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**AUTHORIZATION FOR STAFF SUPPORT IN THE WHITE
HOUSE OFFICE AND FOR OTHER PURPOSES**

GOVERNMENT

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DOCUMENTS

HEARING

BEFORE THE

SUBCOMMITTEE ON

POWER AND CIVIL SERVICE

OF THE

COMMITTEE ON

OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 5747

A BILL TO CLARIFY EXISTING AUTHORITY FOR THE
EMPLOYMENT OF PERSONNEL AND THE PROCUREMENT OF
SERVICES BY THE PRESIDENT AND THE VICE PRESIDENT,
AND FOR OTHER PURPOSES

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HOUSE OFFICE AND FOR OTHER PURPOSES
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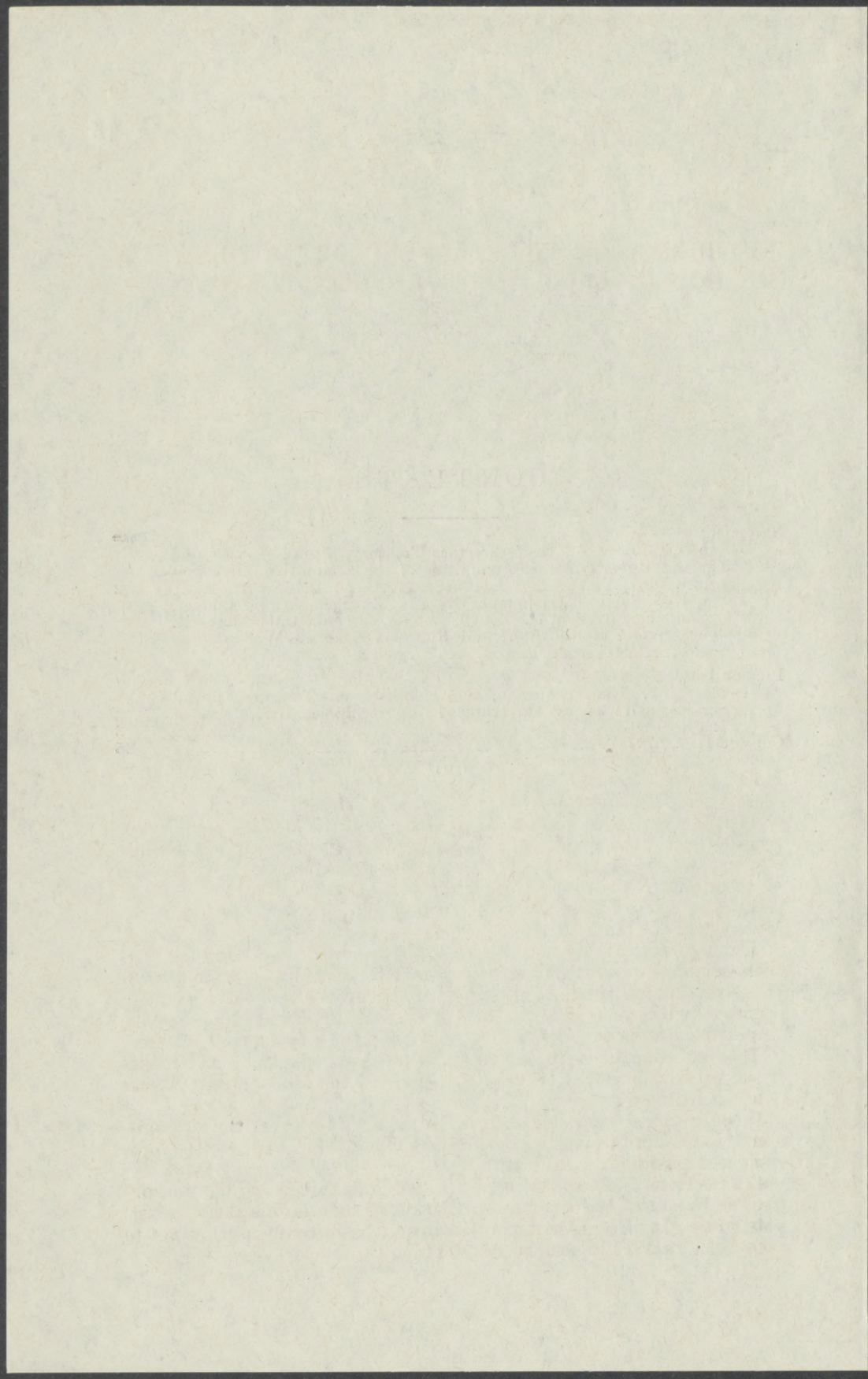
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NOTE.—The chairman and ranking minority member are ex officio voting members of all subcommittees on which they do not hold a regular assignment.

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AUTHORIZATION FOR STAFF SUPPORT IN THE WHITE HOUSE OFFICE AND FOR OTHER PURPOSES

TUESDAY, APRIL 22, 1975

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

The subcommittee met at 9:35 a.m., in room 210 of the Cannon House Office Building, David N. Henderson (chairman of the subcommittee) presiding.

Mr. HENDERSON. The meeting will come to order.

These hearings today are being held on H.R. 5747, which was co-sponsored by Mr. Derwinski and me, and Mr. Steed and Mr. Miller, the chairman and ranking minority member, respectively, of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

The bill is based on an official request of the President dated March 26, 1975.

The major purpose of the bill is to provide legislative authorization for staff support, administrative expenses, maintenance, and operation for the White House Office of the President, the Executive Residence of the White House, the Domestic Council, and for the executive duties and responsibilities of the Vice President.

This legislation is similar to legislation—H.R. 14715—which was considered by the 93d Congress, agreed to by the conferees—House Report 93-1249—but was not finally approved by the Congress because of an unrelated provision pertaining to the availability of income tax returns to White House personnel, which could not be agreed to by the Members of the House.

The need for this legislation arises because legislative language has been included in annual appropriation acts authorizing appointment of employees of the four organizational units involved to be appointed "without regard to the provisions of law regulating the employment and compensation of persons in the Government service."

The inclusion of such language in an Appropriation Act makes it subject to a point of order on the floor of the House under House rule XXI, clause 2.

Without such language in the Appropriation Act, the appointments to the units involved would be subject to all of the other provisions of existing law, such as:

(1) Sections 105 and 106 of 3 United States Code, which authorizes the President to fix the compensation of six administrative assistants and eight other secretaries at rates of basic compensation not to exceed the rate of Executive Level II.

(2) Section 107 of title 3, which provides that employees of executive departments and independent establishments may be detailed from time to time to the White House for temporary assistance.

(3) Section 3101 of title 5, United States Code, which contains permanent legislation with general authorization for all executive agencies to employ such number of employees as the Congress may appropriate for from year to year. However, such employees are subject to the provisions of title 5 relating to the classification of positions and the fixing of pay under the General Schedule.

Without legislation such as proposed by H.R. 5747, or language such as has been included in the annual Appropriation Acts, the President would have the authority, under sections 105 and 106 of title 3, to appoint not more than 14 employees at rates of pay above GS-18, plus such employees as compensation may be appropriated for, at rates of pay equal to GS-18 and below, all subject to the provisions of the Classification Act and the General Schedule.

As I have indicated, the major purpose of this bill is to provide permanent legislation authorizing the President and the Vice President to make appointments to the offices involved without regard to the usual restrictions and limitations applicable as a general rule to other appointments in the executive branch.

In addition, the legislative proposal will provide the authorization for administrative expenses, maintenance, and operation for the offices involved, which will be discussed as the hearings proceed.

Our first witness scheduled to appear this morning was Congressman Tom Steed of Oklahoma, the chairman of the Treasury, Postal Service, and General Government Subcommittee of the Committee on Appropriations.

We regret to learn that he is unable to be here this morning because of a dental appointment. However, he is represented by Mr. Gunnels, the staff director of that subcommittee.

Before I ask Mr. Gunnels to present Mr. Steed's statement, I would like for the record to show, regarding Chairman Steed, the unusually fine working relationship that I have had with him; not just this year as I have become chairman of the full committee but certainly as the vice chairman in the past years regarding appropriations for matters that fall within this legislative committee's jurisdiction. He has been most cooperative and helpful in achieving the basic objectives of the bill we now have before this committee as it relates to appropriations.

I consider Tom Steed a close personal friend. But more importantly, his responsiveness as chairman of the Appropriations Subcommittee is striking evidence of his true greatness. It is my pleasure to welcome you this morning, Mr. Gunnels, and express my disappointment that our good friend Tom Steed couldn't be here.

You may proceed.

STATEMENT OF AUBREY A. GUNNELS, STAFF DIRECTOR, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT SUBCOMMITTEE, COMMITTEE ON APPROPRIATIONS

MR. GUNNELS. Thank you very much, Mr. Chairman. I do bring Congressman Steed's sincere apologies for not being able to be here this morning. He called me quite early this morning and was in such

pain with a dental problem that I could hardly understand him. He did want me to convey to you and to your committee the fact that he appreciates your cooperation and the opportunity to present a statement to indicate his support, not only for the bill, but his appreciation for the cooperation of your committee over the years. I will proceed in whatever way the chairman wishes. I have a short prepared statement from Congressman Steed. Do you wish me to read it or insert it in the record?

Mr. HENDERSON. It is short enough that I feel sure Mr. Derwinski as well as I have had an opportunity to read it and I'll ask unanimous consent that the statement be placed in the record just as it was prepared by Mr. Steed and presented to us. We will certainly afford you an opportunity to add any comments that you would like to make on the statement or the bill before us, Mr. Gunnels.

Mr. GUNNELS. Thank you, Mr. Chairman.

[The prepared statement of Congressman Steed follows:]

STATEMENT OF HON. TOM STEED, CHAIRMAN, SUBCOMMITTEE ON TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the committee, I am pleased to appear before you in support of H.R. 5747, a bill which would establish basic legislative authorization to provide the President and Vice President with an adequate staff and related authority with which to perform their many responsibilities.

It has been customary for many years for the Appropriations Committee to recommend appropriations for that purpose and the House under the rule of comity, has accepted to those recommendations.

Recently, however, points of order have been lodged against those appropriations and the Chair, under the rules of the House, was constrained to sustain the point of order and the language was denied in the House. Fortunately, the Senate restored the language which had been stricken. The amendment was agreed to and the bill was passed. But this, of course, is a completely unsatisfactory way to handle this matter.

H.R. 5747 will remedy that situation. The language of this bill has been developed by the White House in conjunction with the Appropriations Committee to make certain that the proposed language is in conformance with actual requirements and customary practices over the years. I believe that H.R. 5747 will provide adequate flexibility for the Congress through the appropriations process to exercise whatever control deemed necessary without unduly restricting either the President or Congress in meeting the ever-changing requirements of the Presidency. The Appropriations Committee will of course carefully scrutinize the President's request each year and report to the Congress regularly on the requirements of the President for funds and personnel to properly accomplish his responsibilities.

I hope that this bill can be handled expeditiously so that we can resolve the problem prior to House action on the appropriations bill for fiscal year 1976. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you and will be glad to respond to any questions you may have on this matter.

Mr. GUNNELS. One thing I would like to mention is that while Mr. Steed and the committee have had the opportunity, of course, to review the original bill that was introduced which is H.R. 5747, we have not had an opportunity yet to review the draft bill that your committee has prepared. I received a copy of that draft this morning.

I do want to say on behalf of Mr. Steed that we again appreciate the opportunity to work with you and your committee on this matter. If we can be helpful working at the staff level, and also with your committee officially, we would be most pleased to do so.

The main thing that concerns us is that our committee has received, particularly in the last few years, a considerable amount of criticism simply because we did not have as much information as possibly we should have concerning the requirements and options of the Presidency as we went through the annual appropriations process. We would hope that in the future this legislation and working arrangements with the executive branch would allow us to get whatever information is required during the appropriations process. If this information could be forthcoming, then the Appropriations Committee would make it available regularly to the Congress so the Congress could work its will in this area, which, of course, we consider its responsibility.

And, again, anything that we can do to cooperate with your committee we would be most pleased to do so.

I would like to request, Mr. Chairman, that we be permitted to work with your committee and offer suggestions and recommendations concerning legislation in this field, because the Appropriations Committee too, of course, has problems in the general area and would like to see it worked out so that we could provide the President and the Presidency with such tools, personnel, equipment, and funds as may be necessary for him to discharge his responsibilities.

Mr. HENDERSON. I am very appreciative of your statement. I assure you, as we move to mark up this bill or consider alternative provisions, our staff will correlate very closely with you.

I might add that from the experience we have had up to this time, in connection with the legislation under consideration, the Office of Management and Budget and the White House staff have been most cooperative. Certainly the continuation of that relationship with regards to this legislation would be most convincing that we don't need the requirement of the law. As your subcommittee requests information this year, I would hope that you would get the same response. If you don't before we finally act on this legislation, please let us know and we will consider any tightening up which appears to be needed.

I would also like to assure you we and our staff will keep you advised of such information as we have received and will receive in connection with the legislation. We would be delighted to make it available to you and your staff, and to the committee so that we will not be putting a double burden on the White House.

Mr. Derwinski?

Mr. DERWINSKI. I would like to take a moment to echo the sentiments of the chairman expressed and point out the obvious, that it's our intention, when we bring this bill to the floor, to work with Mr. Steed and Mr. Miller and your staffs so that we have as practical an agreement as possible. I think it's absolutely necessary to move this bill expeditiously, so you won't be facing the complications of the points of order that have plagued us in the last few years.

So, Mr. Chairman, I hope we would have full support in this committee as well as the coordination with the Appropriation Subcommittee in expediting this legislation.

Thank you, Mr. Chairman.

Mr. GUNNELS. Thank you, Mr. Derwinski.

That is certainly one of our desires that we could get some action on this bill before we get the regular appropriation bill to the floor in order to avoid points of order under the rules of the House. I am happy to assure the chairman that we will develop such statement as was requested and I will confer with Congressman Steed and Congressman Miller on this and provide it to the committee.

Mr. HENDERSON. It would be most helpful to us, Mr. Gunnels, if you could give us an estimate of when your Appropriations Subcommittee plans to schedule action on this subject and presenting your bill to the House.

Would you give us some——

Mr. GUNNELS. Mr. Chairman, at the present time we have scheduled hearings running into the early part of June. This of course is always subject to interruptions by actions on the floor and our own full committee and other things, but we will try to hold this schedule. We have deliberately scheduled the hearings concerning OMB and the White House as late as possible in anticipation of the hearings which your committee has now opened.

And in that regard, we would be happy to schedule those hearings at a time that would be convenient for yourself, your members, or your staff to be present at our hearings also and see the procedure that we normally follow in justification of the budget requests.

Mr. HENDERSON. I certainly want to assure you and the Appropriations Committee that it is the intention of the subcommittee and myself as chairman of the full committee, to act as quickly as we can on this legislation so we would not impede the appropriation process.

Mr. HENDERSON. Mr. Solarz?

Mr. SOLARZ. Thank you, Mr. Chairman.

If I may just raise a point of inquiry. Could you possibly give the members of the committee any idea as to when you would expect to mark up the bill from your subcommittee?

Mr. HENDERSON. If we can conclude our testimony this morning, and I anticipate that we can do that, I would say just as soon as we can get a time convenient for the majority of the members, possibly in the next week. I certainly would want to give the members an opportunity to review the record that we're making this morning. Then I believe we would be prepared to act. I would say we ought to be able to do this in the next week.

Does the gentleman from South Carolina have any questions?

Mr. JENNETTE. No.

Mr. HENDERSON. Our next witness this morning is James T. Lynn, Director of the Office of Management and Budget. I understand you have with you Mr. Jerry Jones and Mr. Robert Linder of the White House staff. We are delighted to welcome you this morning to testify in connection with the President's request for authorization as contained in the bill H.R. 5747. Your arrival is very timely.

Mr. LYNN. Thank you, Mr. Chairman.

STATEMENT OF HON. JAMES T. LYNN, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, ACCOMPANIED BY PAUL H. O'NEILL, DEPUTY DIRECTOR, OMB; JERRY H. JONES, WHITE HOUSE STAFF; AND ROBERT D. LINDER, WHITE HOUSE STAFF

Mr. LYNN. I also have with me this morning Mr. Chairman, Mr. Paul O'Neill, my right arm, the Deputy Director of OMB.

Mr. HENDERSON. Our pleasure to welcome you this morning.

Mr. LYNN. Mr. Chairman, members of the committee, the President has sent to the Congress a bill to clarify existing authority for the employment of personnel and the procurement of goods and services by the President and Vice President. We are pleased to have this opportunity to testify before this committee in support of this bill.

The need for this bill has arisen because, for the past few years, appropriations bills for the White House Office and related appropriations dealing with the personal staff of the President have been subjected to points of order under Clause 2, Rule XXI, of the House of Representatives, which provides that no appropriation shall be reported by the Appropriations Committee in any general appropriation bill for any expenditure not previously authorized by law. The President transmitted draft legislation to remedy that situation and to facilitate the appropriation process.

The bill that was sent to the Congress and introduced as H.R. 5747 would authorize the language which has been enacted by the Congress in annual appropriation bills for many years. It does not seek any new authority. Its purpose is to clarify the authority of the President to appoint members of his staff and to fix salaries without regard to the usual procedures which regulate the employment and compensation of employees under the General Schedule. The nature of his office and the increasing complexity of his responsibilities require unique flexibility in the organization and administration of his staff.

I would also like to call your attention to two other areas provided for in the proposed bill—that of Presidential travel and official entertainment. We are asking that the amount of funds authorized for Presidential travel be \$100,000. This is the amount that has been appropriated for this purpose for the last 2 years and reflects the increased cost of travel. The bill also requests that official entertainment of the President be recognized in permanent legislation so that the language in the appropriation bills will not be subject to a point of order.

The final item that I would like to mention is authorization for an annual amount to be appropriated to the President for unanticipated needs. This fund would be used for sudden emergencies and unforeseen problems which affect the national interest, security, or defense.

Such funds have been provided to the President, under various names, since 1940. The funds are provided on an annual basis and any unexpended funds lapse at the end of the fiscal year. These funds are necessary to meet exigencies that arise from time to time and must be dealt with quickly.

In summary, the proposed bill seeks primarily to expedite the appropriation process by making permanent those authorizations which have been provided by the Congress on an annual basis. We urge that

the Congress give due recognition to the fact that the staff is the personal staff of the President, that the practice of comity and the requirements of the Office necessitate that the President have maximum flexibility in staffing his Office.

The size of the Office and salaries of the staff would, of course, continue to be presented to the Congress annually in the request for appropriations for the Office, along with any backup materials that the Congress finds necessary for a proper review.

We will be pleased to answer any questions you or members of the committee may have.

Mr. HENDERSON. Thank you, Mr. Lynn.

Mr. Derwinski?

Mr. DERWINSKI. I just wanted to clarify a point or two, Mr. Lynn. When you are speaking of travel, you are speaking of official travel, is that correct?

Mr. JONES. Yes; Presidential travel.

Mr. DERWINSKI. So I presume, in fact I know this is the fact. I just want this for the record, that whenever the President is engaged in a trip in which a political function is included it is required of the host political group to compensate for the trip or the portions thereto that relate to the purely political allocation of time.

Mr. JONES. That's correct.

We also have another account, which is other travel, which pays for the funding of staff travel without the President if you will.

Mr. DERWINSKI. Now the other point is that I believe we have asked—I don't want to jump the gun on our staff here—but we have a request for a recapitulation of the basic personnel structure at the White House, including the number of people who have been assigned to the White House since Mr. Ford became President. I'm speaking now just in terms of numbers, so we have an idea of the staff turnover, the last 8 or 9 months.

Mr. LYNN. I believe that's correct.

Mr. JONES. And has been submitted.

Mr. DERWINSKI. Fine. We intend that for our subcommittee review. Then there's just one other question. Could you update for the committee the types of activities funded in fiscal year 1973 under the unanticipated needs category? Do you have any information on that?

Mr. JONES. We have submitted a list. I can review it briefly for you, if you would like; \$18,500 was allocated to the Council on Wage and Price Stability; \$185,000 was allocated to the Presidential Clemency Board; \$50,000 which was reimbursed to the Presidential Transition Account at GSA; and \$150,000 to the President's Commission to review CIA Activities Within the United States.

Mr. DERWINSKI. That's the so-called Rockefeller?

Mr. JONES. Yes.

Mr. DERWINSKI. I have no other questions, Mr. Chairman.

Mr. HENDERSON. The gentleman from New York.

Mr. SOLARZ. Thank you, Mr. Chairman.

May I take note at the outset of your rapid advancement. I have several questions, Mr. Lynn.

First of all, could you possibly let us know how many people are presently on the White House staff, and how many people there have been on the White House staff each year over the period of the

last few decades. I realize you may not now have this information at your fingertips, but could it be submitted to the subcommittee.

I, for one, would like to see the fiscal growth rate in the number of personnel assigned to the White House.

Mr. LYNN. Let me just lead off. On most of these questions, Congressman, I have to defer to Mr. Jones who is the expert within the White House. But I can recall that a few years back an effort was made to go more with White House staffing being paid for out of the White House Office appropriation as opposed to details from the various departments and agencies. Therefore, it can be confusing to look at time periods.

But having said that, why don't I defer further to Mr. Jones.

Mr. SOLARZ. Let me just say, I think it would be extremely helpful to the subcommittee if, in such a presentation, you could distinguish in any given year between those who were paid directly out of the allocation for the White House staff and those who were paid out of the appropriations for other agencies.

Mr. JONES. Yes, sir. One of the questions you ask, we presently have, I believe, 535 people on the White House staff, as of April 1.

Mr. SOLARZ. And how many would be assigned to the White House?

Mr. JONES. All of those are on the White House payroll. In addition to that there are some details presently there.

Mr. SOLARZ. Yes. Well, I gather the proportions have changed drastically since the days when Ray Moley was Assistant Secretary of State.

We understand he worked by F. D. R.'s side in the White House. I would appreciate it if you would give us the fiscal breakdown.

My next question is, I'm relatively new to this game, so you will excuse perhaps the naivete of the questions—

Mr. LYNN. So are we, Congressman. At least in this forum.

Mr. SOLARZ. How are the appropriations for the staff of other executive agencies handled in the sense that, do they provide specific amounts which are authorize for the different departments for personnel purposes or do they leave it, as we appear to be doing in this legislation, solely up to the discretion of the separate head of the Department?

Mr. LYNN. The enabling statutes of the two departments at least that I have worked for previously, Commerce and HUD, specify in the enabling or the original authorizing legislation the top position of Secretary, and if there is a Deputy Secretary, that is specified.

If there are one or more Undersecretaries, that is specified. And then usually a certain number of Assistant Secretaries are specified. Occasionally in the statute, and this is probably true for every department, one or two of the assistant secretary slots or positions are given a specific subtitle for this or that activity.

But in the main, I think if you added them up, it would still be the case that it says so many Assistant Secretaries. Now below that, my recollection is the authorizing statute itself says nothing as to the number of supergrades, number of employees, or the like.

Mr. SOLARZ. Does the authorizing legislation authorize a dollar figure for the total amount that can be spent on personnel for the Department?

Mr. LYNN. The authorizing legislation? It does not, sir.

Mr. SOLARZ. That's left entirely up to the Appropriations Committee?

Mr. LYNN. Yes, sir.

Mr. SOLARZ. So assuming these—

Mr. LYNN. Let me modify that one bit. The salary level for a particular position that is specified, as Secretary or Under Secretary or deputy, is specified by law in authorizing legislation. Not in the same part of the Code. But elsewhere in the Code.

Mr. DERWINSKI. Would the gentleman yield? I would also like to inform him that this subcommittee has a jurisdiction over the allocation of supergrades throughout the entire executive branch.

And we have—from time to time, in addition to the legislation processed by an authorizing committee which might designate assistant secretaries and supergrade slots—also allocated through the civil service pool a number of supergrades which then they authorize to various departments and agencies.

Mr. SOLARZ. Well, under the legislation that he has before us, there is no dollar limit set on the amount that could be spent by the President to hire White House personnel. I assume that a dollar figure would be established by the Appropriations Committee.

Mr. LYNN. That's right, sir.

Mr. SOLARZ. Yes. And as in the case with other departments, our committee, the authorizing committee, would not set a dollar limit on the number of people that could be hired, but that would be left to the Appropriations Committee.

Mr. LYNN. I believe that's correct.

Mr. SOLARZ. Now I notice there's also no dollar limit contained for the so-called contingency fund. Am I to assume, once again, that such a limit would be established by the Appropriations Committee?

Mr. LYNN. That's correct.

Mr. SOLARZ. I was quite interested in the list of items for which money from the contingency fund had been authorized by the President, because, prior to hearing that, I was under the impression that such funds would be used for what would fairly be characterized as emergencies.

But when you tell me the President is using money from the contingency fund to staff his panel reviewing the CIA or for personnel funds for the clemency board, this raises some very serious questions in my mind because these commissions can hardly be characterized as having an emergency character. I see no reason why, as a matter of public policy, they make sense, with the President coming to the Congress and asking for an appropriation to fund the clemency board or his Special Commission To Review the CIA.

So I would appreciate it if you could respond to that point. What I'm getting at is, maybe there ought to be some language in here making it quite clear that these funds should be limited to those purposes for which, due to their character or limits of time, it's not feasible to await the appropriations, to go through the authorization and appropriation process in the Congress.

But when you tell us that the President is using this money for matters which presumably could have been submitted to the Congress, it would seem that this perhaps doesn't make sense.

Mr. LYNN. I think, Congressman, this fund by whatever name, it's now called the un—what's it called?

Mr. JONES. Unanticipated personnel needs.

Mr. LYNN. Unanticipated personnel needs, at the present time. But it has gone under many banners over the years, has been permitted by Congress in recognition that there should be some flexible funds to meet needs that are assessed by the President as requiring immediate action.

And as I say, the name of it has changed over the years from one name to another. I think if we went over the years in the past history, that you could probably argue that many of them are such that reasonable minds might differ on whether or not that activity should be put in effect immediately.

But I think it has been a recognition by the Congress that there should be a fund, where if the President says there is an urgent priority that should be addressed immediately, there is some relatively small fund that he can use for that purpose.

Mr. SOLARZ. I don't believe anybody would quarrel with giving the President the fiscal flexibility to deal with unforeseen events and sudden emergencies, but if the essential purpose of this is, in fact, to enable the President to deal with problems on an immediate basis, that couldn't be foreseen in advance, would there be any objection to additional language in the legislation making it quite clear that the use of these funds should be limited to precisely those purposes, and not to permit them to be used to fund commissions or investigations or what have you, without in any way impairing the national security, could just as easily be funded through the regular appropriation process.

Mr. LYNN. I think there would be resistance, Congressman. I think that attitude that has been reflected by the Congress in permitting this kind of funding over the years is a proper recognition of flexibility that is reasonable for a President.

Mr. SOLARZ. So your feeling is that in no instances that you can recall has there been any abuse for the purposes for which these unanticipated funds were made available.

Mr. LYNN. Unfortunately, I have not been a student of White House Office history with regard to this fund, sir. I think we would have to dig into the records to get the answer to that question one way or the other.

Mr. SOLARZ. You had indicated you would make available to the committee the number of people that worked on the White House staff, both on the White House payroll and those who entail some other agencies over the course of the last few decades.

Mr. LYNN. Few decades?

Mr. HENDERSON. Will the gentleman yield a moment on that? I think it would be well for the Chair to point out that perhaps we were a little bit negligent in not furnishing the gentleman some of the background information that we have available. I refer to a report of the 92d Congress, second session, Post Office and Civil Service Committee Print No. 19, which is: "A Report on the Growth of the Executive Office of the President, from 1955 to 1973" prepared under the direction of our colleague Mr. Udall of Arizona. The report is out of print, but we do have

a few copies available for us. In connection with these hearings, Mr. Lynn and Mr. Jones of the White House staff have updated for us the information from that report.

We have not only the number of positions, but the names of the occupants and their present salaries and so on. We will make this available to all of the subcommittee members.

And in that regard, after we look at this, if there are further questions we certainly could submit them for full——

Mr. SOLARZ. Is there any breakdown, Mr. Chairman, in those figures of the categories of the Commission people who are employed in the White House. In other words, could one know how many of them are clerical, how many are administrative, et cetera?

Mr. HENDERSON. Yes, I think we can tell from the information that we have now the various offices within the White House and the Executive Residence and their grade levels and who the occupants are.

Mr. SOLARZ. That's pretty much what I had in mind, because I did want to get some sense of the historical growth of the Office.

Let me say that one of the things that I think troubles many people in our country to some extent—it certainly troubles me—is the growth of what appears to be an immensely powerful Executive Establishment which, with respect to the Presidency, from time to time assumes trappings of a monarchical regime. I wonder to what extent you have information available on the size of the Presidency and establishments in other countries that might roughly be considered comparable to our own?

I would be very much interested in knowing, for example, how large a staff the Prime Minister of England has or the President of France or of the Prime Minister of Japan, or of the First Secretary of the Communist Party of the Soviet Union or the Premier of the Soviet Union.

I wonder to what extent the number of people who are assigned to the White House bears any reasonable relationship to the number of people assigned to the Chief of State or Chief Executive Officer in other countries that are also great powers in the world today.

Mr. LYNN. I certainly don't have any information. I would of course be wary of looking at numbers in this regard, because certainly a parliamentary form of government is quite different from our own.

As we can see from the present situation that we have in our country—one party in control of the executive branch and the other party in control of the legislative branch.

But I would also add that if we are looking at the growth of the President's Office over any reasonable period of time, we should also look at the growth of responsibilities.

I remember when I first came to the Government in 1969, someone showed me a chart at that time as to the number of black lines leading into the President from various agencies and departments. And when you looked at that chart with those lines all heading in one direction to the President of the United States through the passage of laws, independent agencies, commissions, departments, more departments, it looked like a huge pipe organ.

And what I'm saying is, over a period of time the responsibilities of the President in his executive function have grown enormously.

So that I don't think we can just take a look at absolute figures in the day of Lincoln and compare it with the recent decades and draw

much from it, because we have had a tremendous number of new laws that have increased the responsibility of the executive branch and the President substantially.

Mr. SOLARZ. Mr. Lynn, I think that every Member of the Congress and certainly the people of the country want the President to be able to carry out his responsibilities in the most effective way possible.

And if he needs 500 people, he will have 500, if he needs 1,000, he ought to have 1,000. But I think there is a legitimate question as to the extent to which the President today is better able to discharge his responsibilities by virtue of this tremendous increase in the Presidential staff compared to the manner in which prior Presidents were able to discharge their responsibilities.

In fact, a number of people have suggested, including a number who have worked in the White House itself, that the very size of the White House staff serves to interpose a barrier between the President and what might also be termed reality, and that the capacity of the President to respond thoughtfully to the problems confronting the country might theoretically be enhanced if there weren't so many people between himself, the public, and the problems with which he has to deal.

Now I'm not necessarily arguing with you that we want to cut the White House staff in half. I wonder if you could respond to this sort of philosophical observation which is by no means original to me. A thoughtful student of the Presidency suggested it. And I know there's a tendency when you have a lot of work to do to ask what appears to be additional staff necessary to handle it. But is it possible that in the process of increasing the staff that, rather than increasing the capacity, the President could deal with his problems subtly, and perhaps inevitably we compromise this capacity to deal with problems in the way we like to.

Mr. LYNN. I don't know whether you can reach that limit.

Let me explain, why, Congressman. First, of all, let me say, I do believe that as with every other function of Government, there should be a look from time to time as to whether or not total staffing requirements are within the realm of reason as to what a President needs. I think that's true of every other function in the Federal Government, whether it's a Cabinet officer, a staff of committees, or whatever it might be in the legislative branch.

But I think the question as to whether barriers are created between the President and the people or the Cabinet officers, for example, is much more the function, the style, of the man, and how he wants to perform rather than any magic number.

If there are barriers to the President, I think it's a function of let's say the top 10 or 20 people, not the number of staff in total that are needed for assignments, such as for doing the preparatory groundwork for the President in considering an issue, putting it in writing for his consideration, preparing the President for meeting with outside groups, so that he can hear what the various groups are saying, whatever the spectrum of those groups may be.

So I really don't see any reasonable relationship between the President being isolated and the number of staff that he may have, I think quality of staff and quality of the man who occupies the White House have a good deal to do with that.

Mr. Jones was indicating to me that if you look over recent years, the present size of the White House staff really compares favorably in the sense of not being that large. Would you like to add something to that, Mr. Jones?

Mr. JONES. Yes. Congressman, in our fiscal year 1976 budget request, we're requesting 500 slots for the White House Office staff, down from our present appropriation of 540 and our present level of 535.

These numbers are roughly equivalent to what they have been over the last 5 years and I think somewhat lower than they were if you add all of the numbers together during President Johnson's time. There has not been over the last 10 years or so a dramatic growth in the White House Office.

Mr. SOLARZ. One last question, if I may. The gentleman from Illinois asked about the extent to which the funds for Presidential travel could be utilized for sending the President on political missions, and I gather your response was whenever such trips are made, they're paid for by the President or the national committee or some other source.

What about funds for Presidential travel en route to and from vacations. Are these paid for out of public funds, and if so, do you think it's appropriate for that to happen?

Mr. JONES. Yes; they are paid for out of appropriated funds. The thought here, and I think it's a correct one, is that the President is always President regardless of where he is and particularly, he's Commander in Chief, which is an awesome responsibility, and he requires support facilities and communication facilities regardless of where he is, and those trips are paid for out of appropriated funds.

Mr. SOLARZ. When you talk about support facilities, if the President travels say to Colorado, I gather the Secret Service goes along with him and supporting apparatus. Do they go on the same plane or is there another plane that's used to send the supporting personnel and, if so, does the money to pay for the backup flights come out of this fund?

Mr. JONES. No, it doesn't.

This fund that we are talking about really is to pay for the expenses of those White House Office staff men who accompany the President on trips.

Mr. SOLARZ. And by the President himself, I gather?

Mr. JONES. Yes.

Mr. SOLARZ. And these come to \$100,000 a year for the last few years?

Mr. JONES. That's correct.

Mr. SOLARZ. Thank you very much, Mr. Chairman.

Mr. HENDERSON. Mr. Jones, in reference to the last question, as I understood your response, the compilation that we have for the White House Office beginning in 1955 shows that there were 262 persons. In 1965, 10 years later, there were 255 persons. In 1970, 250 persons. In 1971, 533.

As we relate to your present request of 500, you ought to be commended for the reduction of 33 positions from 1971 until this request. But you might want to take a look at that and give us a full response. I think, also, equally important, Mr. Lynn, is the Office of Management and Budget figures in those years of 435. That went to 555 in 1970, a year earlier than that sizable increase in the White House Office.

In 1971, the figure increased again by 102 to a total of 657 and has remained fairly constant to the present time.

The two significant increases, as I see the charts, occurred in the White House Office and OMB in 1970-71 time frame. I'm not sure that our record last year reflected that. For the record, this year we should have your response on that.

Do you want to respond at this time?

Mr. O'NEILL. May I add just one point on the OMB numbers? I've recently had occasion to look at the history of employment on OMB since the Director and I were confirmed by the Senate. I found it interesting that back in 1947 the Bureau of the Budget had, as I recall, 585 people.

As you indicated, there was a downtrend in the number of people during the fifties, but there has been a gradual increase over the years.

I noted with interest that on the first day of April there were 581 people on the OMB staff, so that in spite of the fact that we have authorized 660 positions, we have tried to live frugally within the authorized positions and tried to keep ourselves within bounds of reason.

Mr. LYNN. Let me put in a plug, Mr. Chairman: It hasn't been easy.

Mr. SOLARZ. Mr. Chairman?

Mr. HENDERSON. I've been very patient with the gentleman.

The authorization is 660, but you are at 580. You are to be commended, because that takes you back to between the 1970-71 level, certainly considerably less than the 1971 level. Mr. Lynn, I know this hasn't been easy. Do you feel that you are adequately staffed at the present time?

The reason I ask that is that if we get to the specifics of authorization, we want to be sure that we're not cutting back authorizations to those now on board and make it impossible for you to make any increases.

Mr. LYNN. Mr. Chairman, I would certainly urge that you not cut back on the authorizing side. I now have been there 10 weeks and feel very strongly that our present employment level is too low. And we have asked the Appropriation Committee for—I believe it's 22 more full time permanent employees, is that correct, Paul?

Mr. O'NEILL. Yes, over the level for fiscal 1975.

Mr. HENDERSON. One other question, then I will yield to the gentleman from New York. Do you anticipate that the new budget procedure of the Congress would require additional personnel in OMB to be responsive to those needs?

Mr. LYNN. Yes, sir.

I would like to think that our relationships with the Budget Committees and with their staffs and with the Congressional Budget Office have been very good. We have already seen a realization of what would appear to be the case from the statute that it does require substantial additional work on our part, which work we're more than happy to perform. As I have said, and Paul has said on a number of occasions, we will do everything in our power to see that those budget processes under the new act do work.

We do need more personnel in recognition of that and for some other additional duties that we have received over the years. The Federal Advisory Committee Act comes to mind; we have the Commission

on Paperwork; and the Privacy Act. We are trying our best to improve evaluations within the Federal Government. And I think over a period of time at least, to do that well, we're going to need a little bit of personnel assistance.

I should say one of the biggest surprises I ever had after having been out in the departments for 6 years, was when I asked a question of how large OMB was, because sometimes I thought it had an omnipresence out there when I was with Commerce and HUD, and found that there are 580 professionals for the whole Federal Government.

And I would hope that the Congress this time around will look carefully at the personnel needs. We're not asking for a lot of people. But we certainly can use more than we have at present.

Mr. JONES. Mr. Chairman.

Mr. HENDERSON. Yes.

Mr. JONES. Could I address your question about the size of the White House Office staff? As you remember, we went through the exercise of the honest budget several years ago. The chart that was put together I think in your Committee Print 92-9 gave total permanent positions.

Now that total did not include people detailed to the White House staff to work. The discrepancy between this chart and the comment I made previously is that at one time the number of details actually working in the White House was over the number of people who were there in permanent positions.

So, in order to make the past numbers equate to what we have now, you have to add those, in essence, full-time details to the permanent slots. And when you do that, then you come to an adjusted number which does show little or no growth. That's the explanation of my comment.

Mr. HENDERSON. Very good.

As I understand your earlier testimony, you indicated there are only 20 details at the White House at the present time.

Mr. JONES. That's correct, sir. And I think we have given a list to the staff this morning. If we haven't, we will supply one.

Mr. HENDERSON. Very good.

Mr. Solarz?

Mr. SOLARZ. Thank you, Mr. Chairman. I just have one or two other questions. Do I understand that what we're talking about today as authorization for the White House Office rather than the Executive Office at present?

Mr. LYNN. That's right, sir.

Mr. SOLARZ. Fine. The other question was, is it possible for you to give us a breakdown—

Mr. HENDERSON. Will the gentleman yield?

Mr. SOLARZ. Yes.

Mr. HENDERSON. The bill covers the White House Office, the Executive Residence, the Vice Presidency and the Domestic Council.

Mr. LYNN. You are absolutely right, Mr. Chairman.

Mr. SOLARZ. I see. But—

Mr. LYNN. It does not include OMB.

Mr. SOLARZ. Or any of the other offices or commissions that are part of the Executive Office of the President.

Mr. LYNN. That's right, it does not cover those. But it certainly does cover the ones exactly as the chairman mentioned.

Mr. SOLARZ. It is possible for you to give us some kind of breakdown of the numbers assigned to the various kinds of functions within that White House Office? I mean, for instance, how many are doing essentially clerical work, secretarial work; how many would be handling household chores, cooking and cleaning and that kind of thing; and how many would be handling political or administrative responsibilities; so we can get some sense of what this figure of roughly 500 means.

Mr. LYNN. I believe, sir, among the materials that have been filed to the subcommittee, you will find that information.

Mr. HENDERSON. If it's not complete to your satisfaction, we can probe into it further, but we believe that the basic information is available to us and we will make it available to the members.

Mr. SOLARZ. Thank you, Mr. Chairman.

Mr. HENDERSON. The appendix to the fiscal year 1976 Budget indicates that a total of 684 positions, are estimated for the fiscal year 1975 for the White House Office, Executive Residence, the Vice President, assistants to the President, and Domestic Council.

Of these 686 positions, 401 are indicated as being general schedule positions, 14 are executive level II, the remainder, or 272, being ungraded.

I'm sure that you are aware of the committee's continuing interest over the ungraded positions.

Could you tell us why these positions are not or cannot be placed in the general schedule or executive salary schedule?

Mr. JONES. Well, I believe to give a brief breakdown on the 272, I think there are 30 in the special assistance for the President. I think we have in the White House Office 126. If we're including the Domestic Council, there are an additional 30 there.

Mr. HENDERSON. You are correct, there are 30 in the Domestic Council.

Mr. JONES. And 86 in the Residence. Are you including those?

Mr. HENDERSON. That is correct; yes.

Mr. JONES. Well, let me go back, in actual fact we treat certain people as classified and certain people as unclassified. Theoretically I suppose, given the law that we have been operating under, they could all be unclassified.

But to take the White House Office, so we can speak directly to that one, I think there are 126 positions. When you look at these positions, I believe 77 are GS-15 and below, and the rest are the equivalent of GS-16 or above.

We use these positions not for those who we consider career people in the operating offices, and continue through various administrations, but for the people who come in with the President and who are assigned various staff tasks supportive of his duties. We feel that by having those positions and being able to have the flexibility to move people in and out of them, to adjust salaries and responsibilities, that this gives the President the flexibility that he needs to make his staff responsive to his requirement, and to get the most out of it. By classifying the positions and making them subject to various rules of civil service law regarding promotions, pay and other matters, this will decrease his flexibility to use his staff to its fullest.

Mr. LYNN. If I might, Mr. Chairman, I think we can look at this period of time we have all agonized through in the recent period as an example of the merit of having flexibility in this relationship.

If I might, as a bureaucrat of 6 years, also add just a practical note to this. I think that these positions closely around the President are ones where the President should have utmost flexibility as to what he gives them by way of titles, as to what he gives them by way of pay.

The minute you start stratifying those positions, there must be a top limit on the pay. I would note that the bill we have submitted also puts a top limit, if I recall correctly, on the numbers at the top of the heap, so to speak.

But you get into very great sensitivity within the White House staff, if I may speak frankly, on pay differentials and graduations, whether it's \$500, \$1,000, or whatever it might be. The President should have the power to reward by changing titles by way of changing positions and he should also, it seems to me, be able to look at the people he wants and say, "I need so many—I need these people, these people by name," and if they happen to fall a little higher or a little lower than a given category or number, I don't think his flexibility ought to be tied.

I can also say, as a person who has been in departments, I found a number of times that if there is a vacancy in where there is a stratified number of positions, and if you don't fill it, there's terrible embarrassment with respect to it, because you will have two or three people competing for it.

When we are talking about the relatively small staff that is attached to the President, I really have to say that on balance I come down in favor of the flexibility.

Mr. HENDERSON. Well, I certainly can understand or I think I do, the necessity for some flexibility.

Yet at the same time, I would hope that to the extent that we limit flexibility we aren't hindering the President. I hope he's not spending too much of his time on personnel details. As chairman of a committee, I have to spend a lot of my time on personnel. I probably spend more time signing vouchers than is justified.

But in any event, our concern over the ungraded positions is simply to provide for getting the job done but at the same time being able to justify not only the required numbers, but a reasonable relationship between the pay and the tasks performed. I'm sure that it will make it much easier for the Appropriations Committee if we take that approach.

Mr. LYNN. The only thing I would add, if I might, sir, is that I think the overall appropriation limits applies some discipline to the people that do this task for the President, and, of course, he has to get into it personally as well, because as you use up money in the upper reaches, you are taking away from your total, so there are always tradeoffs in this regard.

If he gets too many people in there at \$36,000, he may have either Paul O'Neill, or Jim Lynn, or Jerry Jones coming to him and saying: "Mr. President, it's very nice to pay those people at that kind of a rate, but don't have enough stenographers or enough clerks to help them do the job."

So there is a certain amount of discipline. Now grant you, the way it is done at present and under this bill, you could conceivably have a President that got carried away in favor of the higher amounts. But I would urge that as the subcommittee looks at this, they would look at it in historic context, in the spirit of comity, to give the President as much flexibility as possible.

Mr. HENDERSON. I don't want to leave the record confused and I'm just a little bit confused. Are you making a distinction, between the 400 permanent positions and the 272 ungraded as we're referring to them as being somewhat less than permanent?

I won't use the word "temporary," because that has a very definite connotation in civil service. Are you saying that these 400 positions are really permanent positions, and that the 272 are something less that you use for ins and outs and adjustments? Is that the kind of flexibility you are talking about?

Mr. JONES. I think I can answer that. I have to break the four offices that we're dealing with into different sections.

First of all, in the residence, those 86 people are all permanent, if you will; all of them have gone from administration to administration; some date as far back as the Roosevelt years. The reason they are unclassified is because most of the jobs there are unique in the Government; there are very few in other departments and agencies; they're very hard to classify.

They are wage-grade people, many of them, but because they are unique, we simply carry them as unclassified. And they are all permanent in both the Domestic Council and the Vice President's Office—let's take the Vice President's Office first.

That office is unique to the Vice President. It really is a staff to assist him in handling his responsibilities for the President. It consists mainly of professional people to help him schedule, and other things, and clerical people to support him. I think there are only two or three people there that you would say would be career-type people, and I think almost all of the people in that Office now are new with just a few exceptions, even from Vice President Ford's days.

For the Domestic Council, the same thing applies. That Council is very much a staff that's personal to the President in his policies. There has been some turnover there and I think there will be a good deal more now that it's changed.

In the White House Office, about 250 of the 535 people are people we consider to be career. They, too, have come through various administrations, again some dating back to the Roosevelt years, and do not change. They supply the basic staff support for the rest of the Office.

The other people there, another 250, 260, 270, are really people that change with the administration. Now part of those people are classified because we try to classify as many people who come to the staff as we can. Others are not—roughly 126 of them.

I think only one of the people we consider to be career is unclassified at this point. But most of the administration people are not classified.

And usually over half of that 126 number are the professionals on the staff. We try to classify as many clerical people even though they are not career-type people.

Mr. HENDERSON. You're right on that point. As you used the word "classified," I would like to ask: Are they classified according to the Civil Service general scale or are you just saying that the salaries paid equate to the GS salary schedule?

Mr. JONES. Well, on the 250 career—people we consider career—yes; we do. We don't go through the procedure in the White House Office that the other departments and agencies have to do which is submit a job description to the Civil Service Commission and have the job description approved, and submit the people with their form 171 to the Commission to have them make a judgment as to whether that person is qualified for that position. We do not do that.

But we do have the jobs classified and we are our own classifier and judge of whether the person meets the requirement for that grade.

Mr. HENDERSON. Do you use the Civil Service Commission standards as closely as you can in your own classifications?

Mr. JONES. Yes, sir; we do.

Mr. SOLARZ. Mr. Chairman?

Mr. HENDERSON. Yes.

Mr. SOLARZ. Thank you, Mr. Chairman.

On the question of the unanticipated needs funds, how much money was appropriated to this fund?

Mr. JONES. \$500,000.

Mr. SOLARZ. And how much was spent?

Mr. JONES. As of this point, I think we have allocated \$300,000 some odd. We anticipate yearend to have spent it all, and maybe a little more.

Mr. SOLARZ. How do you spend more than you are allowed to spend?

Mr. JONES. You don't. The demands on the funds are at least \$500,000.

Mr. SOLARZ. Has the \$500,000 figure been relatively constant over the last 7 years?

Mr. JONES. No. It has been \$1 million in the past at most times.

Mr. SOLARZ. And this year it was reduced by \$500,000, roughly?

Mr. JONES. Well, it's a fairly complex history. Actually, there were three special funds that were sort of merged, and they have been named different things and they have had slightly different purposes over the years. Generally the fund that this unanticipated needs is most identical to is the old emergency fund, and I believe that was \$1 million.

Mr. HENDERSON. And the request this year is for \$1 million authorization—

Mr. JONES. And also we're requesting a million in the appropriation.

Mr. HENDERSON. Right.

Mr. JENRETTE. Mr. Jones, to clear up for me if I might, I understand that when the chairman was asking for the years for 1970 to 1971, that the answer was that prior to 1970, the numbers were the same, but the bodies themselves were delegated from other agencies, is that correct?

Mr. JONES. Yes, sir.

Mr. JENRETTE. In 1971, you categorized these people as White House employees rather than being delegated.

Mr. JONES. Yes.

We called it the honest budget and we said how many people were actually there. An agreement was struck that if we would say how many people were actually there, that the number of slots would be made available to accommodate those people, and we did that.

We cleared the books, if you will.

Mr. JENRETTE. Kind of grandfather clause.

Mr. LINDER. Mr. Congressman, prior to this honest budget, the bulk of the people that worked for the White House Office were detailed from other agencies. They were actually in a detail status. Many of the people that have been there more than 20 years in this career group first came to the White House on detail, and then were permanently assigned.

About 1971 it was decided that the White House budget should stand on its own feet and the resources needed to run the White House would be requested. The people that were detailed there were either brought on to the White House rolls and their salaries paid from White House Office funds or they were sent back to the agency.

Now we have more of a true reflection of the resources required to run the White House. The number of details has decreased 20 at the present time and these people are brought in for special expertise or short-term jobs. Then they returned to their agencies in most cases.

Mr. JONES. If they aren't returned to their agencies, we do bring them permanently onto the payroll.

Mr. JENRETTE. There are 20 now in the detail category.

Mr. JONES. In the detail category, that's correct.

Mr. LINDER. They're in the detail category and it has been a policy with his honest budget that if they are there longer than 6 months, we reimburse their salaries. The payments are made out of White House Office funds for longer term details.

Mr. HENDERSON If the gentleman will yield. In connection with the point just made, the bill that we had last year would put into the law, a requirement of the current practice of reimbursing agencies if the detail is for longer than 6 months.

I might also comment that this committee had a great deal to do in bringing pressure to get this done. We found when we looked at Government agencies, especially in the supergrade area, that they were requesting additional supergrades because people had been detailed to the White House. We felt that this was not fair to the agency. If we knew how many people the White House actually needed, we could authorize them specifically. We wanted to see that they were needed and properly paid and managed, and let the different departments and agencies stand on their own. So the system we have now is much better than what we had in the past. I feel sure that the President believes that it's best for him to get fewer details from the departments and agencies. If he finds that they are needed permanently, he can put them on the payroll at the White House.

Mr. LYNN. Mr. Chairman, this has just been a thought in my mind, I don't think anybody else has seen the issue on the Domestic Council. For example, I have always had the feeling that a good part of the

work of the Domestic Council for particular tasks by way of staff backup, should be done by the people out in the agencies and the departments.

And I've always thought that it might be a good thing in Government if, when a particular task force is formed of Cabinet officers that cuts across more than one Department, and it's done under the Domestic Council auspices, that it would be well to bring in selected people who have expertise and have them work there. They might even be there a year, or year and a half, on that task force physically located over there in the Executive Office Building or New Executive Office Building. First of all they are the experts, second, they bring a departmental perspective, and third, they will go back to their Department or agency with expanded minds by seeing the interplay of their programs with other programs.

I would hope if that happens, we'll be able to work out an accommodation. But as I say, this is only a thought way back in my head at this moment. I don't think it has any official blessing yet.

Mr. HENDERSON. I think the best way to do that, if you see a need for it, is to inform us and let us see what happens. Of course experience is the best test of how it works out.

Mr. LYNN. Absolutely, sir.

Mr. HENDERSON. If this committee's authorization were in terms of maximum numbers for grade levels GS-16 through Executive Level II, would you be in a position to advise us how many positions would be needed in each level and where the ungraded positions would fall in such a categorization? If we make that decision at a later date, would you work with us regarding the numbers that would be required?

Mr. LYNN. I think, Mr. Chairman, that what we would find is that there are a number of people that would not fit in one slot or the other exactly. I suppose if you go to General Schedule levels with steps, you could fit the people pretty closely as to this snapshot in time.

I think the issue becomes one of doing a current inventory of fitting people to those positions versus the changes that may occur over a period of time, whether with this President, or with successor Presidents. The question is, what staffing would make sense for the style, operation, and requirements of the President. That's what would make it quite difficult.

Of course, as you know, in the spirit that we want to maintain with the committee, we'll try to give you whatever information we can.

Mr. HENDERSON. This question, of course, can be related to the legislation that we worked on last year, in which we provided numbers of positions not to exceed certain salary levels. In that context, would you be able to inform us of your needs?

Mr. JONES. Mr. Chairman, we of course would prefer to keep our 126 unclassified slots. We'd hope to be able to at least make a good argument as to why we need them. We will work with you to see what we can do on that for the record, for your assistance on that. But I hope you understand we would strongly prefer to have the flexibility of not having those slots to find and to give the President the capability of moving them around spontaneously.

But we will work with the staff, too.

Mr. HENDERSON. We appreciate your position and I'm sure you can appreciate ours. If a decision were made in that direction, I'm sure you

would understand that what we are attempting to do is provide what you need as we think best; yet be in the position where we can say that such limitations have been carefully considered by us. I appreciate your agreement to be responsive to us if we feel that approach necessary.

You have made the case from your view that you prefer flexibility with as few constraints as possible.

Mr. Derwinski?

Mr. DERWINSKI. No, I have no further questions, Mr. Chairman.

Mr. JENRETTE. I have one last question, if I might, Mr. Jones. This proposed legislation authorizes the President to pay experts and consultants at the rate for Executive Level II. How many are now, if you know, employed as experts or consultants at that level and are they included in the unclassified or ungraded numbers that you have been referring to in response to the chairman's question?

Mr. LYNN. If I might, sir, first of all it says you may pay them at that level. But it does give flexibility to the President to pay them at lesser levels.

Is your question directed to those paid at that level or the total number of consultants even though they're paid at less than Level II?

Mr. JENRETTE. I would like both.

Mr. JONES. We now have 12 consultants. They are not included in the permanent number of 535. If the highest rate one is paid \$153 a day, we have one, two, three, four, five paid at the rate of \$36,000 a year. The rest trail on down.

The lowest is paid at a rate of \$101 a day, I not quite sure what that works out to. One works without compensation. These people do not necessarily work every day. They of course do not have the various Government benefits such as insurance and other things.

Mr. JENRETTE. One final question if I might.

Mr. JONES. By the way, this is a snapshot on time. During the transition from the Nixon administration to the Ford administration, there were many more consultants than presently. We are actively working to reduce the number of consultants there. We have a procedure now so that every consultant on our rolls is reviewed every 90 days to see if he's still needed.

And we have been able to cut it down to 12 from a much larger number in the past. And we will continue to do that.

Mr. JENRETTE. I like the honest budget concept, in South Carolina, we call it zero budget and start from there.

Mr. LYNN, in your capacity, do you see any time working with the Congress to ask each agency to start with a zero budget and then justify on an annual basis the necessity of these employees?

Mr. LYNN. I will say that to some extent this is done over a period of time, at least with every agency and department. By that I mean we may not in any given year look at every budget amount within a given department. But over a period of years the department itself with or without OMB's urging will have taken key ones that we think ought to be looked at again and justify the program as a program.

It may be a program that involves \$10,000, it may be \$100 million, it may be a \$5 billion program. So if you look over a period of 3 to 5, 6 years, you will have hit all of the programs. But if the year before you had done a justification of the program as such, which is the same

thing really, as zero budgeting, if you did that just the year before, there isn't any sense in doing it the next year unless there have been changed facts.

So what we do is try to choose a target here, there, and the other place, and do it that way. If you are asking me whether we need a lot more evaluation of the programs we have, the answer is yes, we do. And the Deputy and I have set as a high priority developing better techniques for those evaluations.

We found that evaluations are particularly difficult where you are trying to give assistance to people, to human action, and you can do an evaluation that doesn't pay enough regard to those human needs and pays too much attention to the money, and you can do ones that go the other way. We need a lot of work in that area and we're trying to undertake it.

Mr. JENRETTE. Mr. Lynn, it would be interesting for me to check with you some 6 months from now with regard to what the gentleman from New York commented about, regarding the shield around the Presidency, et cetera; with you having been on the agency side and now on the inside of the White House, it would be interesting to have your comments about 6 months from now, if you in fact do not believe that there have been many instances in the White House or in agencies that the ability to function has been deterred due to the shield around the Presidency. It would be interesting to have your comments from having been on both sides.

Mr. LYNN. Pick up the phone and I would be happy to chat with you, sir.

Mr. JENRETTE. Thank you, Mr. Chairman. I have nothing further.

Mr. HENDERSON. Mr. Lynn, before I let you go, I know your time is always short, but in connection with the question that someone asked about the comparison of governments, my first reaction would be one of great frustration. To keep it from being too frustrating, Mr. Mesker of our staff has just pointed out to me that in some areas executive salaries in foreign governments exceed those of our Government. Wouldn't that be interesting for you to get on the record and show.

I doubt that we would be able to be as convincing as we would be if we found that there were more than numbers. If you have a chance to take a study, look at the salaries.

Mr. LYNN. You have given me added stimulus, Mr. Chairman, for looking into the comparisons.

Mr. JENRETTE. While he's doing that, check on the members of Parliament and see exactly what their salaries are.

Mr. LYNN. I certainly took it that we would look at the whole picture.

Mr. HENDERSON. I think your testimony this morning has been most helpful, Mr. Lynn. Perhaps Mr. Jenrette was a little generous in giving you 6 months. I would like to hear what you have to say at this time. But I won't ask you to do that on the record.

Mr. LYNN. Well, you can, Mr. Chairman, as to my impressions so far. We have a President today who reaches out actually for opinion, for advice, both within his Cabinet, within the agencies, with the Congress, I believe, on an informal as well as formal basis, and with the various groups that make up our people in this country.

And I think he's given the signal very well to those people who work around him that he doesn't want to be isolated from that. This has also reflected itself in a good degree of cooperation between offices such as OMB and the departments.

I would like to think that if you talk to the people in the departments, they would say that the White House staff is trying to make every effort to see that when something goes to the President that there's full opportunity to be heard, and that the paper that goes to him is one paper, not a paper by the department and another paper by somebody on the White House staff.

So whether it's an oral communication or a written communication, I think it's a pretty open place and a place where the President doesn't have those barriers.

Mr. HENDERSON. I'm certainly glad to have your response and your impressions at this time.

I would be very pleased for the record to state my own experience as it relates to the responsibility of the committee. Earlier this year, I became quite concerned with what I thought was the need of the Postmaster General to see the President, and as you will recall, on the day that that conference was arranged with the Postmaster General and the Chairman of the Board of Governors of the Postal Service, the President invited Mr. Derwinski and me and our counterpart, Senator McGee, to precede the Postmaster General and Mr. Wright, and gave us an opportunity to provide some input.

I was gratified that he would give us that much time. I hope we were helpful to you and the President. Certainly it was helpful to us. I think that if we can continue to have these opportunities, you would find that Members of the Congress understand the constraints on the President's time, and speaking as the chairman of this committee, I am most appreciative of that opportunity. I feel that in the very short time we had, it was helpful to us, and, I hope, to you and the President.

Mr. LYNN. I can say it certainly was to me and the President expressly said the same thing to me, that it had been very helpful. As you know in your presence, and after you left, he said it had been a very good meeting where we had learned a lot. This is precisely the reason why he likes to keep that door open to the people that are truly expert in these given areas here in the Congress.

Mr. HENDERSON. I thank all of you gentlemen this morning for your appearance, and your very able responses to our inquiries. I will assure you not only as we work on this legislation, but as other matters within the jurisdiction of the committee may arise, our door is always open to you. Thank you.

Mr. LYNN. Thank you.

[Whereupon at 11:12 a.m., the hearing was adjourned.]

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1975

Mr. HENDERSON (for himself, Mr. DERWINSKI, Mr. STEED, and Mr. MILLER of Ohio) (by request) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To clarify existing authority for the employment of personnel and the procurement of services by the President and the Vice President, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 103 of title 3, United States Code, relating to
4 travel expenses of the President, is amended by deleting
5 "\$40,000" and inserting in place thereof "\$100,000".

6 SEC. 2. (a) Section 105 of title 3, United States Code,
7 is amended to read as follows:

8 "**§ 105. Assistance and services for President and Vice**
9 **President**

10 "(a) Without regard to any other provision of law

1 regulating employment and pay of persons in the Govern-
 2 ment service, the President is authorized to appoint and
 3 fix the pay of—

4 “(1) fourteen administrative and staff assistants in
 5 the White House Office at the rate of basic pay then
 6 currently in effect for level II of the Executive Schedule
 7 of section 5313 of title 5, and such other administrative
 8 and staff assistants as may be necessary in the White
 9 House Office at rates less than the rate of basic pay then
 10 currently in effect for level II of the Executive Schedule
 11 of section 5313 of title 5, and

12 “(2) assistants, clerical, and other personnel in the
 13 White House Office at respective rates not more than the
 14 maximum rate of basic pay then currently paid under
 15 the General Schedule of section 5332 of title 5;

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

18 “(b) The President is authorized to procure and provide
 19 within the White House Office services, as described in and
 20 in accordance with section 3109 (b) of title 5, but at respec-
 21 tive daily rates of pay for individuals not more than the daily
 22 equivalent of the rate of basic pay then currently in effect for
 23 level II of the Executive Schedule of section 5313 of title 5.

24 “(c) The President is authorized to provide for the
 25 procurement of goods and services (other than services au-

1 authorized to be procured and provided under any other provi-
 2 sion of this chapter) necessary in connection with the
 3 performance of his official duties (including, without regard
 4 to any other law, care, maintenance, repair and alteration,
 5 refurnishing, improvement, heating and lighting including
 6 electrical fixtures, operation, and preservation of the execu-
 7 tive residence, for which purposes the President may procure
 8 services as described in and in accordance with section 3109
 9 (b) of title 5).

10 “(d) There are authorized to be appropriated each fiscal
 11 year and for the period July 1, 1976, through September
 12 30, 1976—

13 “(1) to the President, when specified in regular
 14 appropriation acts, such sums as may be necessary to
 15 pay official reception, entertainment, and representa-
 16 tion expenses, to be expended at the discretion of the
 17 President and accounted for solely on his certificate, and
 18 “(2) such sums as may be necessary for alloca-
 19 tion within the Executive Office of the President for
 20 official reception and representation expenses.

21 “(e) Without regard to any other provision of law
 22 regulating employment and pay of persons in the Govern-
 23 ment service, there are authorized to be appropriated each
 24 fiscal year and for the period July 1, 1976 through Sep-
 25 tember 30, 1976, such sums as may be necessary to enable

1 the Vice President to provide assistance to the President
 2 in connection with the performance of functions specially
 3 assigned to the Vice President by the President in the dis-
 4 charge of Executive duties and responsibilities, including
 5 the use of such funds to—

6 “(1) establish the basic pay for one position at
 7 a rate not more than the rate of basic pay then currently
 8 in effect for level II of the Executive Schedule of sec-
 9 tion 5313 of title 5, and such other administrative and
 10 staff assistants as may be necessary at rates less than
 11 the rate of basic pay then currently in effect for level
 12 II of the Executive Schedule of section 5313 of title
 13 5; and

14 “(2) procure and provide services as described in
 15 and in accordance with section 3109 (b) of title 5, but
 16 at respective daily rates of pay for individuals not more
 17 than the daily equivalent of the rate of basic pay then
 18 currently in effect for level II of the Executive Sched-
 19 ule of section 5313 of title 5.”.

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

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

22 and inserting in place thereof—

“105. Assistance and services for President and Vice President.”.

1 SEC. 3. (a) Section 106 of title 5, United States Code,
2 is amended to read as follows:

3 **"§ 106. Assistance to President for unanticipated needs**

4 "There are authorized to be appropriated to the Presi-
5 dent each fiscal year and for the period July 1, 1976
6 through September 30, 1976, such sums as may be neces-
7 sary to enable the President, in his discretion, without regard
8 to any other provision of law regulating employment and
9 pay of persons in the service of the Federal Government or
10 regulating expenditures of Federal Government funds, to re-
11 spond to and deal with unanticipated needs for furtherance
12 of the national interest, security or defense, including per-
13 sonnel needs; services as described in and in accordance with
14 section 3109.(b) of title 5, but at respective daily rates of
15 pay for individuals not more than the daily equivalent of the
16 rate of basic pay then currently in effect for level II of the
17 Executive Schedule of section 5313 of title 5; and adminis-
18 trative expenses related thereto."

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

"106. Administrative assistants."

21 and inserting in place thereof—

"106. Assistance to President for unanticipated needs."

22 SEC. 4. (a) Chapter 2 of title 3, United States Code,

1 is amended by adding the following new section at the end
2 thereof:

3 **"§ 112. The Domestic Council**

4 "There are authorized to be appropriated each fiscal
5 year and for the period July 1, 1976, through September 30,
6 1976, such sums as may be necessary to enable the Domestic
7 Council, without regard to any provision of law regulating
8 employment and pay of persons in the Government service,
9 to provide assistance to the President in connection with the
10 performance of functions assigned to the Council by the
11 President in the discharge of Executive duties and responsi-
12 bilities, including the use of such funds to—

13 "(a) establish the basic pay for such administrative
14 and staff assistants as may be necessary at rates less
15 than the rate of basic pay then currently in effect for
16 level II of the Executive Schedule of section 5313 of
17 title 5; and

18 "(b) procure and provide services as described in
19 and in accordance with section 3109 (b) of title 5, at
20 respective daily rates of pay for individuals not more
21 than the daily equivalent of the maximum rate of basic
22 pay then currently in effect under the General Schedule
23 of section 5332 of title 5 for grade GS-18."

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

"112. The Domestic Council."

