of Watergate activities? Is there some specific part of this bill that relates to that?

Mr. ASH. If you say impeach, or Watergate activities, first there is no impeachment. There are a lot of questions and answers being asked and provided, and there is money, obviously, spent in the sense that time is being spent to provide that information. It is an indistinguishable number from all of the rest, because there is no way to keep a set of accounts on what a person does 1 hour of the day and what he does some other hour of the day.

Mr. UDALL. This catch-all item on page 4 authorizes to the President's fiscal year such sums, without regard to regulation of law, and so on, to respond to and deal with emergencies with respect to the national security and so forth.

Was this catch-all intended to cover Watergate and impeachment or the furnishing or nonfurnishing of information?

Mr. ASH. It has nothing to do with that. I have earlier testified what it does relate to, but certainly not that.

Mr. UDALL. Thank you.

Mr. DULSKI. Mr. Mallary?

Mr. MALLARY. Thank you, Mr. Chairman.

You indicated at the present time that there is less detailing of personnel from other agencies, and that most of these people on detail are indicated in the regular White House budget. Is there any restriction either in this bill or otherwise to prevent further detailing of personnel from other Executive agencies to the White House?

Mr. ASH. There is no restriction on doing so. The restriction, if you would call it that, is our own desire to maintain, first, the minimal amount of detailees, and, second, to make public what the detailees—who the detailees are—and third, to reimburse the agencies for

some of them as well. But the authorizing or appropriation legislation doesn't deal with that beyond what I have just described.

Mr. MALLARY. Even if this legislation were passed or this type of authorization and appropriation were made for White House personnel, it still would be possible under existing law for additional details without restriction?

Mr. ASH. It would certainly be possible; yes, sir.

Mr. MALLARY. One other question, bouncing around here a little bit, and that with regard to the Executive Residence. I gather that this provides for provisions for employment of services and certain administrative costs and so forth with regard to the Executive Residence. This presumably means the White House only, or does this mean other Executive Residences?

Mr. ASH. This provision is for the White House only.

Mr. MALLARY. And any other costs with regard to Executive Residences other than the White House would be elsewhere, or would be authorized elsewhere and appropriated elsewhere?

Mr. ASH. Yes, they are.

Mr. MALLARY. One other question. I would like to follow on with what Mr. Gross was talking about, and that is on the emergency fund. I gather that there has not been previous authorization of an emergency fund. You said the figure was, or has been, \$1 million requested.

Mr. ASH. That is correct. There has never before been an authorization, merely an appropriation, and that goes back to the mid-1950's.

Mr. MALLARY. And the determination of what is an emergency is totally then the discretion of the White House?

Mr. ASH. That is correct, and I guess I should add the President personally, not just the White House, makes that determination.

In many years, the \$1 million has either been given totally back; that is, not spent, or substantially not spent, but it is what it is defined to be, an emergency fund available if the President determines on short notice that there is some emergency requiring an immediate commitment of expenditures.

Mr. GROSS. Would the gentleman yield?

Mr. MALLARY. I would be happy to.

Mr. GROSS. I thank the gentleman for yielding.

What do you mean by "Executive Residence"? In the past, it has been known, Mr. Ash, as the Executive Mansion. When was this changed?

Mr. ASH. I am afraid I can't answer the question of when was the change in "Executive Mansion" to "Executive Residence". Apparently 4 or 5 years ago it was changed but I must say I am not really up to date on that subject.

Mr. GROSS. I ask these questions, because if this bill goes to the House floor, there will be questions asked there, and if I am going to have anything to do with it on the House floor, I want to be prepared to answer questions. This is going to be a sensitive subject, as you are well aware, and the committee had better have all the answers.

Mr. ASH. Let me do one of two things: either see if those with me know the answer to your question, or alternatively, to make sure to provide the answer to your question. I just don't happen to know when that change was made.

Mr. DULSKI. Does anybody know the answer?

Mr. LARSEN. I think it was around 4 or 5 years ago.

Mr. ASH. We will provide the precise answer.

Mr. GROSS. I don't know whether these funds apply to Executive Residence or Executive Mansion, or what constitutes Executive Residence and Executive Mansion.

Mr. ASH. I can answer the latter part. I thought the question was when the changeover was made.

Mr. GROSS. That is not the important thing, Mr. Ash. The important thing is what do you mean by "Executive Residence"? We have now what might be called three Executive Residences.

Mr. ASH. We mean the White House in Washington in contrast to any other locations.

Mr. DULSKI. Mr. Lehman.

Mr. LEHMAN. I used to be chairman of the school board in Dade County, Fla. Just suppose we had to keep a balanced Federal budget as we had to do by State law in Florida. What Federal program would you reduce to provide the funds for this increase?

Mr. ASH. I think that is an exceedingly good question, because that is the kind that we try to ask and get answers to every day in the work we do in the Office of Management and Budget. Total expenditures are indeed too high and we ought to look at opportunities to reduce some rather than always add more.

In this case, I think one of the things that should be observed is the observation I made earlier, that we have been reducing over a period of time the number of people in the White House from what they had been at the earlier time. In 1970, we had 574 people. The proposed budget for 1975, 5 years later, is 540, so we are going down already in numbers of people in the White House. In this particular year, we are proposing an addition of 30, and those 30 are especially to take care of the expected increasing workload in providing information, investigatory, and legal services that are being required of the White House to respond to the inquiries being made about Watergate and related matters. Were it not for that, we would be continuing at the 510 level, with a continual reduction year after year from the levels that existed when the President came into office.

Mr. LEHMAN. I guess you have answered my question, but in a sort of a roundabout way. I was wondering specifically—and the only thing I can relate to is my own previous experience—if we added on, like you say, 30 more people for remedial reading, we had to reduce physical education by 30, or the supplies to the art department or something. You are asking the taxpayers to pay for 30 more people. Where would you like to see the reducing come in?

Mr. ASH. Last year, as you know, we set forth in our budget what we considered were some opportunities to reduce Federal outlays for not just this amount, but many, many times this amount, program by program. We listed them all in the fiscal 1974 budget. Some of them would have required legislation, some of them would not require legislation. That list was put before the Congress at that time, and it is basically still a proper list to consider. So, I can refer you again to the list that we set out in very great detail. In fact, we took some actions unilaterally under that list, as you know, and generally the Congress determined that maybe we shouldn't have taken those actions, as well as did the courts. But we have put forth a very explicit

list. I don't know of anybody else who put forth lists, because one only takes a tremendous amount of public pressure when he lists them, but we have made this public.

I would like to see somebody else make their list public and save money.

Mr. UDALL. Would the gentleman yield a moment?

Mr. LEHMAN. Yes.

Mr. Gross mentioned a point that I want to emphasize again. This is going to be very sensitive. There could be resentment in both parties over the way the White House has become highhanded and spread out all over the place. I know what most of the names do on the list you gave us. But, did the Chairman ask you to give some idea of what duties are performed, the titles of the people on page 4, and the salary range of \$13,000 to \$34,000? That kind of question is going to come up. There is a story I read somewhere that the President's makeup man is on the payroll for \$15,000 a year. Maybe it is a lie, but those are questions that are going to be asked, and if the makeup man is on the list, we want to know about it when we get to the House floor. Could we have some kind of job title for all the people?

Mr. ASH. Certainly, we can provide that information, if you desire it. It is available.

Mr. UDALL. I ask that it be submitted.

Mr. DULSKI. So ordered.

[The following information was furnished:]

THE WHITE HOUSE OFFICE—DUTIES OF STAFF ASSISTANTS—MAY 1, 1974

Office of the Special Counsel to the President.—Theodore J. Garrish, Malcolm J. Howard, James J. Tansey, Larry G. Gutterridge, James R. Prochnow, Eugene R. Sullivan, and James A. Staudt.

Aid in the preparation of information and legal materials to respond to the Congress, the courts, other government agencies, and the general public.

Office of the Press Secretary.—Alvin Snyder, Larry M. Speakes, J. Bruce Whelihan, Thomas P. DeCair, Robert L. Knudsen, Agnes M. Waldron, and L. Diane Sawyer.

Prepare for Presidential news conferences; prepare news releases; conduct research for the Press Secretary; and aid in preparing such other materials for the press as may be required.

Personnel Office (Presidential Appointments).—Allen Parmenter, David D. Smyth, Nola F. Smith, Fred G. Karem, Lewis I. Dale, and Pamela A. McCormick.

Aid in the process of making Presidential appointments by executive recruiting of prospective appointees, liaison with the departments on personnel matters, maintaining personnel records, handling correspondence, preparing biographical materials, and such other duties as may be assigned in the selection process for Presidential appointees.

Writing, Research, and Correspondence.—Eliska A. Hasek, John Coyne, Benjamin J. Stein, Anne E. Higgins, Ann M. Morgan, Elizabeth Nolan, Mary Alice Fenton, Harold K. Lezar, Jr., Judy Beth Entler.

Help prepare drafts of Presidential speeches, messages, and other official documents; conduct research for such materials; and draft replies to Presidential correspondence.

Other Staff Assistants.—Powell A. Moore, John C. Calhoun, Byron M. Cavanaugh, Jr., Charles W. B. Wardell III, Marjorie P. Acker, Gertrude B. Fry, Robert J.

Genader, Eric H. Rosenberger, Wayne H. Valis, Vera Hirschberg, Pamela A. Powell, Ira David Wheat, Jr., Jane M. Dannenhauer, and W. Dewey Clower (departed White House rolls May 4, 1974).

Perform such duties as liaison with Members of Congress and Congressional Committees; schedule White House visits and tours by outside groups and the general public; help plan programs for women in the Federal government; coordinate the summer intern program; arrange for Presidential travel; and provide general assistance to the Chief of Staff.

Mr. DULSKI. Mr. Derwinski?

Mr. DERWINSKI. Thank you, Mr. Chairman. I think Mr. Gross and Mr. Udall stressed the obvious in pointing out that this bill will attract a great deal of attention on the floor. In fact, it will be an open invitation for legitimate demagogery on the part of too many Members. It is unfortunate that in this case the timing is coincidental to the total PR disaster that surrounds the White House these days.

I have an intriguing suggestion. With the open season on the White House and the executive branch, it is obvious that we all can make political capital by attacking the President and the operation of the staff under his jurisdiction. The Members in Congress who might approach the subject objectively, would seem to be those Senators and those Members of the House who are known to have Presidential aspirations. My thought is that if we get to the 80 Senators, who have visions of being the next President, along with Mr. Udall, John Ashbrook, and Pete McCloskey, who also have Presidential ambitions, and you have them look at this thing, then anyone who intends or hopes to be the next President obviously wouldn't want to inherit a totally gutted staff.

So, if you would have sort of an ad hoc committee of the potential Presidents, they would probably do more to support this bill than those of us who are stuck with it as members of this committee. This is just a suggestion that I haven't thought out.

Mr. Chairman, you don't think we could create an ad hoc committee like that, do you, just to help us carry this bill on to the floor?

Mr. DULSKI. You are asking me?

Mr. DERWINSKI. Yes.

Mr. DULSKI. First of all, I am not a candidate for President, so I couldn't serve on such an ad hoc committee.

Mr. HENDERSON. Would the gentleman yield?

Mr. DERWINSKI. Of course.

Mr. HENDERSON. The gentleman is not suggesting that we might put this bill on the consent calendar after we get through with it, is he?

Mr. DERWINSKI. No, but if the Speaker would ask us to do that, we would be willing to cooperate.

Mr. HENDERSON. If you feel that that is the action that the chairman ought to take on it, I am sure we would all be interested in that, and secondly, I would ask the gentleman if he is suggesting that there are so many candidates interested in this legislation, candidates for the Presidency, that those of us who are not might feel free to vote against it and let those that are aspiring be the ones that cast the votes for it?

Mr. DERWINSKI. The bill wouldn't pass the House that way, but it would be a cinch to pass the Senate.

Concerning the atmosphere on the floor, this bill might be interpreted by the press as being an early yardstick on congressional

attitude toward impeachment. The point Mr. Gross made, that we are hoping to submit the matter objectively, is absolutely important. If we are to do our best on the floor with this bill, we can't afford to find out that there has been some understatements or innocent omission of facts presented to us.

So, I think if we get all our facts and figures in line, we should pass this bill. But we just can't afford not to be completely equipped.

I am really philosophizing when I say that. That is all, Mr. Chairman.

Mr. ASH. We join in the view, because we think it is important that when this bill is taken up on the floor that you are all equipped with all the information that we can possibly provide you, and that exists, so that you have a factual basis to support it, and hopefully that will do the job.

Mr. HENDERSON. The point has been well established that you feel you are under some pressure, but we are going to be under great pressure if we try to act responsibly on this request.

Let me get back to the question on the Postal Service for a minute. I want to concur in what you say that it was the objective of all of us to put the Post Office on a self-sustaining basis, but we wrote into the act a period of time for them to reach that stage. Some of us have growing doubts of the determination of management to do that. We now find this committee being faced with S. 411, the postal rate bill, which has the effect of stretching out that period of time in which the Postal Service is required to become self-sufficient in those classes. This bill, as I understand it, will give a longer time for magazines and the publishing industry and others to pay their cost as established by the Rate Commission, and if I understand the position of the Postal authorities, they did not object to that legislation.

We will be voting on it very shortly, but I don't believe the Office of Management and Budget reported on that legislation.

Do you have a position on that bill that would stretch out the time for the postal rates, or those classes, to come—

Mr. ASH. I am not sure whether we have reported a position on that, but I will find out and get that information to you. I just don't at this moment know.

[The following was furnished:]

The Office of Management and Budget has not reported on S. 411 as it passed the Senate. A report will be submitted to the Committee shortly. OMB did submit a report on a similar bill, H.R. 4128, in which it opposed enactment. The report stated the Administration's views that the proposed extended subsidies were not necessary to maintain the health of the publishing industry, and that the costly subsidies were an undesirable use of the taxpayers money.

Mr. HENDERSON. Irrespective of that, it seems to me we are talking about adding 3 years to the original 10 years, so after about 3 years we are giving them 10 more years. We can all agree that it is going to be 10 years under the present law and the very best of circumstances before the postal system is paying its way. It seems to some of us that the authorizing committee ought to be looking at this. As the creator of that postal system, and with our responsibility under the Constitution to provide for an efficient mail service to the American people, it seems to me, if we are going to have the responsibility to authorize the staffing needs of the President, as we are doing here, an equally sound case could be made that we ought to be authorizing funds appropriated for the postal system. I hope you would take a look

at this and help us resolve the problems that some of us think we have. Certainly the majority of the House in passing the legislation recognized this principle. Another matter that again is not on this specific point, but which has given us concern in this committee, is the request of the Civil Service Commission on behalf of the Executive for new supergrade positions. Many of us are very concerned about the delays that we have encountered within our own committee here. Chairman Dulski has scheduled this for action, and I am hopeful that we can get to that legislation soon. If we do not very soon, the report will be so voluminous we can't get paper to list them. On top of that, we have new commissions authorized by the present Congress. There is the Federal Energy Administration, Bureau of Education and Training of the Handicapped, passed the House, pending in the Senate; five supergrades, plus unlimited authority. There are others. The National Institute on Alcoholic Abuse, 11 supergrades.

The point I am making is that bill after bill going to other legislative committees contains authority for specific supergrades and in addition to that, authority for supergrades or appointments outside of title 5.

All these bills clearing through the Office of Management and Budget, it seems to me, could be restricted, or prompt requests could be sent to this committee, which has basic jurisdiction, and let me suffice it to say, that as chairman of the subcommittee that has tried to act responsibly, we are making every effort in the reorganization bill of the Congress to get a specific change to the rules of the House that this kind of authority in bills would be subject to a point of order very similar to the same kind of situation you find here. I realize that the Executive will not be involved in the change of the rules of the House, but I do feel that I should take this opportunity when you are here to tell you that if something isn't done, we in the Congress could very easily throw up our hands and say, "We have no controls over supergrades," and just let it run rampant in every piece of legislation that comes through. I am sure in the position you occupy you don't want to see that happen. The real point I am making is that these kinds of actions outside of our jurisdiction make it very difficult for the committee to respond to the needs as they have been sent to us by the Civil Service Commission.

Mr. ASH. Certainly, I would agree with the point that you make. That is a problem that we and your committee face, and I would agree with the way you have expressed that need. I think the only two things, or the only thing I can say with respect to that list is that 91 are down there for the Federal Energy Administration. That is limited to 2 years, and hopefully it won't be needed beyond that. But I agree with the basic thrust of your point, that this committee should be the responsible committee to deal with supergrades, no matter how they might otherwise be appropriated and authorized.

Mr. HENDERSON. I would mention to you the Bureau of Education and Training of the Handicapped, where there is unlimited authority for additional supergrades, as we interpret the language. It is difficult to take action that could be interpreted, as it was by some that we were trying to throw roadblocks, and make it difficult for the agency or the bureau there to take proper action in this field of the handicapped. All of us are interested in that. But the thing that amazed me was that from my inquiry and look at this, an action that I have

attempted on the floor. I found that this request was not cleared by the Office of Management and Budget. The writers of the legislation in the Education and Labor Committee, as I talked with them, I became convinced, and I may be in error, that the people right in the Bureau are the ones that came up and sold them on the fact that they needed all this, without any review of the Civil Service Commission or the Office of Management and Budget, or even the Secretary of the Department under which they would operate. So, in that particular instance, just as soon as my subcommittee can get other pending business out of the way, I expect to call the Bureau in here and get an accounting for what they have done with this authority and look at the appointments that have been made to try to look at the qualifications and the responsibilities, because certainly we can do this by way of oversight. But I would hope you would help us keep some handle on it before it does happen and become law.

Mr. ASH. We do have a strong mutual interest in dealing with the kind of issues that you have raised. We would hope that the congressional processes could be changed so that this committee would have the kind of participation and authority it should have. We are all trying to do exactly the same thing, I think, in this respect.

Mr. DULSKI. Mr. Ash, in the explanation that Mr. Henderson has given, we find if a bill is introduced which has supergrades included, it is usually from the affected departments. They call upon the chairman or the various subcommittee chairmen and state that they must have the supergrades.

I hope that in the future, when the bills do reach the floor with supergrade authorizations, that we can point out in the debate that the legislation is opposed by the administration. We can do this if we could have a communication stating your position.

Mr. ASH. Maybe that is a way we can contribute for our part. The lobbying issue as described goes on without our knowledge or participation. I guess we together become the victims of that kind of activity; we would hope that together we can be more effective.

Mr. HENDERSON. If I may add a final word, I would mention one point that could be very helpful; as a bill is considered by your office, if you find that you are successful in eliminating the language creating new positions, or if you find that it comes up in spite of your effort, if it is a new function that you feel does need prompt authorization for supergrades, and it will send that kind of a message to us, we will try to act as responsibly as we can. But without knowing what has happened down there, we have to wonder if OMB has done its job in trying to get that language out. I want to make the point that if you do work on it, and send us a request, I certainly will introduce legislation, and schedule hearings on it, and act as responsibly and as quickly as possible to try to accomplish the purpose.

Mr. ASH. Why don't we without a change in congressional procedure, why don't we, given the place in the flow of information we have, merely communicate to you, to staff or directly, when we see these kind of issues that you describe and maybe together we can get some handle on it.

Mr. HENDERSON. It will be most helpful, because our staff spent a great deal of time on this, and I think they have done a remarkably good job. As you can well imagine, it is not unusual for us not to be able to get the report or even the committee language sometimes

until the matter is almost on the floor. When we are forewarned, we have had some success, Mr. Chairman, and most of our success has been where we could get to the authorizing committee before they acted and brought it out to the floor. The chairman's point was well made that it is very difficult on the floor, if you are not a member of the committee, to get recognized to offer an amendment. We would like your cooperation on this.

Mr. ASH. We would like to very much, because I know we have a mutual interest, and we will work with you and your staff people as we come into possession of information of this kind.

Mr. HENDERSON. Thank you.

Mr. DULSKI. Mr. Gross.

Mr. GROSS. Getting back to the bill before the committee, the authorization also includes funds for official entertainment and receptions at the Executive Residence. Can you state now, or will you provide for the record what part of the appropriation was spent for these purposes during the past year? I ask this, because I have no doubt that the question will be asked when we get to the House floor.

Mr. ASH. I don't believe I have that on the schedules I have in front of me. If not, we will certainly get it to you.

Mr. GROSS. You may provide it for the record.

[The following information was furnished:]

Approximately \$75,000 was spent in fiscal year 1973 for official entertainment from the Executive Residence appropriation. This amount included expenses for food, beverages, and extra labor.

Mr. ASH. But for your information, in response to your earlier question of when the White House was changed to the "Executive Residence," it was changed in the 1971 appropriation language.

Mr. GROSS. That, again, was without authorization.

Mr. ASH. It was in the appropriation language in 1971.

Mr. GROSS. Have you appeared before the Appropriations Committee with your requests for fiscal 1975?

Mr. ASH. Yes, sir.

Mr. GROSS. On this legislation, have you appeared?

Mr. ASH. That is correct.

Mr. GROSS. Was there some reason why you didn't come to this committee last year, or when did you discover that the appropriation was not authorized?

Mr. ASH. Last year, there was a point of order taken on the floor to the appropriations for some of the White House budget on the basis that there hadn't been authorizing legislation on the pending appropriations. That led to the request that we undertake the process of getting that authorization which is, of course, what brings us here now.

Mr. GROSS. This is all I have.

Mr. DULSKI. Mr. Derwinski.

Mr. DERWINSKI. I have a few questions, Mr. Ash.

When the Senate took the action denying the increases in the judiciary, and supergrade salaries that have been requested by the President, this creates a situation, which Mr. Henderson described as increasing numbers of supergrades being authorized, these people are bumping into the new ceiling.

Do we have rough figures as to what accidental savings have been achieved by virtue of the growing number of supergrade positions reaching the ceiling.

Mr. ASH. Certainly one of the reasons for requesting additional supergrades is because of the compression that has taken place because the pay increase has not gone through.

I am not sure we have calculated what the savings have been, how much people would have been paid that they have not been paid, but it is certainly a lot more than the supergrades would cost than we are here talking about—many times more. I don't necessarily consider that a good thing to have happened, but the net effect was that that compression has reduced the pay by many times more than the supergrade numbers here being requested.

Mr. DERWINSKI. You have in fact completed your testimony before the Appropriations Subcommittee?

Mr. ASH. That is correct.

Mr. DERWINSKI. Obviously, their final action on the budget for the White House, must be held up until, in one form or another, Congress processes this authorization.

Mr. ASH. I am assuming that there could be the same point of order taken this year as was last year. That would be correct.

Mr. DERWINSKI. Theoretically, you obviously hope that we complete this authorization procedure before June 30, before the start of the next fiscal year.

Mr. ASH. It is my understanding that the chairman of the Appropriations Committee has scheduled this matter for floor action on the 25th or 26th of June.

Mr. DERWINSKI. That will be in the House. Thank you. Thank you, Mr. Chairman.

Mr. GROSS. Just one more question. Last Tuesday evening the Washington Star carried a story headlined "Hang in There," describing a group of 250 women who do volunteer work for the President in connection with the White House operation. Do you know anything about this operation, whether this would in any way minimize the need for additional employees in the White House?

Mr. ASH. I didn't happen to read that article, and don't know what it said, but somebody here with me did. Did you read it?

Mr. EBNER. I did, but I believe that is basically political, purely volunteer work, and I don't think that is significant as far as the regular staff work in the White House to reduce the need.

Mr. DULSKI. You say there were some substantial savings. Did many people leave the Departments because there was no increase? Did you have any that were retired or left the services?

Mr. ASH. It is hard to know, of course, exactly why people leave or retire, and therefore impossible to keep records by cause, but certainly there is reason to believe that some number has left because the state of their pay was not competitive with alternatives. But the data would be impossible to come by, except that we sense this reason in a number of instances.

Mr. DULSKI. Mr. Henderson.

Mr. HENDERSON. Following Mr. Derwinski's questions, it is my understanding that the authorizing legislation in this bill would have to become law before the appropriation bill is brought to the floor, or a point of order would lie on the House floor as the appropriation bill is considered. Isn't that true?

Mr. ASH. I think that is true, but I am not as expert as you are.

Mr. HENDERSON. So not only does this committee and the House have to act, but the Senate has to act and get the President's signature before the June 28 date or whatever date the appropriation bill is brought to the House floor for action. It would not simply be House action.

Mr. DERWINSKI. Then one of the steps we will have to take with the approval of our distinguished chairman is when we do again meet, that this bill would be the first item to be considered, assuming we do have all the information from the OMB.

Mr. DULSKI. I missed the question.

Mr. DERWINSKI. Considering the tight time table we face in processing this bill, my point is that when we next have a full committee meeting, it would probably require that this bill will be the first order of business.

Mr. DULSKI. The first order of business will be S. 411. That has already been established. This will be the second.

Mr. DERWINSKI. S. 411 and then this bill? Fine.

Mr. GROSS. I still wonder, Mr. Chairman, why, since it was known last year, we didn't get legislation on this subject earlier this year? They were put on notice.

Mr. HENDERSON. Mr. Chairman, I would again comment that we could all agree that this takes priority over the supergrade bill, but it may push it back one slot when we get to it. The point that Mr. Gross makes is that this was not of our making. The request hasn't been here, and I appreciate the fact that the chairman has made earlier commitments, but I feel we could move this very promptly, but it also reiterates a point that I made this morning, that while we are acting as fast as we are, we have got to go to the floor with as many answers as we can anticipate questions.

Mr. ASH. First, I want to express a tremendous amount of appreciation for your interest in moving this fast, realizing that part of that, or the reason that you have it late is not yours, but ours. Second, I want to assure you that any other questions you have or any other information that you need we will stand ready to provide right up to the last moment that you need it, because we have an interest, as you have an interest in doing the best job possible at this time. The matter could be difficult if we didn't handle it as well as we possibly can.

Mr. DULSKI. Mr. Mallary.

Mr. MALLARY. I have no further questions.

Mr. DULSKI. Are there any further questions?

Mr. GROSS. In the House, we have a good rule that requires authorizations. Unlike the Senate which can hang ungermane amendments on anything and everything, and usually does, we have a rule in the House that prohibits doing something about situations of this kind by amendment to some bill.

Mr. DERWINSKI. If the gentleman from Iowa will yield, I make an observation that when we reach the floor you won't be able to add an Iowa subsidy to it.

Mr. DULSKI. I hope that you will make your staff available to our staff so we can get those questions answered, and, if there are no further questions, the meeting stands adjourned.

[Whereupon, at 11:23, the subcommittee was recessed subject to the call of the Chair.]

