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THE WHITE HOUSE

WASHINGTON

October 31, 1974

MEMORANDUM FOR:

LAURENCE H. SILBERMAN
Deputy Attorney General

SUBJECT:

Creation Authority of offices in the
Executive Office of the President

Executive Office of the President

Attached at Tab A are various Executive Orders, memoranda and legislation for creation authority of offices within the Executive Office of the President:

Executive Order 8248, The White House Office

Executive Order 10938, President's Foreign Intelligence Advisory Board

Executive Order 11075, Special Representative for Trade Negotiations

Executive Order 11106, Office of Special Representative for Trade Negotiations

Executive Order 11599, Special Action Office for Drug Abuse Prevention

Executive Order 11724, Federal Property Council

Executive Order 11748, Federal Energy Office

Executive Order 11803, Clemency Board

Executive Order 11808, President's Economic Policy Board

Executive Order 11814, Energy Resources Council

15 U. S. Code 1023, Council of Economic Advisers

31 U. S. Code 14, Bureau of the Budget

50 U. S. Code 402, National Security Council

Public Law 88-452, Office of Economic Opportunity

Public Law 91-190, Council on Environmental Quality

Public Law 92-255, Special Action Office for Drug Abuse Prevention

Public Law 93-387, Council on Wage and Price Stability

Reorganization Plan No. 1 of 1970, Office of Telecommunications Policy

Reorganization Plan No. 2 of 1970, Office of Management and Budget

Memorandum, January 18, 1971, Council on International Economic Policy



Offices Not Part of Executive Office of the President

Tab B includes materials on several committees and a council that are not considered part of the Executive Office of the President:

Public Law 91-181, Cabinet Committee on Opportunities for Spanish-Speaking People

Remarks of Press Secretary, December 1, 1972, Council on Economic Policy

Announcement, March 6, 1973, East-West Trade Policy Committee
Executive Order 11789, East-West Trade Policy Committee

Records Received

A very general review of papers which have been deposited with White House Central Files, White House Special Files Unit or the Office of Presidential Papers, indicates that papers and records have been deposited by the following:

The White House Office

Council on Economic Advisers (former members only; not staff)

Cabinet Committee on Opportunities for Spanish-Speaking People
(from Robert H. Finch only)

Council on Economic Policy (from George Shultz, Kenneth Dam and Ron Brooks)

Council on International Economic Policy

Domestic Council

Federal Energy Office

Federal Property Council

National Security Council

Office of Economic Opportunity (from Donald Rumsfeld; staff papers to Archives Records Group)

Office of Management and Budget (from former Directors; staff papers to Records Group at Archives)

National Archives Records Groups

The following send their records to the National Archives, where institutional materials are maintained:

Office of Management and Budget, RG-51

Office of the Special Representative for Trade Negotiations, RG-364

Office of Economic Opportunity, RG-381

Central Intelligence Agency, RG-263



No Records Received

There is no evidence that any materials have been received from any of the following:

Special Action Office for Drug Abuse Prevention
President's Foreign Intelligence Advisory Board (records
have remained in PFIAB vault since Eisenhower
Administration)
Energy Resources Council (new)
Clemency Board (new)
East-West Trade Policy Committee
Council on Environmental Quality
Council on Wage and Price Stability (new)
Office of Telecommunications Policy

I hope the above information will be helpful.

Thank you.

Philip W. Buchen
Philip W. Buchen
Counsel to the President

Title 3—The President

the Congress by the President and made effective as of July 1, 1939 by Public Resolution No. 2, Seventy-sixth Congress, approved June 7, 1939, by organizing the Executive Office of the President with functions and duties so prescribed and responsibilities so fixed that the President will have adequate machinery for the administrative management of the Executive branch of the Government, it is hereby ordered as follows:

I

There shall be within the Executive Office of the President the following principal divisions, namely: (1) The White House Office, (2) the Bureau of the Budget, (3) the National Resources Planning Board, (4) the Liaison Office for Personnel Management, (5) the Office of Government Reports, and (6) in the event of a national emergency, or threat of a national emergency, such office for emergency management as the President shall determine.

II

The functions and duties of the divisions of the Executive Office of the President are hereby defined as follows:

1. *The White House Office.*—In general, to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office. To that end, The White House Office shall be composed of the following principal subdivisions, with particular functions and duties as indicated:

(a) *The Secretaries to the President.*—To facilitate and maintain quick and easy communication with the Congress, the individual members of the Congress, the heads of executive departments and agencies, the press, the radio, and the general public.

(b) *The Executive Clerk.*—To provide for the orderly handling of documents and correspondence within The White House Office, and to organize and supervise all clerical services and procedure relating thereto.

(c) *The Administrative Assistants to the President.*—To assist the President in such matters as he may direct, and at the specific request of the President, to get information and to condense and summarize it for his use. These Ad-

EXECUTIVE ORDER 8248

ESTABLISHING THE DIVISIONS OF THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING THEIR FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and Statutes, and in order to effectuate the purposes of the Reorganization Act of 1939, Public No. 19, Seventy-sixth Congress, approved April 3, 1939, and of Reorganization Plans Nos. I and II¹ submitted to

¹ See Chapt. IV.



ministrative Assistants shall be personal aides to the President and shall have no authority over anyone in any department or agency, including the Executive Office of the President, other than the personnel assigned to their immediate offices. In no event shall the Administrative Assistants be interposed between the President and the head of any department or agency, or between the President and any one of the divisions in the Executive Office of the President.

2. *The Bureau of the Budget.*—(a) To assist the President in the preparation of the Budget and the formulation of the fiscal program of the Government.

(b) To supervise and control the administration of the Budget.

(c) To conduct research in the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

(d) To aid the President to bring about more efficient and economical conduct of Government service.

(e) To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

(f) To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations, in accordance with the provisions of Executive Order No. 7298 of February 18, 1936.

(g) To plan and promote the improvement, development, and coordination of Federal and other statistical services.

(h) To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government; all to the end that the work programs of the several agencies of the Executive branch of the Government may be coordinated and that the monies appropriated by the Congress may be expended in the most economical manner possible with the least possible overlapping and duplication of effort.

3. *The National Resources Planning Board.*—(a) To survey, collect data on, and analyze problems pertaining to national resources, both natural and human, and to recommend to the President and the Congress long-time plans and programs for the wise use and fullest development of such resources.

(b) To consult with Federal, regional, state, local, and private agencies in developing orderly programs of public works and to list for the President and the Congress all proposed public works in the order of their relative importance with respect to (1) the greatest good to the greatest number of people, (2) the emergency necessities of the Nation, and (3) the social, economic, and cultural advancement of the people of the United States.

(c) To inform the President of the general trend of economic conditions and to recommend measures leading to their improvement or stabilization.

(d) To act as a clearing house and means of coordination for planning activities, linking together various levels and fields of planning.

4. *The Liaison Office for Personnel Management.*—In accordance with the statement of purpose made in the Message to Congress of April 25, 1939, accompanying Reorganization Plan No. I, one of the Administrative Assistants to the President, authorized in the Reorganization Act of 1939, shall be designated by the President as Liaison Officer for Personnel Management and shall be in charge of the Liaison Office for Personnel Management. The functions of this office shall be:

(a) To assist the President in the better execution of the duties imposed upon him by the Provisions of the Constitution and the laws with respect to personnel management, especially the Civil Service Act of 1883, as amended, and the rules promulgated by the President under authority of that Act.

(b) To assist the President in maintaining closer contact with all agencies dealing with personnel matters insofar as they affect or tend to determine the personnel management policies of the Executive branch of the Government.

5. *The Office of Government Reports.*—(a) To provide a central clearing house through which individual citizens, organizations of citizens, state or local governmental bodies, and, where



appropriate agencies of the Federal Government, may transmit inquiries and complaints and receive advice and information.

(b) To assist the President in dealing with special problems requiring the clearance of information between the Federal Government and state and local governments and private institutions.

(c) To collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public.

(d) To keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of state and local governments with respect to the work of Federal agencies.

(e) To report to the President on the basis of the information it has obtained possible ways and means for reducing the cost of the operation of the Government.

III

The Bureau of the Budget, the National-Resources Planning Board, and the Liaison Office for Personnel Management shall constitute the three principal management arms of the Government for the (1) preparation and administration of the Budget and improvement of administrative management and organization, (2) planning for conservation and utilization of the resources of the Nation, and (3) coordination of the administration of personnel, none of which belongs in any department but which are necessary for the over-all management of the Executive branch of the Government, so that the President will be enabled the better to carry out his Constitutional duties of informing the Congress with respect to the state of the Union, of recommending appropriate and expedient measures, and of seeing that the laws are faithfully executed.

IV

To facilitate the orderly transaction of business within each of the five divisions herein defined and to clarify the relations of these divisions with each other and with the President, I direct that the Bureau of the Budget, the National Resources Planning Board, the Liaison Office for Personnel Manage-

ment, and the Office of Government Reports shall respectively prepare regulations for the governance of their internal organizations and procedures. Such regulations shall be in effect when approved by the President and shall remain in force until changed by new regulations approved by him. The President will prescribe regulations governing the conduct of the business of the division of The White House Office.

V

The Director of the Bureau of the Budget shall prepare a consolidated budget for the Executive Office of the President for submission by the President to the Congress. Annually, pursuant to the regular request issued by the Bureau of the Budget, each division of the Executive Office of the President shall prepare and submit to the Bureau estimates of proposed appropriations for the succeeding fiscal year. The form of the estimates and the manner of their consideration for incorporation in the Budget shall be the same as prescribed for other Executive departments and agencies.

The Bureau of the Budget shall likewise perform with respect to the several divisions of the Executive Office of the President such functions and duties relating to supplemental estimates, apportionments, and budget administration as are exercised by it for other agencies of the Federal Government.

VI

Space already has been assigned in the State, War and Navy Building, adjacent to The White House, sufficient to accommodate the Bureau of the Budget with its various divisions (including the Central Statistical Board), the central office of the National Resources Planning Board, the Liaison Office for Personnel Management, and the Administrative Assistants to the President, and although for the time being, a considerable portion of the work of the National Resources Planning Board and all of that of the Office of Government Reports will have to be conducted in other quarters, if and when the Congress makes provision for the housing of the Department of State in a building appropriate to its function and dignity and provision is made for the other agencies



Chapter II—Executive Orders

now accommodated in the State, War and Navy Building, it then will be possible to bring into this building, close to The White House, all of the personnel of the Executive Office of the President except The White House Office.

This Order shall take effect on September 11th 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1939.

President of the United States, Executive Order No. 2006 of July 30, 1914, placing certain land in the Canal Zone, at Darien, under the control of the Secretary of the Navy for use as a naval radio station, is hereby revoked, and such land returned to the control and jurisdiction of the Governor of The Panama Canal.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 11, 1939.



E.O. 10938

Title 3--The President

E.O. 10939

Executive Order 10938

ESTABLISHING THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Foreign Intelligence Advisory Board. The function of the Board shall be to advise the President with respect to the objectives and conduct of the foreign intelligence and related activities of the United States which are required in the interests of foreign policy and national defense and security.

SEC. 2. In the performance of its advisory duties, the Board shall conduct a continuing review and assessment of all functions of the Central Intelligence Agency, and of other executive departments and agencies having such or similar responsibilities in the foreign intelligence and related fields, and shall report thereon to the President each six months or more frequently as deemed appropriate. The Director of Central Intelligence and the heads of other departments and agencies concerned shall make available to the Board any information with respect to foreign intelligence matters which the Board may require for the purpose of carrying out its responsibilities to the President. The information so supplied to the Board shall be afforded requisite security protection as prescribed by the provisions of applicable laws and regulations.

SEC. 3. Members of the Board shall be appointed from among qualified persons outside the Government and shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter. Such compensation and allowances and any other expenses arising in connection with the work of the Board shall be paid from the appropriation appearing under the heading "Special Projects" in title I of the General Government Matters Appropriation Act, 1961, 74 Stat. 473, and, to the extent permitted by law, from any corresponding appropriation which may be made for subsequent years. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 4. Executive Order No. 10656¹ of February 6, 1956, is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 4, 1961.

Executive Order 10939

TO PROVIDE A GUIDE ON ETHICAL STANDARDS TO GOVERNMENT OFFICIALS

WHEREAS the maintenance of high ethical and moral standards in the conduct of the functions of the Federal Government is a matter of continuing concern; and

WHEREAS it is incumbent upon those who occupy positions of the highest responsibility and authority to set an impeccable example:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. This Order shall apply to all heads and assistant heads of departments and agencies, full-time members of boards and commissions appointed by the President, and members of the White House Staff.

2. No such official shall engage in any outside employment or other outside activity not compatible with the full and proper discharge of the responsibilities of his office or position. It shall be deemed incompatible with such discharge of responsibilities for any such official to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, resulting in:

- (a) Use of public office for private gain;
- (b) An undertaking to give preferential treatment to any person;
- (c) Impeding Government efficiency or economy;
- (d) Any loss of complete independence or impartiality;
- (e) The making of a Government decision outside official channels; or
- (f) Any adverse effect on the confidence of the public in the integrity of the Government.

¹3 CFR, 1954-1958 Comp., p. 300.



Executive Order 11460**ESTABLISHING THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD**

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the President's Foreign Intelligence Advisory Board, hereinafter referred to as "the Board". The Board shall :

(1) advise the President concerning the objectives, conduct, management and coordination of the various activities making up the overall national intelligence effort;

(2) conduct a continuing review and assessment of foreign intelligence and related activities in which the Central Intelligence Agency and other Government departments and agencies are engaged;

(3) receive, consider and take appropriate action with respect to matters identified to the Board, by the Central Intelligence Agency and other Government departments and agencies of the intelligence community, in which the support of the Board will further the effectiveness of the national intelligence effort; and

(4) report to the President concerning the Board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the Government's foreign intelligence effort in meeting national intelligence needs.

SEC. 2. In order to facilitate performance of the Board's functions, the Director of Central Intelligence and the heads of all other departments and agencies shall make available to the Board all information with respect to foreign intelligence and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order. Such information made available to the Board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations.

SEC. 3. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of knowledge and experience in matters relating to the national defense and security, or possessing other knowledge and abilities which may be expected to contribute to the effective performance of the Board's duties. The members of the Board shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter.

SEC. 4. The Board shall have a staff headed by an Executive Secretary, who shall be appointed by the President and shall receive such compensation and allowances, consonant with law, as may be prescribed by the Board. The Executive Secretary shall be authorized, subject to the approval of the Board and consonant with law, to appoint and fix the compensation of such personnel as may be necessary for performance of the Board's duties.

SEC. 5. Compensation and allowances of the Board, the Executive



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Secretary, and members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the appropriation appearing under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, Public Law 90-350, 82 Stat. 195, and, to the extent permitted by law, from any corresponding appropriation which may be made for subsequent years. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 6. Executive Order No. 10938 of May 4, 1961, is hereby revoked.



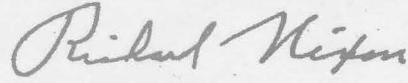
THE WHITE HOUSE,
March 20, 1969.

Executive Order 11461

INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1956 to 1970, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Public Works, House of Representatives, or any duly authorized subcommittee thereof, in connection with its investigation of the policies, procedures, and practices involved in the administration of the Federal-Aid Highway Program, pursuant to House Resolution 189, 91st Congress, agreed to February 19, 1969. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.



THE WHITE HOUSE,
March 27, 1969.



SEC. 2. Functions of the Council. (a) The Council shall foster improvements in existing programs and promote additional efforts to enhance the physical fitness of Americans. The Council shall seek to coordinate, stimulate, and improve the functions of Federal agencies with respect to physical fitness.

(b) The Council shall enlist the active support and assistance of individual citizens, civic groups, professional associations, private enterprise, voluntary organizations, and other groups in a vigorous effort to promote and improve the physical fitness of all Americans.

SEC. 3. Federal Agencies. (a) Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any executive department or other agency of the Government or any officer thereof.

(b) Each executive department the head of which is referred to in section 1 of this order shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Council in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

SEC. 4. Continuity. The Council established by this order shall be deemed to be a continuation of the President's Council on Youth Fitness.

SEC. 5. Seal. Executive Order 10830 of July 24, 1959, prescribing a seal for the President's Council on Youth Fitness, is hereby amended by substituting the word "Physical" wherever the word "Youth" appears in said order.

SEC. 6. Revocations. Executive Order 10673 of July 16, 1956, Executive Order 10772 of June 30, 1958, and Executive Order 10931 of March 29, 1961, are hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 8, 1963.

Executive Order 11075

ADMINISTRATION OF THE TRADE EXPANSION ACT OF 1962

By virtue of the authority vested in me by the Trade Expansion Act of 1962 (Public Law 87-794, approved October 11, 1962; 76 Stat. 872), and by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Definition. As used in this order the term "the Act" means the Trade Expansion Act of 1962 (Public Law 87-794, approved October 11, 1962), exclusive, however, of chapters 2, 3, and 5 of title III thereof.

SEC. 2. Special Representative. (a) The Special Representative for Trade Negotiations provided for in Section 241 of the Act (hereinafter referred to as the Special Representative) shall be located in the Executive Office of the President and shall be directly responsible to the President.



(b) There shall be a Deputy Special Representative for Trade Negotiations with the rank of Ambassador, whose principal functions shall be to conduct negotiations under title II of the Act, and who shall perform such additional duties as the Special Representative may direct.

SEC. 3. *Functions of Special Representative.* (a) The Special Representative shall have the functions conferred upon him by the Act, the functions delegated or otherwise assigned to him by the provisions of this order, and such other functions as the President may from time to time direct.

(b) The Special Representative generally shall assist the President in the administration of, and facilitate the carrying out of, the Act. Except as may be unnecessary by reason of delegations of authority contained in this order or for other reasons, the Special Representative shall furnish timely and appropriate recommendations, information, and advice to the President in connection with the administration and execution of the Act by the President.

(c) As he may deem to be necessary for the proper administration and execution of the Act and of this order, the Special Representative (1) shall draw upon the resources of Federal agencies, and of bodies established by or under the provisions of this order, in connection with the performance of his functions, and (2) except as may be otherwise provided by this order or by law, may assign to the head of any such agency or body the performance of duties incidental to the administration of the Act.

(d) In connection with the performance of his functions the Special Representative shall, as appropriate and practicable, consult with Federal agencies.

(e) The Special Representative shall from time to time furnish the President lists of articles proposed for publication and transmittal to the Tariff Commission by the President under the provisions of Section 221(a) of the Act.

(f) The functions conferred upon the President by Section 222 of the Act are hereby delegated to the Special Representative.

(g) The functions conferred upon the President by the first sentence of Section 223 of the Act are hereby delegated to the Special Representative. The Special Representative is hereby designated to perform the functions prescribed by the second sentence of that section.

(h) The Special Representative shall make arrangements under which the committee established by Section 4 of this order shall provide for public hearings in pursuance of the second sentence of Section 252(d) of the Act. The functions conferred upon the President by the first sentence of that section are hereby delegated to the Special Representative.

(i) Any proclamation proposed for issuance under Section 201(a) or Section 351(a) of the Act (submitted pursuant to the provisions of subsection (b) of this section) shall be subject to the provisions of Executive Order No. 11030 of June 19, 1962.



(j) Advice furnished by the Secretaries of Commerce and Labor under Section 351(c) of the Act shall be transmitted by the respective Secretaries to the President through the Special Representative.

(k) Subject to available financing, the Special Representative may employ such personnel as may be necessary to assist him in the performance of his functions.

SEC. 4. *Trade Expansion Act Advisory Committee.* (a) There is hereby established the Trade Expansion Act Advisory Committee (hereinafter referred to as the Committee). The Committee shall be composed of the Special Representative, who shall be its chairman, and the following other members: the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(b) Each Secretary referred to in Section 4(a) of this order may designate an official from his department, who is in status not below that of an Assistant Secretary of an executive or military department, to serve as a member of the Committee in lieu of the designating Secretary when the latter is unable to attend any meeting of the Committee. In corresponding circumstances, the Special Representative may designate the Deputy Special Representative for Trade Negotiations, for a corresponding purpose. Except for his accountability to his designating authority, any person while so serving shall have in all respects the same status, as a member of the Committee, as do other members of the Committee.

(c) The Special Representative may from time to time designate any member of the Committee (including any person serving as a member of the Committee under the provisions of Section 4(b) hereof) to act as chairman of the Committee when the Special Representative is unable to attend any meeting of the Committee.

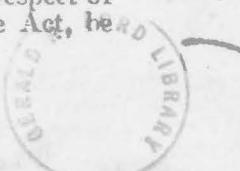
(d) The Committee shall have the functions conferred by the Act upon the interagency organization referred to in Section 242 of the Act and shall also perform such other functions as the President may from time to time direct.

(e) The recommendations made by the Committee under Section 242(b)(1) of the Act, as approved or modified by the President, shall guide the administration of the trade agreements program.

(f) The functions conferred upon the President by the second sentence of Section 242(c) of the Act, to the extent that they are in respect of procedures, are hereby delegated to the Committee.

SEC. 5. *Tariff Commission.* (a) The United States Tariff Commission is requested to determine the ad valorem equivalent, and, for this purpose, the authority conferred upon the President by the provisions of Section 256(7) of the Act is hereby delegated to the Commission.

(b) Reports required to be made, and transcripts of hearings and briefs required to be furnished, by the Tariff Commission under the provisions of Section 301(f)(1) of the Act (1) shall, in respect of investigations made by it under Section 301(c)(1) of the Act, be



transmitted by the Commission to the President through the Secretary of Commerce, and (2) shall, in respect of investigations made by it under Section 301(c)(2) of the Act, be transmitted to the President through the Secretary of Labor.

(c) All other reports, findings, advice, hearing transcripts, briefs, and information which, under the terms of the Act, the Tariff Commission is required to furnish, report, or otherwise deliver to the President shall be transmitted to him through the Special Representative.

(d) Advice of the Tariff Commission under Section 221(b) of the Act shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

SEC. 6. Secretary of the Treasury. There is hereby delegated to the Secretary of the Treasury the authority to issue regulations, conferred upon the President by the provisions of Section 352(b) of the Act.

SEC. 7. Secretary of Commerce. The authority to certify, conferred upon the President by the provisions of Section 302(c) of the Act, to the extent that such authority is in respect of firms, is hereby delegated to the Secretary of Commerce.

SEC. 8. Secretary of Labor. There are hereby delegated to the Secretary of Labor the authority to certify, conferred upon the President by the provisions of Section 302(c) of the Act, to the extent that such authority is in respect of groups of workers, and the authority conferred upon the President by the provisions of Section 302(e) of the Act.

SEC. 9. Committees and task forces. To perform assigned duties in connection with functions under the Act and as may be permitted by law, the Special Representative may from time to time cause to be constituted appropriate committees or task forces made up in whole or in part of representatives or employees of interested agencies, of representatives of the committee established by the provisions of Section 4 of this order, or of other persons. Assignments of personnel from agencies, in connection with the foregoing, and assignments of duties to them, shall be made with the consent of the respective heads of agencies concerned.

SEC. 10. Threat of impairment of national security. Executive Order No. 11051 of September 27, 1962, is hereby amended by striking from Section 404(a) thereof the text "Section 2 of the Act of July 1, 1954 (68 Stat. 360; 19 U.S.C. 1352a)" and inserting in lieu of the stricken text the following: "Section 232 of the Trade Expansion Act of 1962".

SEC. 11. References. Except as may for any reason be inappropriate, references in this order to any other Executive order or to the Act or to the Trade Expansion Act of 1962 or to any other statute, and references in this order or in any other Executive order to this order, shall be deemed to include references thereto, respectively, as amended from time to time.



SEC. 12. Prior bodies and orders. (a) The pending business, and the records and property, of the Trade Policy Committee, Trade Agreements Committee, and Committee for Reciprocity Information (now existing under orders referred to in Section 12(b) below) shall be completed or transferred as the Special Representative, consonant with law and with the provisions of this order, shall direct; and the said committees are abolished effective as of the thirtieth day following the date of this order.

(b) Subject to the foregoing provisions of this section, the following are hereby superseded and revoked:

- (1) Executive Order No. 10082 of October 5, 1949.
- (2) Executive Order No. 10170 of October 12, 1950.
- (3) Executive Order No. 10401 of October 14, 1952.
- (4) Executive Order No. 10741 of November 25, 1957.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 15, 1963.

Executive Order 11076

ESTABLISHING THE PRESIDENT'S ADVISORY COMMISSION ON NARCOTIC AND DRUG ABUSE

By virtue of the authority vested in me as President of the United States it is ordered as follows:

SECTION 1. Establishment of Commission. (a) There is hereby established the President's Advisory Commission on Narcotic and Drug Abuse (hereinafter referred to as the Commission).

(b) The Commission shall be composed of not more than seven members, each of whom shall be appointed by the President from persons outside the executive branch of the Federal Government. One of the members of the Commission shall be designated by the President as the Chairman thereof. The President shall also designate an Executive Director of the Commission who shall receive such compensation as the President may specify.

SEC. 2. Functions of the Commission. The Commission shall: (a) Develop and transmit to the President a report including recommendations for such additional legislation or amendments in existing legislation as the Commission deems necessary to prevent abuse of narcotic and non-narcotic drugs and to provide appropriate rehabilitation for habitual drug misusers. An interim report shall be transmitted to the President not later than April 1, 1963, including such recommendations for legislation as the Commission is prepared to make at that time. To carry out this responsibility the Commission is authorized to make such studies as it deems appropriate and to receive legislative proposals from any Federal agency with respect to matters within the jurisdiction of the agency.

(b) Review and evaluate the programs and operations of each Federal agency which presently has law-enforcement functions or other



E.O. 11106

Title 3--The President

E.O. 11106

as will promote the expeditious and effective accomplishment of the policy and purposes of the Act.

SEC. 7. Executive Order No. 9816 of December 31, 1946, is hereby amended to the extent that it may be inconsistent with this order.

SEC. 8. Nothing in this order shall invalidate any action taken by the Commission prior to the effective date of this order, or impair or affect any outstanding obligations or contracts of the Commission, or impair any power or authority of the Commission with respect to functions not transferred by or pursuant to this order. No person affected by any action taken by either the Commission or the Administrator, or by any person acting under authority delegated to him consonant with law, shall be entitled to challenge the validity thereof or otherwise excuse his action or failure to act on the grounds that pursuant to the provisions of this order such action was within the jurisdiction of the Commission rather than the Administrator, or vice versa.

SEC. 9. Executive Order No. 10657 of February 14, 1956, as amended, is hereby further amended by adding at the end thereof a new Section 8, reading as follows:

"SEC. 8. Nothing in this order shall be applicable to the community of Los Alamos, New Mexico."

JOHN F. KENNEDY

THE WHITE HOUSE,
April 18, 1963.

Executive Order 11106

PROVIDING FOR THE ADMINISTRATION OF THE TRADE AGREEMENTS PROGRAM AND RELATED MATTERS

By virtue of the authority vested in me by the Trade Expansion Act of 1962 (76 Stat. 872), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 11075 of January 15, 1963 (28 F.R. 473), be, and it is hereby, amended as follows:

SECTION 1. Amend the heading of the order to read "ADMINISTRATION OF THE TRADE AGREEMENTS PROGRAM".

SEC. 2. In Section 1, substitute "*Definitions.* (a)" for "*Definition.*", and add the following new subsection (b) :

"(b) As used in this order the term 'the trade agreements program' includes all activities consisting of, or related to, the negotiation or administration of trade agreements (other than treaties) concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930, as amended, or the Act."

SEC. 3. Amend Section 2 to read as follows:

"SEC. 2. *Office of Special Representative.* (a) There is hereby established in the Executive Office of the President an agency which



shall be known as the Office of the Special Representative for Trade Negotiations.

"(b) There shall be at the head of the said Office the Special Representative for Trade Negotiations provided for in Section 241 of the Act (hereinafter referred to as the Special Representative), who shall be directly responsible to the President.

"(c) There shall be in the said Office a Deputy Special Representative for Trade Negotiations with the rank of Ambassador, whose principal functions shall be to conduct negotiations under title II of the Act, and who shall perform such additional duties as the Special Representative may direct."

SEC. 4. In Section 3, amend subsection (b) to read as follows:

"(b) The Special Representative shall advise and assist the President in the administration of, and facilitate the carrying out of, the trade agreements program. In addition, the Special Representative shall advise the President with respect to non-tariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements program."

SEC. 5. In subsection (c) of Section 3, substitute "trade agreements program" for "Act" in each place that word appears.

SEC. 6. In Section 3, delete subsection (i), redesignate subsection (h) as subsection (i), and insert the following new subsection (h) :

"(h) After the President has entered into a trade agreement which provides for any new tariff concession, the Special Representative shall submit to the President, for transmission by him to each House of Congress, copies of such trade agreement, together with a draft of the statement relating thereto provided for in Section 226 of the Act. In addition, the Special Representative shall transmit to each House of Congress copies of agreements supplementary to trade agreements which do not provide for any new tariff concession, and of such other documents relating to the trade agreements program as he considers appropriate, together with a brief statement describing each such supplementary agreement or other document."

SEC. 7. In Section 3, add the following new subsection (1) at the end of the section:

"(1) The Special Representative shall prepare or have prepared for consideration by the President, in a form suitable for inclusion in title 48 of the Code of Federal Regulations, any proclamation which relates wholly or primarily to the trade agreements program. Any such proclamation shall be subject to the provisions of Executive Order No. 11030 of June 19, 1962 (27 F.R. 5847), except that such proclamation need not be submitted for approval to the Director of the Bureau of the Budget as provided in Sections 2 (a) and (b) of that order but may be transmitted directly to the Attorney General for his consideration as to both form and legality."

SEC. 8. In Section 4, redesignate subsection (f) as subsection (g), and insert the following new subsection (f) :



"(f) Before making recommendations to the President under Section 242(b)(2) of the Act, the Committee shall, through the Special Representative, request the advice of the Adjustment Assistance Advisory Board, created by the provisions of Section 361 of the Trade Expansion Act of 1962, concerning the feasibility of adjustment assistance to workers and firms."

SEC. 9. In Section 9, insert "or this order" after "the Act".

SEC. 10. Substitute "13(b)" for "12(b)" in Section 12(a), renumber Sections 11 and 12 as Sections 12 and 13, respectively, and insert the following new Section 11:

"SEC. 11. *Redelegation.* Delegations of authority made by this order to the Special Representative, the Secretary of Commerce, and the Secretary of Labor, and other assignments of authority made by this order to the Special Representative, shall be deemed to include the power of successive redelegation."

Section 2 of Executive Order No. 11075 of January 15, 1963 (28 F.R. 473), as amended by Section 3 of this order shall be deemed to have become effective January 15, 1963; and said Executive Order No. 11075 as amended shall be codified under title 48 of the Code of Federal Regulations.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 18, 1963.

Executive Order 11107

ADMINISTRATION OF ALASKA RAILROADS

By virtue of the authority vested in me by the Act of March 12, 1914, entitled "An Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," 38 Stat. 305, as amended (hereinafter referred to as the Alaska Railroad Act), it is ordered as follows:

SECTION 1. General responsibility for railroad. The Secretary of the Interior is authorized to operate the railroad or railroads, branch lines, feeders and telegraph and telephone lines incident thereto, constructed or acquired under the Act of March 12, 1914, or Acts supplemental thereto, in all respects and to all intents and purposes as if the operation thereof had been placed by law under the jurisdiction of the Secretary of the Interior, except that the authority of the Secretary under this order "to fix, change, or modify rates for the transportation of passengers and property" shall be subject to the authority of the Interstate Commerce Commission under Section 3 of this order.

SEC. 2. Rates; Secretary of the Interior. In connection with carrying out the authority under the Alaska Railroad Act "to fix, change, or modify rates for the transportation of passengers and property," the Secretary of the Interior from time to time:

(a) Shall allocate to the national public purposes which to a substantial extent prompted the construction, expansion, maintenance,



SEC. 5. Rules, regulations, and orders to implement section 1 shall be developed in consultation with the Civil Service Commission. Appropriate departments and agencies shall, in consultation with the Secretary of Labor, issue appropriate amendments or additions to procurement rules and regulations as may be necessary to carry out the purposes of this Order.



THE WHITE HOUSE,
June 16, 1971.

EXECUTIVE ORDER 11599

Establishing a Special Action Office for Drug Abuse Prevention

Drug abuse has assumed alarming proportions in recent times and its spread must be reversed forthwith. I have sent a special message to the Congress urging the prompt enactment of legislation creating a new Special Action Office for Drug Abuse Prevention within the Executive Office of the President. This office will mobilize and concentrate the comprehensive resources of the Federal Government in an all out campaign to meet this threat. However, immediate action must be taken to place the leadership of our drug abuse effort under a single official who will coordinate existing Federal drug abuse programs and activities, and develop plans for increasing our future efforts.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

ESTABLISHMENT OF THE OFFICE

SECTION 1. There is hereby established in the Executive Office of the President a Special Action Office for Drug Abuse Prevention. The Office shall be under the immediate supervision and direction of a Director, who shall be designated by the President.

FUNCTIONS OF THE DIRECTOR

SEC. 2 (a) The Director shall be the special representative of the President with respect to all Federal drug abuse training, education, rehabilitation, research, treatment, and prevention programs and activities (exclusive of law enforcement activities and legal proceedings).



(b) The Director shall prescribe policies, guidelines, standards, and criteria for the maximum achievement of the goals and objectives for those programs and activities. To the maximum extent permitted by law, Federal officers and Federal departments and agencies shall cooperate with the Director in carrying out his functions under this Order and shall comply with the policies, guidelines, standards, and procedures prescribed by the Director pursuant to this subsection.

(c) In addition, the Director shall—

- (1) develop comprehensive plans and programs to combat drug abuse including goals and objectives therefor;
- (2) assure that all Federal drug abuse programs and activities are properly coordinated;
- (3) evaluate all such programs;
- (4) advise the heads of departments and agencies of his findings and recommendations, when appropriate;
- (5) make recommendations to the Director of the Office of Management and Budget concerning proposed funding of drug abuse programs;
- (6) establish a clearing house for the prompt consideration of drug abuse problems brought to his attention by Federal departments and agencies and by other public and private entities, organizations, agencies, or individuals; and
- (7) report to the President, from time to time, concerning the foregoing.

ADMINISTRATION

Sec. 3 (a) Expenses of the Special Office for Drug Abuse Prevention shall be paid from the appropriation under the heading "Special Projects," in the Executive Office Appropriation Act, 1971, or any corresponding appropriations which may be made for subsequent fiscal years or from such other appropriated funds as may be available therefor.

(b) The General Services Administration shall provide, on a reimbursable basis, such administrative services and facilities for the



Director and the Special Action Office for Drug Abuse Prevention as the Director may request.



THE WHITE HOUSE,
June 17, 1971.



EXECUTIVE ORDER 11600

Establishing a Seal for the Office of Management and Budget

The Director of the Office of Management and Budget has caused to be made, and has recommended that I approve, a seal of Office for the Office of Management and Budget, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a blue disc, the Arms of the United States proper above a curved gold scroll inscribed "OFFICE OF MANAGEMENT AND BUDGET", in black raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES", in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office. The Arms of the United States refer to the entire Nation and represent the Office's involvement in the organizational and technological processes necessary to assist the President in his role as Chief Executive of the United States.

It appears that such a seal is of suitable design and appropriate for adoption as the official seal of the Office of Management and Budget.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Office of Management and Budget.



THE WHITE HOUSE,
June 29, 1971.



EXECUTIVE ORDER 11724**Federal Property Council**

By virtue of the authority vested in me by section 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a Federal Property Council (hereinafter referred to as the Council). The Council shall be composed of the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and such other members from the Executive Office of the President as the President may, from time to time, specify. The President shall designate one of the members to be Chairman of the Council, and shall designate its Executive Secretary.

SEC. 2. The Council shall:

- (1) develop and review Federal real property policies with respect to their relationship to other policies and to the objectives of the executive branch of the Government and recommend to the President such Federal real property policies or reforms of policies as it deems necessary; and
- (2) receive the reports made by the Administrator of General Services pursuant to section 3 of this order, as well as other reports relating to Federal real property requested by the Chairman, with particular attention to resolving conflicting claims on, and alternate uses for, any property described in those reports, and it shall make such reports and submit such recommendations to the President as may be appropriate.

SEC. 3(a) The Administrator of General Services shall:

- (1) conduct surveys of real property holdings of executive agencies on a continuing basis and in a manner consistent with the needs of the Council, to identify properties which are not utilized, are underutilized, or are not being put to their optimum use; and
- (2) make reports to the President, through the Council, describing any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of

the Administrator is either not utilized, is underutilized, or is not being put to the optimum use, and which he recommends should be reported as excess property.

(b) The Administrator of General Services shall participate in the deliberations of the Council, where appropriate.

SEC. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

(2) the term "property", however modified, means real property or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests, national parks, or wildlife reserves; and

(3) the term "excess property" means "excess property" as defined in section 3(e) of the act (40 U.S.C. 472(e)).

SEC. 5. Executive agencies shall cooperate with the Council in the performance of its functions, and shall, to the extent permitted by law, provide it with such information, assistance, and staff support as may be needed to carry out those functions.

SEC. 6. Executive Order No. 11508 of February 10, 1970, and Executive Order No. 11560 of September 23, 1970, are hereby superseded, and the Property Review Board is hereby abolished.

SEC. 7. This order shall be effective as of July 1, 1973.



THE WHITE HOUSE,
June 25, 1973.

NOTE: For the text of Presidential remarks of June 25, 1973, in connection with EO 11724, above, see Weekly Comp. of Pres. Docs., Vol. 9, No. 26, issue of July 2, 1973.

EXECUTIVE ORDER 11747

Delegating Certain Authority of the President Under the Water Resources Planning Act, as Amended

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is designated and empowered to exercise, without the approval, ratification, or other action of the President, the functions vested in the President by (1) sections 104(b) and 204(3) of the Water Resources Planning Act, as amended (42 U.S.C. 1962a-3(b) and 1962b-3(3), respectively), with respect to reviewing plans, or revisions thereof, of river basin commissions established pursuant to that act and transmitting those plans or revisions thereto to the Congress with appropriate recommendations; and (2) section 301(b) of the same act (42 U.S.C. 1962c(b)) with respect to approving rules, procedures, arrangements, and provisions relating to coordination of Federal planning assistance programs and utilization of Federal agencies administering related programs.

SEC. 2. The Chairman of the Water Resources Council is designated and empowered to exercise, without the approval, ratification, or other action of the President, the approval function for standards and procedures vested in the President by section 103 of the Water Resources Planning Act, as amended (42 U.S.C. 1962a-2).

THE WHITE HOUSE,
November 7, 1973.

EXECUTIVE ORDER 11748

Federal Energy Office

By virtue of the authority vested in me as President of the United States of America by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799), as amended, the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159), the Defense Production Act of 1950 (50 U.S.C.

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App. 2061, *et seq.*), as amended, and Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a Federal Energy Office. The Office shall be under the immediate supervision and direction of an Administrator and a Deputy Administrator of the Federal Energy Office. The Administrator shall be the Deputy Secretary of the Treasury.

SEC. 2. The Administrator of the Federal Energy Office shall advise the President with respect to the establishment and integration of domestic and foreign policies relating to the production, conservation, use, control, distribution, and allocation of energy and with respect to all other energy matters.

SEC. 3(a) There is hereby delegated to the Administrator all the authority vested in the President by the Emergency Petroleum Allocation Act of 1973.

(b) The Administrator shall either submit to the Congress the reports required by Section 4(c)(2) of the Emergency Petroleum Allocation Act, or may require any other officer or any department or agency of the United States to submit the required reports to Congress.

SEC. 4(a) There is hereby delegated to the Administrator the authority vested in the President by Section 203(a)(3) of the Economic Stabilization Act of 1970, as amended.

(b) The Chairman of the Cost of Living Council shall, from time to time, delegate to the Administrator such authority under the Economic Stabilization Act as may be necessary to carry out the purposes of that Act with respect to energy matters.

SEC. 5. There is hereby delegated to the Administrator the authority vested in the President by the Defense Production Act of 1950, as amended, as it relates to the production, conservation, use, control, distribution, and allocation of energy. Any provision of Executive Order No. 10480, as amended, which is inconsistent with the exercise of such authority is hereby suspended for so long as this Section remains in effect.

SEC. 6. Executive Order No. 11726 of June 29, 1973, is hereby superseded to the extent that it is inconsistent with this Order.

SEC. 7. All Orders, regulations, circulars, or other directives issued and all other actions taken pursuant to any authority delegated to the

Administrator by this Order prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this Order, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

SEC. 8. All authority delegated to and placed in the Administrator by this Order may be further delegated, in whole or in part, by the Administrator to any other officer or any department or agency of the United States.

SEC. 9(a) Necessary expenses of the Federal Energy Office may be paid from the Emergency Fund of the President or from such other funds as may be available.

(b) The Administrator of the General Services Administration shall provide, on a reimbursable basis, such administrative support as may be needed by the Federal Energy Office.

(c) All departments and agencies of the executive branch shall, to the extent permitted by law, provide assistance and information to the Administrator of the Federal Energy Office.

THE WHITE HOUSE,
December 4, 1973.

NOTE: For the President's remarks of December 4, 1973, concerning Executive Order 11748, above, see Weekly Comp. of Pres. Docs., vol. 9, no. 49, issue of December 10, 1973.

EXECUTIVE ORDER 11749

Consolidating Disaster Relief Functions Assigned to the Secretary of Housing and Urban Development

By virtue of the authority vested in me by Reorganization Plan No. 1 of 1973, the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401, *et seq.*), and section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:



EXECUTIVE ORDER

11803

ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OR 6(j) OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF, AND CERTAIN CONVICTIONS FOR, VIOLATIONS OF ARTICLE 85, 86 or 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Article 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted ^{of} unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for

or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-12, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

President R. Ford

THE WHITE HOUSE,

September 16, 1974.



the Secretary of the Interior general authority to convey mineral interests to surface owners when one of the criteria is met. It is therefore clear that enactment into law of H.R. 10626 would conflict with established policy and would confuse our action on similar proposals in the future.

For these reasons I feel that the approval of H.R. 10626 would not be desirable.

GERALD R. FORD

The White House,
September 30, 1974.

Pardon for Former President Nixon

*The President's Letter to the Chairman of the
Subcommittee on Criminal Justice of the House
Judiciary Committee Offering To Testify Before the
Subcommittee Concerning the Pardon.*

September 30, 1974

Dear Bill:

This is to advise you that I expect to appear personally to respond to the questions raised in House Resolutions 1367 and 1370.

It would be my desire to arrange this hearing before your Subcommittee at a mutually convenient time within the next ten days.

Thank you for your help and assistance in this matter.

Sincerely,

GERALD R. FORD

[Congressman William Hungate, U.S. House of Representatives, Washington, D.C.]

NOTE: The text of the letter was made available by the White House Press Office. It was not issued in the form of a White House press release.

President's Economic Policy Board

*Executive Order 11898. Dated September 30, 1974.
Released October 1, 1974.*

ESTABLISHING THE PRESIDENT'S ECONOMIC POLICY BOARD, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby established the President's Economic Policy Board (hereinafter referred to as the Board).

SEC. 2. The Board shall consist of the Secretary of the Treasury, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Executive Director of the Council on International Economic Policy. The Chairman of the Board of Governors of the Federal Reserve System is invited to attend meetings of the Board.

SEC. 3. The Economic Policy Board shall provide advice to the President concerning all aspects of national and international economic policy, will oversee the formulation, coordination, and implementation of all economic policy of the United States, and will serve as the focal point for economic policy decision-making. The Chairman of the Board shall act as the principal spokesman for the Executive Branch on matters of economic policy.

SEC. 4. (a) There is hereby established the Executive Committee of the Board. The Executive Committee shall consist of the Secretary of the Treasury, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Executive Director of the Council on International Economic Policy. The Chairman of the Board of Governors of the Federal Reserve System is invited to attend meetings of the Executive Committee.

(b) The Executive Committee shall meet daily to consider matters involving responsibilities of the Board.

SEC. 5. The Assistant to the President for Economic Affairs shall be the Executive Director of the Board and of the Executive Committee, and, as such, shall be responsible for coordinating the implementation of economic policy and providing liaison with the Presidential staff and with other Governmental activities.

SEC. 6. (a) The Secretary of the Treasury shall be a member of the Council on Wage and Price Stability and be its Chairman. The Assistant to the President for Economic Affairs shall be a member of the Council and be its Deputy Chairman.

(b) The Secretary of the Treasury shall be the Chairman of the Council on International Economic Policy. The Assistant to the President for Economic Affairs shall be a member of that Council and be its Deputy Chairman.

(c) Section 1(b) of Executive Order No. 11269, as amended (prescribing the composition of the National Advisory Council on International Monetary and Financial Policies), is further amended by inserting after "the Secretary of the Treasury, who shall be Chairman of the Council," the following "the Assistant to the President for

Economic Affairs, who shall be Deputy Chairman of the Council.”.

(d)(1) Section 1 (1) of Executive Order No. 11789 (prescribing the composition of the President's Committee on East-West Trade Policy) is amended to read as follows:

“(1) The Assistant to the President for Economic Affairs.”

(2) Section 2 of that Order is amended to read as follows:

“Sec. 2. The Secretary of the Treasury shall be the Chairman of the Committee, and the Assistant to the President for Economic Affairs shall be its Deputy Chairman.”

SEC. 7. All departments and agencies shall cooperate with the Board, including the Executive Committee thereof, and shall, to the extent permitted by law, provide it with such assistance and information as the Chairman or the Executive Director of the Board may request.

GERALD R. FORD

The White House,
September 30, 1974.

[Filed with the Office of the Federal Register, 11:59 a.m.,
October 1, 1974]

President's Labor-Management Committee

*Executive Order 11809. Dated September 30, 1974.
Released October 1, 1974*

ESTABLISHING THE PRESIDENT'S LABOR-MANAGEMENT COMMITTEE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States of America, it is ordered as follows:

SECTION 1. There is hereby established the President's Labor-Management Committee (hereinafter referred to as the Committee). The Committee shall consist of eight labor members and eight management members and a neutral coordinator, all to be designated by the President.

SEC. 2. The Committee shall study and shall advise and make recommendations to the President with respect to policies that may be followed by labor, management, or the public which will promote free and responsible collective bargaining, industrial peace, sound wage and price policies, higher standards of living, increased productivity, and related manpower policies, and such other matters which could contribute to the longer-run economic well-being of the Nation.

SEC. 3. The Committee shall encourage the establishment of labor-management committees (bipartite or tripartite) in particular sectors or industries as may be appropriate.

SEC. 4. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee and to furnish such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

SEC. 5. The Secretary of the Treasury shall perform any functions with respect to the Committee as may be required by the Federal Advisory Committee Act (5 U.S.C., App. I).

GERALD R. FORD

The White House,
September 30, 1974.

[Filed with the Office of the Federal Register, 11:59 a.m.,
October 1, 1974]

Regulation of Exports

*Executive Order 11810. Dated September 30, 1974.
Released October 1, 1974*

CONTINUING THE REGULATION OF EXPORTS

By virtue of the authority vested in the President by the Constitution and statutes of the United States, including section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a), and in view of the continued existence of the national emergencies declared by Proclamation No. 2914 of December 16, 1950, and Proclamation No. 4074 of August 15, 1971, and the importance of continuing (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious inflationary impact of abnormal foreign demand, it is hereby ordered:

SECTION 1. Notwithstanding the expiration of the Export Administration Act of 1969, as amended, the provisions for administration of that act contained in Executive Order No. 11533 of June 4, 1970 as continued in effect by Executive Order No. 11683 of August 29, 1972, shall continue in full force and effect and shall authorize the exercise and administration of export controls, under the authority vested in me as President of the United States by section 5(b) of the act of October 6, 1917, as amended (12 U.S.C. 95a).

EXECUTIVE ORDER

11814

ACTIVATION OF THE ENERGY RESOURCES COUNCIL

In my address to the Congress on October 8, 1974, I expressed my intention to create a new National Energy Board, under the chairmanship of the Secretary of the Interior, to develop, coordinate, and assure the implementation of Federal energy policy. Subsequent to my delivery of that address, the Congress completed action on the Energy Reorganization Act of 1974 which I have just approved into law. Section 108 of that act creates in the Executive Office of the President a new Energy Resources Council which would be charged with performing functions that are essentially the same as those I had intended to assign to the National Energy Board. Consequently, I have determined that it would serve no useful purpose to create that Board. Instead, I am now exercising the authority vested in me by section 108 of the Energy Reorganization Act of 1974, to activate immediately the Energy Resources Council, to designate the Secretary of the Interior as its Chairman, and to designate additional officials as members thereof.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States, particularly section 108 of the Energy Reorganization Act of 1974, and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Section 108 of the Energy Reorganization Act of 1974 shall be effective as of the date of this order and the Energy Resources Council shall be deemed to have been activated as of that date.



Sec. 2. The Council shall consist of the Secretary of the Interior, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration (upon entry into office), the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Executive Director of the Domestic Council, and such other members as the President may, from time to time, designate.

Sec. 3. The Energy Resources Council shall perform such functions as are assigned to it by section 108 of the Energy Reorganization Act of 1974, shall develop a single national energy policy and program, and shall perform such other functions as may be assigned to it, from time to time, by the President.

Sec. 4. All departments and agencies shall cooperate with the Council and shall, to the extent permitted by law, provide it with such assistance and information as the Chairman of the Council may request.

Sec. 5. The Committee on Energy, the establishment of which was announced on June 14, 1974, is hereby abolished.

Sec. 6. The Council shall terminate in accordance with the provisions of section 108 of the Energy Reorganization Act of 1974.



THE WHITE HOUSE,
October 11, 1974



§ 1023. Council of Economic Advisers—Creation; composition; qualifications; selection of chairman and vice chairman

(a) There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the "Council"). The Council shall be composed of three members who shall be appointed by the President by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 1021 of this title, and to formulate and recommend national economic policy to promote employment, production, and purchasing power under free competitive enterprise. The President shall designate one of the members of the Council as chairman and one as vice chairman, who shall act as chairman in the absence of the chairman.

Employment of specialists, experts, and other personnel

(b) The Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this chapter, without regard to the civil-service laws, and is authorized, subject to the civil-service laws, to employ such other officers and employees as may be necessary for carrying out its functions under this chapter.

Duties

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Economic Report;

(2) to gather timely and authoritative information concerning economic developments and economic trends, both current and prospective, to analyze and interpret such information in the light of the policy declared in section 1021 of this title for the purpose of determining whether such developments and trends are interfering, or are likely to interfere, with the achievement of such policy, and to compile and submit to the President studies relating to such developments and trends;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 1021 of this title for the purpose of determining the extent to which such programs and activities are contributing, and the extent to which they are not contributing, to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national economic policies to foster and promote free competitive enterprise, to avoid

15 § 1023 NATIONAL POLICY ON EMPLOYMENT Ch. 21

economic fluctuations or to diminish the effects thereof, and to maintain employment, production, and purchasing power;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to matters of Federal economic policy and legislation as the President may request.

Annual report

(d) The Council shall make an annual report to the President in December of each year.

Consultation with other groups and agencies; utilization of Government services and private research agencies

(e) In exercising its powers, functions and duties under this chapter—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, as it deems advisable;

(2) the Council shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

Appropriations

(f) To enable the Council to exercise its powers, functions, and duties under this chapter, there are authorized to be appropriated such sums as may be necessary. Feb. 20, 1946, c. 33, § 4, 60 Stat. 24; Oct. 15, 1949, c. 695, § 4, 63 Stat. 880; July 31, 1956, c. 804, Title I, § 106(a), 70 Stat. 738; June 16, 1961, Pub.L. 87-49, 75 Stat. 93

Historical Note

References in Text. The civil-service laws, referred to in subsec. (b), are classified generally to Title 5, Executive Departments and Government Officers and Employees.

Codification. Provisions of the section which prescribed the basic compensation of members of the Council were omitted to conform to the provisions of Act July 31, 1956, and are now covered by section 2205(a) of Title 5, Executive Departments and Government Officers and Employees.

Provisions of subsec. (b) which related to employment of specialists and experts without regard to the Classification Act of 1949 were omitted since the positions referred to are now in the classified civil service and subject to the applicable compensation schedules.

The authority for covering excepted positions into the classified civil service was given the President by section 631a of Title 5, Executive Departments and Government Officers and Employees. By Executive Order 8743, Apr. 23, 1941, set out as a note under section 631a of Title 5, the President exercised this authority with respect to many previously excepted positions.

For positions now covered by the Classification Act of 1949, see sections 1081 and 1082 of Title 5. For the power of the Civil Service Commission to determine the applicability of those sections to specific positions, see section 1083 of Title 5.

1961 Amendment. Subsec. (2). Pub.L. 87-49 eliminated provisions which limited

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Ch. 21 NATIONAL POLICY ON EMPLOYMENT 15 § 1024

the appropriations for salaries of the members and officers and employees of the Council to not more than \$345,000 for each fiscal year.

1949 Amendment. Subsec. (a) amended by Act Oct. 15, 1949, to increase members' compensation from \$15,000 to \$16,000 per annum.

Effective Date of 1949 Amendment. The increased compensation provided for by Act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949 by the provisions of section 9 of said Act Oct. 15, 1949, which is set out as a note under section 273 of Title 2, The Congress.

Transfer of Functions and Abolishment of Office of Vice Chairman. Certain func-

tions of the Council of Economic Advisers transferred to the Chairman, see 1953 Reorg. Plan No. 9, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under this section. Said 1953 Reorg. Plan No. 9 also abolished the office of vice chairman.

Compensation of Chairman of Council of Economic Advisers. Annual basic compensation of Chairman as \$20,500, see section 2204 of Title 5, Executive Departments and Government Officers and Employees. See also section 2207 of such Title 5.

Legislative History: For legislative history and purpose of Pub.L. 87-49, see 1961 U.S.Code Cong. and Adm.News, p. 1774.

EXECUTIVE ORDER NO. 10802

Ex.Ord.No.10802, Jan. 23, 1959, 24 F.R. 557, formerly set out as a note under this section, which established the Committee on Government Activities Affecting Prices and Costs, was revoked by Ex.Ord. No.10928, Mar. 24, 1961, 26 F.R. 2547.

REORGANIZATION PLAN NO. 9 OF 1953

Eff. Aug. 1, 1953, 18 F.R. 4543

COUNCIL OF ECONOMIC ADVISERS

The functions vested in the Council of Economic Advisers by section 4(b) of the Employment Act of 1946 (60 Stat. 24) [subsec. (b) of this section], and so much of the functions vested in the Council by section 4(c) of that Act [subsec. (c) of this section] as consists of reporting to the President with respect to any function of the Council

under the said section 4(c) [subsec. (c) of this section], are hereby transferred to the Chairman of the Council of Economic Advisers. The position of Vice Chairman of the Council of Economic Advisers, provided for in the last sentence of section 4(a) of the said Act [subsec. (a) of this section], is hereby abolished.

§ 1024. Joint Economic Committee—Composition

(a) There is established a Joint Economic Committee, to be composed of eight Members of the Senate, to be appointed by the President of the Senate, and eight Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by five Members and the minority party shall be represented by three Members.

Functions

- (b) It shall be the function of the joint committee—
 - (1) to make a continuing study of matters relating to the Economic Report;
 - (2) to study means of coordinating programs in order to further the policy of this chapter; and
 - (3) as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report, not later than March 1 of each year (beginning with the year 1947) to file a report

terest. He shall accompany such proposals with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such proposed supplemental or deficiency appropriations reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subsection (a) of section 13 of this title, he shall thereupon make such recommendation. June 10, 1921, c. 18, Title II, § 203, 42 Stat. 21; Sept. 12, 1950, c. 946, Title I, pt. I, § 102(b), 64 Stat. 833.

Historical Note

1950 Amendment. Subsec. (a) amended by Act Sept. 12, 1950, which, in first sentence, substituted "such proposed supplemental or deficiency appropriations" in lieu of "supplemental or deficiency estimates for such appropriations or expenditures", and, in second sentence, substituted "proposals" in lieu of "estimates".

Subsec. (b) amended by Act Sept. 12, 1950, which inserted "proposed" preceding "supplemental", and substituted "appropriations" in lieu of "estimates".

Legislative History: For legislative history and purpose of Act Sept. 12, 1950, see 1950 U.S.Code Cong. Service, p. 3707.

§ 15. Estimates or requests for appropriations, etc., not to be submitted by department officers or employees except by request

No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. June 10, 1921, c. 18, Title II, § 206, 42 Stat. 21.

§ 16. Bureau of the Budget; Director and Deputy Director; duties; preparation of Budget, etc.

There is created in the Executive Office of the President a bureau to be known as the Bureau of the Budget. There shall be in the bureau a director and a Deputy Director, who shall be appointed by the President and receive basic compensation at the rate of \$17,500 and \$16,000 per annum, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The Bureau, under such rules and regulations as the President may prescribe, shall prepare the Budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments. June 10, 1921, c. 18,



Title II, § 207, 42 Stat. 22; 1939 Reorg. Plan No. I, § 1, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1423; Apr. 28, 1942, c. 247, Title III, 56 Stat. 234; Oct. 15, 1949, ch. 695, §§ 3, 4, 63 Stat. 880; Sept. 12, 1950, c. 946, Title I, pt. I, § 102(e), 64 Stat. 883; July 31, 1953, c. 302, Title I, § 101, 67 Stat. 299.

Historical Note

Codification. Words "the alternative budget" which appeared in the original text of this section preceding the words "and any supplemental or deficiency estimates" were omitted as temporary and obsolete. See note under section 1 of this title.

1950 Amendment. Act Sept. 12, 1950, amended last sentence of section by striking out "for him" preceding "the Budget", by substituting "and any proposed supplemental or deficiency appropriations" in lieu of "the alternative Budget and any supplemental or deficiency estimates", and by substituting "requests for appropriations" for "estimates".

1949 Amendment. Act Oct. 15, 1949 increased the compensation of the Director of the Bureau from \$10,000 to \$17,500 per annum, and the Assistant Director from \$10,000 to \$16,000 per annum.

1942 Amendment. Act April 28, 1942 increased the salary of the assistant director from \$7,500 a year to "\$10,000 per annum after the date of the enactment of this Act."

Effective Date of 1949 Amendment. The increased compensation provided for by Act Oct. 15, 1949 took effect on the first day of the first pay period which began

after Oct. 15, 1949 by the provisions of section 9 of said Act Oct. 15, 1949, which is set out as a note under section 3 of Title 5, Executive Departments and Government Officers and Employees.

Change of Name. Act July 31, 1953, designated the Assistant Director to be the Deputy Director.

Transfer of Functions. Bureau of Budget and all its functions and personnel were transferred to Executive Office of President by Reorg. Plan No. I, § 1; effective July 1, 1939, set out in note under section 133 of Title 5, Executive Departments and Government Officers and Employees. See also, sections 7-9 of said plan for provisions relating to transfer of records, property, funds, and personnel.

The functions of making, waiving and modifying apportionments of appropriations were transferred to the Director of the Bureau of the Budget by Executive Order, June 10, 1933, No. 6166, § 16, set out in note following former sections 124-132 of said Title 5.

Legislative History: For legislative history and purpose of Act Sept. 12, 1950, see 1950 U.S. Code Cong. Service, p. 3707.

Cross References

Compensation schedules for Government Employees, see section 1112 of Title 5, Executive Departments and Government Officers and Employees.

§ 16a. Assistant Directors; salary

Two positions of Assistant Director are authorized at a salary of \$15,000 each per annum in lieu of two positions in grade GS-18. July 31, 1953, c. 302, Title I, § 101, 67 Stat. 299.

§ 17. Attorneys and other employees of bureau; compensation; expenses of bureau; transfer of employees to bureau

(a) The director, under such rules and regulations as the President may prescribe, shall appoint attorneys and other employees and shall make expenditures for rent in the District of Columbia, print-



for higher categories of classified security information, but ordinarily shall be stored in a container equipped with a reasonably secure locking device, or in any other storage facility of comparable security approved by the head of the agency.

b. Inspections. (1) It shall be the responsibility of the individual charged with the custody of classified security information to accomplish the necessary inspections within his area to insure that all procedural safeguards prescribed by these regulations are taken to protect such information at all times.

(2) In each agency individuals shall be designated to make inspections on a room or area basis to insure that all classified security information has been properly and safely stored.

c. Safe combinations. (1) Safe combinations shall be changed at least once a year; whenever a person knowing the combination is transferred from the office to which the safe is assigned; when a safe is first brought into an office; when the combination has been subjected to compromise; and at such other times as is deemed necessary.

(2) Knowledge of combinations shall be limited to the minimum necessary for operating purposes.

(3) Safe combinations shall be given a security classification equivalent to that of the most highly classified security information authorized by these regulations to be contained in the safe.

35. Destruction of Classified Security Information—*a. Types of material which may be destroyed—(1) Record material may be destroyed only in accordance with the Act of July 7, 1943, c. 192, 57 Stat. 380, as amended [sections 366-380 of Title 44].*

(2) Nonrecord material may be destroyed as soon as it has served its purpose.

b. Methods of destruction. Classified record material, the destruction of which has been authorized, and classified nonrecord material shall be destroyed by the following methods under procedures established by the head of the agency:

(1) "Top Secret," "Secret" and "Confidential" security documents shall be destroyed by burning; products and substances by an equally complete method of destruction; in each case in the presence of an appropriate official. The head of an agency may authorize destruction of documents other than by burning, provided the resulting destruction is equally complete.

(2) "Restricted" security information shall be destroyed by burning, shredding or reduction to pulp, or an equally complete method of destruction.

c. Records of destruction. Appropriate records of destruction of material classified "Top Secret" and "Secret" combined with the identification "Security Information," shall be maintained in accordance with procedures established by the head of the agency.

PART VII—INTERPRETATION OF REGULATIONS BY THE ATTORNEY GENERAL

36. The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

§ 402. National Security Council—*(a) Establishment; presiding officer; functions; composition*

There is established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military serv-



ices and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—

- (1) the President;
- (2) the Vice President;
- (3) the Secretary of State;
- (4) the Secretary of Defense;
- (5) the Director for Mutual Security;
- (6) the Chairman of the National Security Resources Board; and
- (7) The Secretaries and Under Secretaries of other executive departments and of the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure.

Additional functions

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

Executive secretary; appointment and compensation; staff employees

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of \$10,000 a year. The executive secretary, subject to the direction of the Council, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

Recommendations and reports

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require. July 26, 1947, c. 343, Title I, § 101, 61 Stat. 497; Aug. 10, 1949, c. 412, § 3, 63 Stat. 579; Oct.



28, 1949, c. 782, Title XI, § 1106(a), 63 Stat. 972; Oct. 10, 1951, c. 479, Title V, § 501(e) (1), 65 Stat. 378.

Historical Note

References in Text. The civil-service laws and the Classification Act of 1949, referred to in text of subsection (c), are classified to chapters 12 and 21 of Title 5, Executive Departments and Government Officers and Employees.

1951 Amendment. Subsec. (a) amended by Act Oct. 10, 1951, which inserted clause (5), relating to Director for Mutual Security, in fourth paragraph, and renumbered former clauses (5) and (6) thereof as clauses (6) and (7), respectively.

1949 Amendments. Subsec. (c) amended by Act Oct. 28, 1949, cited to text, which changed "Classification Act of 1923, as amended" to "Classification Act of 1949".

Subsec. (a) amended by Act Aug. 10, 1949, cited to text, to add the Vice President to the Council, to remove the Secretaries of the military departments, to authorize the President to add, with the

consent of the Senate, Secretaries and Under Secretaries of other executive departments and of the military department, and the Chairmen of the Munitions Board and the Research and Development Board.

Effective Date. For effective date of this section see note set out under section 171 of Title 5, Executive Departments and Government Officers and Employees.

Transfer of Functions. The National Security Council, together with its functions, records, property, personnel, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) were transferred to the Executive Office of the President by 1949 Reorg. Plan No. 4, eff. Aug. 19, 1949, 14 F.R. 5227, 63 Stat. 1067. See note set out under section 1332-15 of Title 5, Executive Departments and Government Officers and Employees.

§ 403. Central Intelligence Agency—(a) Establishment; Director; appointment and compensation

There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be the head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive basic compensation at the rate of \$16,000 per annum.

Commissioned officer as Director; powers and limitations; effect on commissioned status

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force,



or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which \$16,000 exceeds the amount of his annual military pay and allowances.

**Termination of employment of officers and employees;
effect on right of subsequent employment**

(c) Notwithstanding the provisions of section 652 of Title 5, or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

Powers and duties

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agen-



cies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further,* That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as, the National Security Council may from time to time direct.

Inspection of intelligence of other departments

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however,* That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

Termination of National Intelligence Authority: transfer of personnel, property, records, and unexpended funds

(f) Effective when the Director first appointed under subsection (a) of this section has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency. July 26, 1947, c. 343, Title I, § 102, 61 Stat. 497; Oct. 15, 1949, c. 695, § 4, 63 Stat. 880.



AUTHORIZATION OF APPROPRIATIONS

SEC. 503. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1965, and the two succeeding fiscal years. For the purpose of carrying out this title, there is hereby authorized to be appropriated the sum of \$150,000,000 for the fiscal year ending June 30, 1965; and for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, such sums may be appropriated as the Congress may hereafter authorize by law.

TITLE VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

OFFICE OF ECONOMIC OPPORTUNITY

Establishment,
Appointment of
Directors.

Transfer au-
thority.
63 Stat. 205.
Ante, p. 240.

Compensation.

Ante, p. 416.

Ante, p. 417.

Ante, p. 418.

Ante, p. 400.

60 Stat. 810.

SEC. 601. (a) There is hereby established in the Executive Office of the President the Office of Economic Opportunity. The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall also be in the Office one Deputy Director and three Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director and the Assistant Directors shall perform such functions as the Director may from time to time prescribe.

(b) Notwithstanding the provisions of section 5(b) of the Reorganization Act of 1949 (5 U.S.C. 133z-3(b)), at any time after one year from the date of enactment hereof the President may, by complying with the procedures established by that Act, provide for the transfer of the Office from the Executive Office of the President and for its establishment elsewhere in the executive branch as he deems appropriate.

(c) The compensation of the Director of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director of the Bureau of the Budget.

(d) The compensation of the Deputy Director of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(e) The compensation of the Assistant Directors of the Office of Economic Opportunity shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Assistant Secretaries of the Executive Departments.

AUTHORITY OF DIRECTOR

SEC. 602. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized, in carrying out his functions under this Act, to—

(a) appoint in accordance with the civil service laws such personnel as may be necessary to enable the Office to carry out its functions, and, except as otherwise provided herein, fix their compensation in accordance with the Classification Act of 1949 (5 U.S.C. 1071 et seq.);

(b) employ experts and consultants or organizations thereof as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), compensate individuals so employed at rates not in excess of \$100 per diem, including travel time, and allow



Public Law 91-190

AN ACT

January 1, 1970
[S. 1075]

National Environmental Policy Act of 1969.

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Policies and goals.

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and



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(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

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81 Stat. 54.



(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and
 (H) assist the Council on Environmental Quality established by title II of this Act.

Policy review.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II**COUNCIL ON ENVIRONMENTAL QUALITY****Report to Congress.**

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council on Environmental Quality.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds: to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.


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Tenure and compensation.

Post, p. 864.

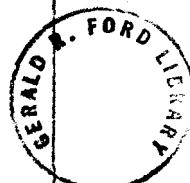
Appropriations.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

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Public Law 92-255
92nd Congress, S. 2097
March 21, 1972

An Act

To establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug Abuse Office
and Treatment Act
of 1972.

§ 1. Short title.

This Act may be cited as the "Drug Abuse Office and Treatment Act of 1972".

86 STAT. 65
86 STAT. 66

TITLE I—FINDINGS AND DECLARATION OF POLICY; DEFINITIONS; TERMINATION

Sec.

101. Congressional findings.
102. Declaration of national policy.
103. Definitions.
104. Termination.

§ 101. Congressional findings.

The Congress makes the following findings:

- (1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.
- (2) Drug abuse seriously impairs individual, as well as societal, health and well-being.
- (3) Drug abuse, especially heroin addiction, substantially contributes to crime.
- (4) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.
- (5) Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse.
- (6) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.
- (7) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States and localities, and throughout the Federal establishment.
- (8) Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.
- (9) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse.



§ 103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this Act.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

§ 104. Termination.

Effective June 30, 1975, the Office, each of the positions in the Office of Director, Deputy Director, and Assistant Director, and the National Advisory Council for Drug Abuse Prevention established by section 251 of this Act are abolished and title II is repealed.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Chapter	Section
1. GENERAL PROVISIONS-----	201
2. FUNCTIONS OF THE DIRECTOR-----	221
3. ADVISORY COUNCIL-----	251

Chapter 1.—GENERAL PROVISIONS**Sec.**

201. Establishment of Office.

202. Appointment of Director.

203. Appointment of Deputy Director.

204. Appointment of Assistant Directors.

205. Delegation.

206. Officers and employees.

207. Employment of experts and consultants.

208. Acceptance of uncompensated services.

209. Notice relating to the control of dangerous drugs.

210. Grants and contracts.

211. Acting Director and Deputy Director.

212. Compensation of Director, Deputy Director, and Assistant Directors.

213. Statutory requirements unaffected.

214. Appropriations authorized.

§ 201. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by, the Office, or (2) to personnel of the Office.



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Pub. Law 92-255

86 STAT. 68

§ 202. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 203. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may assign or delegate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

§ 204. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 205. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 206. Officers and employees.

(a) The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

80 Stat. 499;
83 Stat. 190.

(b) In addition to the number of positions which may be placed in grades GS-16, 17, and 18 under section 5108 of title 5, United States Code, and without prejudice to the placement of other positions in the Office in such grades under any authority other than this subsection, not to exceed ten positions in the Office may be placed in grades GS-16, 17, and 18, but in accordance with the procedures prescribed under such section 5108. The authority for such additional positions shall terminate on the date specified in section 104 of this Act.

80 Stat. 453.

§ 207. Employment of experts and consultants.

The Director may procure services as authorized by section 3109 of title 5, United States Code, and may pay a rate for such services not in excess of the rate in effect for grade GS-18 of the General Schedule. The Director may employ individuals under this section without regard to any limitation, applicable to services procured under such section 3109, on the number of days or the period of such services, except that, at any one time, not more than fifteen individuals may be employed under this section without regard to such limitation.

80 Stat. 416.
5 USC 5332
note.

§ 208. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 209. Notice relating to the control of dangerous drugs.

Whenever the Attorney General determines that there is evidence that

- (1) a drug or other substance, which is not a controlled substance (as defined in section 101(6) of the Controlled Substances Act), has a potential for abuse, or

84 Stat. 1242.
21 USC 801.



84 Stat. 1247.
21 USC 812.
21 USC 811.

(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act, he shall, prior to initiating any proceeding under section 201(a) of such Act, give the Director timely notice of such determination. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the Director.

Recipients.

(a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.

Contributions.

(b) To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

Payments.

(c) Payments pursuant to a grant or contract under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

Federal department or agency, contractual arrangements.

(d) Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.

Compensation.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

Restriction.

§ 211. Acting Director and Deputy Director.

80 Stat. 460;
83 Stat. 864;
84 Stat. 1898.

(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(21) Director of the Special Action Office for Drug Abuse Prevention."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Deputy Director of the Special Action Office for Drug Abuse Prevention."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6)."

§ 213. Statutory requirements unaffected.

Except as authorized in section 225, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal

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Pub. Law 92-255 86 STAT. 70

program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans.

§ 214. Appropriations authorized.

(a) (1) For the purposes of carrying out the provisions of this title, except for the provisions of sections 223 and 224, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1972; \$10,000,000 for the fiscal year ending June 30, 1973; \$11,000,000 for the fiscal year ending June 30, 1974; and \$12,000,000 for the fiscal year ending June 30, 1975.

(2) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated \$40,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

(3) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the fiscal year ending June 30, 1975.

(b) Sums appropriated under subsection (a) of this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.

- 221. Concentration of Federal effort.
- 222. Funding authority.
- 223. Special Fund.
- 224. Encouragement of certain research and development.
- 225. Single non-Federal share requirement.
- 226. Recommendations regarding drug traffic prevention functions.
- 227. Resolution of certain conflicts.
- 228. Liaison with respect to drug traffic prevention.
- 229. Technical assistance to State and local agencies.
- 230. Management oversight review.
- 231. Federal drug council authorized.
- 232. International negotiations.
- 233. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult, from time to time, with the National Advisory Council, *Advisory Council, consultation,* *Advisory Council for Drug Abuse Prevention.*

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he provides or establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he provides or establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;



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Prevention functions, coordination.

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require;

(6) except as provided in the second sentence of section 213,
 (A) coordinate the performance of drug abuse prevention functions by Federal departments and agencies; and

(B) coordinate the performance of such functions by Federal departments and agencies with the performance by Federal departments and agencies of other functions which the Director determines may have an important bearing on the success of the entire Federal effort against drug abuse; and

(7) develop improved methods for determining the extent of drug addiction and abuse in the United States.

Establishment.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and
 (B) the budget requests of any Federal department or agency; and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

Utilization.

§ 223. Special Fund.
 (a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

Limitation.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

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nder section 221, the Director shall s, contracts, or otherwise) expanded op, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction; and

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction.

In carrying out this section the Director is authorized to establish, or Clinical research facilities, establish.

§ 225. Single non-Federal share requirement.

Where funds are made available by more than one Federal agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established in regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose. Waiver.

§ 226. Recommendations regarding drug traffic prevention func- tions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 227. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment. Findings and determinations, submittal to President.

§ 228. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 229. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse

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problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 230. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 231. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 232. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 233. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Report to
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Report to Presi-
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Chapter 3.—ADVISORY COUNCIL

Sec.

251. Establishment of Council.
252. Membership of the Council.
253. Chairman; meetings.
254. Compensation and expenses.
255. Functions of the Council.

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be note allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. 80 Stat. 499; 83 Stat. 190.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec.

301. Development of strategy required.
302. Strategy Council.
303. Content of strategy.
304. Preparation of strategy.
305. Review and revision.

§ 301. Development of strategy required.

Immediately upon the enactment of this title, the President shall direct the development of a comprehensive, coordinated long-term Federal strategy (hereinafter in this title referred to as the "strategy") for all drug abuse prevention functions and all drug traffic prevention

functions conducted, sponsored, or supported by any department or agency of the Federal Government. The strategy shall be initially promulgated by the President no later than nine months after the enactment of this title.

§ 302. Strategy Council.

To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention until the date specified in section 104 of this Act, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate. Until the date specified in section 104 of this Act, the Director shall provide such services as are required, to assure that the strategy is prepared, and thereafter such services shall be provided by such officer or agency of the United States as the President may designate. The strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

§ 303. Content of strategy.

The strategy shall contain

- (1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;
- (2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and
- (3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

§ 304. Preparation of strategy.

To facilitate the preparation of the strategy, the Council shall

- (1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;
- (2) at the request of any member, require departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of this title, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required;
- (3) evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

§ 305. Review and revision.

The strategy shall be reviewed, revised as necessary, and promulgated as revised from time to time as the President deems appropriate, but not less often than once a year.

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TITLE IV—OTHER FEDERAL PROGRAMS

Sec.

401. Community mental health centers.
402. Public Health Service facilities.
403. State plan requirements.
404. Drug abuse prevention function appropriations.
405. Special reports by the Secretary of Health, Education, and Welfare.
406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.
407. Admission of drug abusers to hospitals for emergency treatment.
408. Confidentiality of patient records.
409. Formula grants.
410. Special project grants and contracts.
411. Records and audit.
412. National Drug Abuse Training Center.
413. Drug abuse among Federal civilian employees.

§ 401. Community mental health centers.

(a) Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

79 Stat. 428;
84 Stat. 57.

“(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

“(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

“(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1973, \$60,000,000 for the fiscal year ending June 30, 1974, and \$60,000,000 for the fiscal year ending June 30, 1975.”

(b) Section 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k) is amended—

Treatment facilities.
82 Stat. 1009;
84 Stat. 58,
1238.

(1) by inserting in subsection (a) “or leasing” after “construction”,

(2) by inserting in subsection (a) “facilities for emergency medical services, intermediate care services, or outpatient services, or” immediately before “posthospitalization treatment facilities”,

(3) by inserting in subsection (a) “or leased” after “constructed”, and

(4) by inserting in subsection (b) “or leasing” after “construction” the first time it appears.

(c) Section 256(e) of the Community Mental Health Centers Act (42 U.S.C. 2688n-1) is amended (1) by striking out “and \$35,000,000”

84 Stat. 1239.

and inserting in lieu thereof "\$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof ";" and \$75,000,000 for the fiscal year ending June 30, 1974."

§ 402. Public Health Service facilities.

80 Stat. 1449;
84 Stat. 1240.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 403. State plan requirements.

84 Stat. 1241.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: " ; and include provisions for (i) licensing or accreditation of facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 404. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act shall specify (1) on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions, and (2) the authorization of the appropriations requested to carry out each of its drug abuse prevention functions.

§ 405. Special reports by the Secretary of Health, Education, and Welfare.

(a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") shall develop and submit to the Congress and the Director within ninety days after the date of enactment of this Act, a written plan for the administration and coordination of all drug abuse prevention functions within the Depart-

Report to
Congress and
Director.

Supra.

", and (2) by striking out thereof"; and \$75,000,000

th Service Act (42 U.S.C. 471 et seq.) by striking out thereof the following section, the Secretary shall appropriate medical facility of such program for drug addicts having dependence problems who other facility; except that apply in the case of any such which the Secretary determines such a program in such

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cements with the Administration of Defense, and the head of Government under which State medical facilities of the rehabilitation programs providing addicts and other persons with problems who are in areas

Health Service Act (42 U.S.C. 471 et seq.) by striking after "problem" the word "or" and inserting "and" before "accreditation". Such programs are concerned with drug dependence problems and with programs in the field of prevention and treatment.

Health Centers Act (42 U.S.C. 471 et seq.) by striking out thereof the following

may not approve any State prevention programs in the amounts commensurate with the provisions required by section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

partment or agency of the enactment of this Act shall of the appropriations which to carry out its drug abuse function of the appropriations for prevention functions.

of Health, Education, and

, and Welfare (hereinafter referred to as "the Department") shall develop and submit to the Congress within 60 days after the date of the administration and operations within the Department

ment of Health, Education, and Welfare. Such report shall list each program conducted and each service provided in carrying out such functions, describe how such programs and services are to be coordinated, and describe the steps taken or to be taken to insure that such programs and services will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. The plan shall be consistent with the policies, priorities, and objectives established by the Director under section 221 of this Act.

(b) The Secretary shall submit to the Director, for inclusion in the annual report required by section 233 of this Act, a report describing model and experimental methods and programs for the treatment and rehabilitation of drug abusers, and describing the advantages of each such method and program and an evaluation of the success or failure of each such method or program. The Secretary's report shall contain recommendations for the development of new and improved methods and programs for the treatment and rehabilitation of drug abusers, for community implementation of such methods and programs, and for such legislation and administrative action as he deems appropriate.

§ 406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.

(a) The Secretary shall

(1) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse prevention functions, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(2) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by individuals and effects which individuals are likely to experience from such use;

(3) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be furnished, records to be maintained, and reports to be submitted, on a voluntary basis by public and private entities and individuals respecting drug abuse; and

(4) review, and publish an evaluation of, the adequacy and appropriateness of any provision relating to drug abuse prevention functions contained in the comprehensive State health, welfare, or rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

(b) After December 31, 1974, the Secretary shall carry out his functions under subsection (a) through the National Institute on Drug Abuse.

§ 407. Admission of drug abusers to hospitals for emergency treatment.

(a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

29 USC 35.
Ante, p. 77.
42 USC 291d.
85 Stat. 809.
42 USC 1396a.
42 USC 2684.

(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of this Act or any Act amended by this Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) (1) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed

(A) to medical personnel for the purpose of diagnosis or treatment of the patient, and

(B) to governmental personnel for the purpose of obtaining benefits to which the patient is entitled.

(2) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, does not give his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b)-(2)(C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) Except as authorized under subsection (b) of this section, any person who discloses the contents of any record referred to in subsection (a) shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

Penalty.

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§ 409. Formula grants.

(a) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, \$40,000,000 for the fiscal year ending June 30, 1974, and \$45,000,000 for the fiscal year ending June 30, 1975, for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) Grants to States may be made under this section

(1) for the preparation of plans which are intended to meet the requirements of subsection (e) of this section;

(2) for the expenses (other than State administrative expenses) of (A) carrying out projects under and otherwise implementing plans approved by the Secretary pursuant to subsection (f) of this section, and (B) evaluating the results of such plans as actually implemented; and

(3) for the State administrative expenses of carrying out plans approved by the Secretary pursuant to subsection (f) of this section, except that no grant under this paragraph to any State for any year may exceed \$50,000 or 10 per centum of the total allotment of that State for that year, whichever is less.

(c) (1) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions, except that no such allotment to any State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands), shall be less than \$100,000 multiplied by a fraction whose numerator is the amount actually appropriated for the purposes of this section for the fiscal year for which the allotment is made, and whose denominator is the amount authorized to be appropriated by subsection (a) for that year.

(2) Any amount allotted under paragraph (1) of this subsection to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallocated by the Secretary to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under paragraph (1) of this subsection to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallocated by the Secretary, to be available for the purposes for which made until the close of

the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

(d) No grant may be made under subsection (b)(1) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, including assurances satisfactory to the Secretary that the grant will be used by the State for the preparation of a State plan which will meet the requirements of subsection (e), as the Secretary shall by regulation prescribe.

State plans.

(e) Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall

(1) designate or establish a single State agency as the sole agency for the preparation and administration of the plan, or for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated or established in accordance with paragraph (1) will have authority to prepare and administer, or supervise the preparation and administration of, such plan in conformity with this subsection;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, and which shall consult with the State agency in carrying out the plan;

(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section;

(5) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(6) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(7) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Service Act;

(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(9) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

March 21, 1972

March 21, 1972

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(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions of this section.

(f) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (e) of this section.

(g) From the allotment of a State, the Secretary shall make grants to that State in accordance with this section. Payments under such grants may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 410. Special project grants and contracts.

(a) The Secretary shall

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public

Approval.

March 21, 1972

and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs.

Appropriation.

(b) There are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1972; \$65,000,000 for the fiscal year ending June 30, 1973; \$100,000,000 for the fiscal year ending June 30, 1974; and \$160,000,000 for the fiscal year ending June 30, 1975, to carry out this section.

Project evaluation.

(c) (1) In carrying out this section, the Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(2) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency (if any) designated or established under section 409. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 409. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this paragraph.

Application approval.

(3) Approval of any application for a grant or contract under this section by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that

(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(D) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

(d) Payment under grants or contracts under this section may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 411. Records and audit.

(a) Each recipient of assistance under section 409 or 410 pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States,

March 21, 1972

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ral of the United States,

or any of their duly authorized representatives, shall have access for
the purpose of audit and examination to any books, documents, papers,
and records of such recipients that are pertinent to such grants or
contracts.

§ 412. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training
Center (hereinafter in this section referred to as the "Center") to
develop, conduct, and support a full range of training programs relat-
ing to drug abuse prevention functions. The Director shall consult
with the National Advisory Council for Drug Abuse Prevention
regarding the general policies of the Center. The Director may super-
vise the operation of the Center initially, but shall transfer the
supervision of the operation of the Center to the National Institute on
Drug Abuse not later than December 31, 1974.

Transfer of
supervision.

(b) The Center shall conduct or arrange for training programs,
seminars, meetings, conferences, and other related activities, including
the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance
with regulations prescribed by the Director, be available to (1) Fed-
eral, State, and local government officials, and their respective staffs,
(2) medical and paramedical personnel, and educators, and (3) other
persons, including drug dependent persons, requiring training or edu-
cation in drug abuse prevention.

(d) (1) For the purpose of carrying out this section, the) are
authorized to be appropriated \$1,000,000 for the fiscal year ending
June 30, 1972, \$3,000,000 for the fiscal year ending June 30, 1973,
\$5,000,000 for the fiscal year ending June 30, 1974, and \$6,000,000 for
the fiscal year ending June 30, 1975.

Appropriation.

(2) Sums appropriated under this subsection shall remain available
for obligation or expenditure in the fiscal year for which appropriated
and in the fiscal year next following.

§ 413. Drug abuse among Federal civilian employees.

(a) The Civil Service Commission shall be responsible for develop-
ing and maintaining, in cooperation with the Director and with other
Federal agencies and departments, appropriate prevention, treatment,
and rehabilitation programs and services for drug abuse among Fed-
eral civilian employees. Such policies and services shall make optimal
use of existing governmental facilities, services, and skills.

(b) The Director shall foster similar drug abuse prevention, treat-
ment, and rehabilitation programs and services in State and local
governments and in private industry.

(c) (1) No person may be denied or deprived of Federal civilian
employment or a Federal professional or other license or right solely
on the ground of prior drug abuse.

(2) This subsection shall not apply to employment (A) in the
Central Intelligence Agency, the Federal Bureau of Investigation, the
National Security Agency, or any other department or agency of the
Federal Government designated for purposes of national security by
the President, or (B) in any position in any department or agency of
the Federal Government, not referred to in clause (A), which position
is determined pursuant to regulations prescribed by the head of such
department or agency to be a sensitive position.

Exception.

(d) This section shall not be construed to prohibit the dismissal from
employment of a Federal civilian employee who cannot properly func-
tion in his employment.

**TITLE V—NATIONAL INSTITUTE ON DRUG ABUSE;
NATIONAL ADVISORY COUNCIL ON DRUG ABUSE**

Sec.

501. Establishment of Institute.

502. Establishment of National Advisory Council on Drug Abuse.

§ 501. Establishment of Institute.

(a) Effective December 31, 1974, there is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereinafter in this section referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

§ 502. Establishment of National Advisory Council on Drug Abuse.

(a) Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) (1) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"(2) The Council shall advise, consult with, and make recommendations to, the Secretary

"(A) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including, but not limited to, the development of new programs and priorities, the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(B) concerning policies and priorities respecting grants and contracts in the field of drug abuse."

(b) Section 266 of the Community Mental Health Centers Act is amended

58 Stat. 691.
42 USC 241.64 Stat. 446;
84 Stat. 1853;
85 Stat. 463,
785.
42 USC 218.5 USC 101 et
seq.84 Stat. 62,
1854.
42 USC 2688t.

March 21, 1972

ON DRUG ABUSE;
ON DRUG ABUSE

Drug Abuse.

established, in the National
Institute on Drug Abuse (hereinafter "the Institute") to administer the
Health, Education, and
Social Welfare programs. The Secretary, acting
for the purposes of section 301
in respect to drug abuse, develop
and promote, training, research, and
treatment of drug abuse

selection of a Director who

be administered so as to
the education of professionals and
science, the social sciences,

Council on Drug Abuse.
The Council on Drug Abuse Act is amended by
this section:

Drug Abuse shall consist
of a chief medical officer of
the Institute, and a medical
adviser, who shall be ex officio
members. The Council shall be composed of twelve members
selected according to the provisions of
the Act. The Council shall represent a broad
cross-section of the drug area and shall
include paraprofessionals in
the social sciences, and other
experts in the areas of drug abuse
and research.

, and make recommendations

the activities and functions
of the Institute in respect to drug abuse, including, but not
limited to, the setting of priorities, the
supplying of needed
information to the general public; and
recommendations respecting grants and

Health Centers Act is

March 21, 1972

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Pub. Law 92-255

86 STAT. 85

(1) by striking out in the first sentence "part C" and inserting
in lieu thereof "parts C and D";

(2) by striking out in the second sentence "established by such
section", and

(3) by adding at the end the following new sentence: "Grants
under part D of this title for such costs will undergo such review
as is provided by section 217(e) of the Public Health Service Act." Supra.

Approved March 21, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-775 accompanying H.R. 12089 (Comm. on
Interstate and Foreign Commerce) and No. 92-920
(Comm. of Conference).

SENATE REPORTS: No. 92-486 (Comm. on Government Operations) and
No. 92-509 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD:

Vol. 117 (1971): Dec. 2, considered and passed Senate.
Vol. 118 (1972): Feb. 3, considered and passed House, amended,
in lieu of H.R. 12089.

Mar. 16, House agreed to conference report.

Mar. 17, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 6, No. 13:
Mar. 21, Presidential statement and remarks.



Public Law 93-387
93rd Congress, S. 3919
August 24, 1974

An Act

To authorize the establishment of a Council on Wage and Price Stability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Council on Wage and Price Stability Act".

SEC. 2. (a) The President is authorized to establish, within the Executive Office of the President, a Council on Wage and Price Stability (hereinafter referred to as the "Council").

(b) The Council shall consist of eight members appointed by the President and four adviser-members also appointed by the President. The Chairman of the Council shall be designated by the President.

(c) There shall be a Director of the Council who shall be appointed by the President. The Director shall be compensated at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5, United States Code. The Director of the Council shall perform such functions as the President or the Chairman of the Council may prescribe. The Deputy Director shall perform such functions as the Chairman or the Director of the Council may prescribe.

(d) The Director of the Council may employ and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions of the Council at rates not to exceed the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States Code. Except that the Director, with the approval of the Chairman may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, appoint and fix the compensation of not to exceed five positions at the rates provided for grades 16, 17, and 18 of such General Schedule, to carry out the functions of the Council.

(e) The Director of the Council may employ experts, expert witnesses, and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and compensate them at rates not in excess of the maximum daily rate prescribed for grade 18 of the General Schedule under section 5332 of title 5, United States Code.

(f) The Director of the Council may, with their consent, utilize the services, personnel, equipment, and facilities of Federal, State, regional, and local public agencies and instrumentalities, with or without reimbursement therefor, and may transfer funds made available pursuant to this Act to Federal, State, regional, and local public agencies and instrumentalities as reimbursement for utilization of such services, personnel, equipment, and facilities.

SEC. 3. (a) The Council shall—

(1) review and analyze industrial capacity, demand, supply, and the effect of economic concentration and anticompetitive practices, and supply in various sectors of the economy, working with the industrial groups concerned and appropriate governmental agencies to encourage price restraint;

(2) work with labor and management in the various sectors of the economy having special economic problems, as well as with appropriate government agencies, to improve the structure of collective bargaining and the performance of those sectors in restraining prices;

Council on
Wage and Price
Stability Act.
12 USC 1904
note.
Council on
Wage and Price
Stability.
Establishment.
12 USC 1904
note.

83 Stat. 863.
5 USC 5315
note.

5 USC 5332
note.
5 USC 101
et seq.

Experts and
consultants.
80 Stat. 416.

Duties.
12 USC 1904
note.

88 STAT. 750
88 STAT. 751

August 24, 1974

88 STAT. 751

(3) improve wage and price data bases for the various sectors of the economy to improve collective bargaining and encourage price restraint;

(4) conduct public hearings necessary to provide for public scrutiny of inflationary problems in various sectors of the economy;

(5) focus attention on the need to increase productivity in both the public and private sectors of the economy;

(6) monitor the economy as a whole by acquiring as appropriate, reports on wages, costs, productivity, prices, sales, profits, imports, and exports; and

(7) review and appraise the various programs, policies, and activities of the departments and agencies of the United States for the purpose of determining the extent to which those programs and activities are contributing to inflation.

(b) Nothing in this Act, (1) authorizes the continuation, imposition, or reimposition of any mandatory economic controls with respect to prices, rents, wages, salaries, corporate dividends, or any similar transfers, or (2) affects the authority conferred by the Emergency Petroleum Allocation Act of 1973.

SEC. 4. (a) Any department or agency of the United States which collects, generates, or otherwise prepares or maintains data or information pertaining to the economy or any sector of the economy shall, upon the request of the Chairman of the Council, make that data or information available to the Council.

(b) Disclosure of information obtained by the Council from sources other than Federal, State, or local government agencies and departments shall be in accordance with the provisions of section 552 of title 5, United States Code.

(c) Disclosure by the Council of information obtained from a Federal, State, or local agency or department must be in accord with section 552 of title 5, United States Code, and all the applicable rules of practice and procedure of the agency or department from which the information was obtained.

(d) Disclosure by a member or any employee of the Council of the confidential information as defined in section 1905 of title 18, United States Code, shall be a violation of the criminal code as stated therein.

(e) Consistent with the provisions of section 7213 of the Internal Revenue Code of 1954, nothing in this Act shall be construed as providing for or authorizing any Federal agency to divulge or to make known to the Council the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed solely in any income return, or to permit any income tax return filed pursuant to the provisions of the Internal Revenue Code of 1954, thereof, to be seen or examined by the Council.

87 Stat. 627.

15 USC 751

note.

Economic data,
availability.

12 USC 1904

note.

81 Stat. 54.

Confidential
information.

62 Stat. 791.

Income tax re-
turn disclosure,
prohibition.

68A Stat. 855;

74 Stat. 940.

26 USC 7213.

26 USC 101 et
seq.

August 24, 1974

- 3 -

Pub. Law 93-387

88 STAT. 751

SEC. 5. The Council shall report to the President, and through him to the Congress, from time to time, concerning its activities, findings, and recommendations with respect to the containment of inflation and the maintenance of a vigorous and prosperous peacetime economy.

SEC. 6. There is hereby authorized to be appropriated not to exceed \$1,000,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this Act.

SEC. 7. The authority granted by this Act terminates on August 15, 1975.

Approved August 24, 1974.

Report to
President and
Congress.
12 USC 1904
note.
Appropriation.
12 USC 1904
note.
Termination.
12 USC 1904
note.

LEGISLATIVE HISTORY:

SENATE REPORT No. 93-1098 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Aug. 19, considered and passed Senate.

Aug. 20, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 35:

Aug. 24, Presidential statement.

REORGANIZATION PLANS

Reorganization Plan No. 1 of 1970

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, February 9, 1970, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code.

Transmitted
February 9, 1970.
Effective
April 20, 1970.
80 Stat. 393.

48 Stat. 1083.

OFFICE OF TELECOMMUNICATIONS POLICY
SECTION 1. Transfer of functions. The functions relating to assigning frequencies to radio stations belonging to and operated by the United States, or to classes thereof, conferred upon the President by the provisions of section 305(a) of the Communications Act of 1934, 47 U.S.C. 305(a), are hereby transferred to the Director of the Office of Telecommunications Policy hereinafter provided for.

SEC. 2. Establishment of Office. There is hereby established in the Executive Office of the President the Office of Telecommunications Policy, hereinafter referred to as the Office.

SEC. 3. Director and deputy. (a) There shall be at the head of the Office the Director of the Office of Telecommunications Policy, hereinafter referred to as the Director. The Director shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

80 Stat. 460;
83 Stat. 864.

(b) There shall be in the Office a Deputy Director of the Office of Telecommunications Policy who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director

shall perform such functions as the Director may from time to time prescribe and, unless the President shall designate another person to so act, shall act as Director during the absence or disability of the Director or in the event of vacancy in the office of Director.

(c) No person shall while holding office as Director or Deputy Director engage in any other business, vocation, or employment.

SEC. 4. *Performance of functions of Director.* (a) The Director may appoint employees necessary for the work of the Office under the classified civil service and fix their compensation in accordance with the classification laws.

(b) The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance of any function transferred to him hereunder by any other officer, or by any organizational entity or employee, of the Office.

SEC. 5. *Abolition of office.* That office of Assistant Director of the Office of Emergency Preparedness held by the Director of Telecommunications Management under Executive Order No. 10995 of February 16, 1962, as amended, is abolished. The Director of the Office of Emergency Preparedness shall make such provisions as he may deem to be necessary with respect to winding up any outstanding affairs of the office abolished by the foregoing provisions of this section.

SEC. 6. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, or used by, or available or to be made available to, the Office of Emergency Preparedness in connection with functions affected by the provisions of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Office of Telecommunications Policy at such time or times as he shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. *Interim Director.* The President may authorize any person who immediately prior to the effective date of this reorganization plan holds a position in the Executive Office of the President to act as Director of the Office of Telecommunications Policy until the office of Director is for the first time filled pursuant to the provisions of section 3 of this reorganization plan or by recess appointment, as the case may be. The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office of Director. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

3 CFR, 1959-
1963 Comp.,
p. 535.

REVIEW AND COMMENT PERIOD
45 DAYS FROM PUBLICATION

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Reorganization Plan No. 2 of 1970

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, March 12, 1970, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code.

Transmitted
March 12, 1970.
Effective
July 1, 1970.
80 Stat. 393.

OFFICE OF MANAGEMENT AND BUDGET; DOMESTIC COUNCIL

PART I. OFFICE OF MANAGEMENT AND BUDGET

SECTION 101. *Transfer of functions to the President.* There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget.

SEC. 102. *Office of Management and Budget.* (a) The Bureau of the Budget in the Executive Office of the President is hereby designated as the Office of Management and Budget.

(b) The offices of Director of the Bureau of the Budget and Deputy Director of the Bureau of the Budget, and the offices of Assistant Directors of the Bureau of the Budget which are established by statute (31 U.S.C. 16a and 16c), are hereby designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively.

67 Stat. 299;
70 Stat. 887.

(c) There shall be within the Office of Management and Budget not more than six additional officers, as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the Director). Each such officer shall be appointed by the Director, subject to the approval of the President, under the classified civil service, shall have such title as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter prescribed for offices and positions at Level V of the Executive Schedule (5 U.S.C. 5316).

80 Stat. 463;
83 Stat. 864.

(d) The Office of Management and Budget and the Director shall perform such functions as the President may from time to time delegate or assign thereto. The Director, under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget.

(e) The Deputy Director of the Office of Management and Budget, the Assistant Directors of the Office of Management and Budget designated by this reorganization plan, and the officers provided for in subsection (c) of this section shall perform such functions as the Director may from time to time direct.

(f) The Deputy Director (or during the absence or disability of the Deputy Director or in the event of a vacancy in the office of Deputy Director, such other officials of the Office of Management and Budget in such order as the President may from time to time designate) shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

SEC. 103. *Records, property, personnel, and funds.* The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Bureau of the Budget shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Management and Budget.

PART II. DOMESTIC COUNCIL

SEC. 201. *Establishment of the Council.* (a) There is hereby established in the Executive Office of the President a Domestic Council, hereinafter referred to as the Council.

(b) The Council shall be composed of the following:

- The President of the United States
- The Vice President of the United States
- The Attorney General
- Secretary of Agriculture
- Secretary of Commerce
- Secretary of Health, Education, and Welfare
- Secretary of Housing and Urban Development
- Secretary of the Interior
- Secretary of Labor
- Secretary of Transportation
- Secretary of the Treasury

and such other officers of the Executive Branch as the President may from time to time direct.

(c) The President of the United States shall preside over meetings of the Council: *Provided*, That, in the event of his absence, he may designate a member of the Council to preside.

SEC. 202. *Functions of the Council.* The Council shall perform such functions as the President may from time to time delegate or assign thereto.

SEC. 203. *Executive Director.* The staff of the Council shall be headed by an Executive Director who shall be an assistant to the President designated by the President. The Executive Director shall perform such functions as the President may from time to time direct.

PART III. TAKING EFFECT

SEC. 301. *Effective date.* The provisions of this reorganization plan shall take effect as provided by section 906(a) of title 5 of the United States Code, or on July 1, 1970, whichever is later.

80 Stat. 396.

Transmitted
July 9, 1970.
Effective
December 2, 1970.
80 Stat. 393.

Reorganization Plan No. 3 of 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

ENVIRONMENTAL PROTECTION AGENCY

SECTION 1. *Establishment of Agency.* (a) There is hereby established the Environmental Protection Agency, hereinafter referred to as the "Agency."

(b) There shall be at the head of the Agency the Administrator of the Environmental Protection Agency, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

80 Stat. 460;
83 Stat. 864.

(c) The Environmental President, be compensated of the Executive Administrator from time during the of a vacancy.

(d) The Administrator appointed by the Senate, and for Level I. Each Assistant Administrator.

SEC. 2. They are hereby transferred.

(1) All of the Department of Federal Welfare transferred No. 2 of 196 of the Interior Pollution Control Agency the.

(2) (i) The Act of August 1970 relating to solid wastes and pesticides (80 Stat.), and the Interior and by the Gulf of Mexico Fisheries at.

(3) The Department, and the Welfare which Service, including thereof.

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except that the Environmental Service are in Management.

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Public Law 91-181

December 30, 1969
[S. 740]

AN ACT

To establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

Cabinet Committee on Opportunities for Spanish-Speaking People.

Establishment.

Members.

Chairman, appointment.

Compensation.

Post, p. 864.

Meetings, Functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons.

SEC. 2. (a) There is hereby established the Cabinet Committee on Opportunities for Spanish-Speaking People (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of—

- (1) the Secretary of Agriculture;
- (2) the Secretary of Commerce;
- (3) the Secretary of Labor;
- (4) the Secretary of Health, Education, and Welfare;
- (5) the Secretary of Housing and Urban Development;
- (6) the Secretary of the Treasury;
- (7) the Attorney General;
- (8) the Director of the Office of Economic Opportunity;
- (9) the Administrator of the Small Business Administration;
- (10) the Commissioner of the Equal Employment Opportunity Commission most concerned with the Spanish-speaking and Spanish-surnamed Americans;
- (11) the Chairman of the Civil Service Commission; and
- (12) the Chairman of the Committee, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are recognized for their knowledge of and familiarity with the special problems and needs of the Spanish speaking.

(c) The Chairman may invite the participation in the activities of the Committee of any executive department or agency not represented on the Committee, when matters of interest to such executive department or agency are under consideration.

(d) (1) The Chairman of the Committee shall not concurrently hold any other office or position of employment with the United States, but shall serve in a full-time capacity as the chief officer of the Committee.

(2) The Chairman of the Committee shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code.

(3) The Chairman of the Committee shall designate one of the other Committee members to serve as acting Chairman during the absence or disability of the Chairman.

(e) The Committee shall meet at least quarterly during each year.

SEC. 3. (a) The Committee shall have the following functions:

- (1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and



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(2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-speaking and Spanish-surnamed Americans.

SEC. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

SEC. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the Chairman to the extent permitted by law and within the limits of available funds.

SEC. 6. (a) The Chairman shall appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5332 of such title.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the Chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

SEC. 7. (a) There is established an Advisory Council on Spanish-Speaking Americans (hereinafter referred to as the Advisory Council) composed of nine members appointed by the President from among individuals who are representative of the Mexican American, Puerto Rican American, Cuban American, and other elements of the Spanish-speaking and Spanish-surnamed community in the United States. In making such appointments the President shall give due consideration to any recommendations submitted by the Committee.

(b) The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request. The President shall designate the Chairman and Vice Chairman of the Advisory Council. The Advisory Council is authorized to—

(1) appoint and fix the compensation of such personnel, and

(2) obtain the services of such experts and consultants in accordance with section 3109 of title 5, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5302 of such title, as may be necessary to carry out its functions.

Rules and regulations.

Coordination.

Agreements.

Personnel, compensation.

80 Stat. 416.

5 USC 5332 note.

Advisory Council on Spanish-Speaking Americans.
Establishment.

Chairman and Vice Chairman Designation.

Council, compensation.

Travel expenses, etc.

80 Stat. 525.
5 USC 7321-
7327.

Appropriation.

Report to
President and
Congress.

Expiration date.

(c) Each member of the Advisory Council who is appointed from private life shall receive \$100 a day for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 8. Nothing in this legislation shall be construed to restrict or infringe upon the authority of any Federal department or agency.

SEC. 9. Subchapter III of chapter 73 of title 5, United States Code, shall apply to the employees of the Committee and the employees of the Advisory Council.

SEC. 10. There are hereby authorized to be appropriated for fiscal years 1970 and 1971 such sums as may be necessary to carry out the provisions of this Act, and any funds heretofore and hereafter made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

SEC. 11. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

SEC. 12. This Act shall expire five years after it becomes effective.

Approved December 30, 1969.

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Public Law 91-182

JOINT RESOLUTION

December 30, 1969
[H. J. Res. 1041]

Establishing that the second regular session of the Ninety-first Congress convene at noon on Monday, January 19, 1970.

91st Congress.
Second session.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-first Congress shall begin at noon on Monday, January 19, 1970.

Approved December 30, 1969.

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Public Law 91-183

AN ACT

December 30, 1969
[H. R. 944]

To amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel.

Per diem,
increase.
76 Stat. 472;
80 Stat. 1122.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(d) of title 37, United States Code, is amended by striking out "\$16" and "\$30", respectively, and inserting in place thereof "\$25" and "\$40".

Approved December 30, 1969.

THE WHITE HOUSE

WASHINGTON

January 18, 1971

MEMORANDUM FOR

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF LABOR
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS
THE ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
THE EXECUTIVE DIRECTOR OF THE DOMESTIC COUNCIL
THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

This memorandum establishes a Council on International Economic Policy. I will serve as Chairman with the addressees as Members. In my absence, the Secretary of State will chair meetings of the Council.

The purposes of the Council are these:

1. Achieve consistency between domestic and foreign economic policy.
2. Provide a clear top level focus for the full range of international economic policy issues; deal with international economic policies -- including trade, investment, balance of payments, finance -- as a coherent whole; and consider the international economic aspects of essentially foreign policy issues, such as foreign aid and defense, under the general policy guidance of the National Security Council.
3. Maintain close coordination with basic foreign policy objectives.



An Executive Director will be designated to help the Council in its operations. He will organize the general secretariat of the Council and be responsible for the staff work. He will have ready access to the President and will initiate projects and call upon staff resources from throughout the Government to augment his own small staff. In collaboration with the members of the Council or designated individuals at the senior political appointee level and pursuant to the directions of the President, his responsibilities will include:

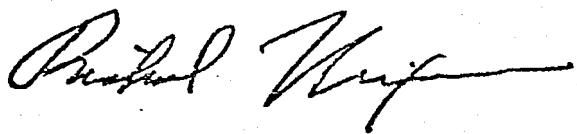
- Develop the agenda and supporting materials for Council meetings and review all papers going to the Council.
- Help develop a sense of direction, strategy and relationship of the parts to the whole of this problem area.
- Establish a work program, including topics, timing and identification of individual assignments and set up task groups on special topics.

An Operations Group will be established, similar to the present Under Secretaries Group but replacing the work of that Group insofar as international economic policy is concerned. Its responsibilities will include:

- Follow up on decisions reached.
- Coordination of actions of the Government where that is necessary.
- Review of operating problems arising out of actions of other Governments or outstanding international economic developments.

The State Department will chair the Operations Group.

Standing or special subcommittees may be added from time to time. To the extent practical the Council shall bring within its structure those existing committees or groups presently dealing within the scope of the Council's work as set forth above.

A handwritten signature in black ink, appearing to read "Rudolf Kuef".

*Ante, p. 644.**Expenses, reimbursement.**Meetings.**Committee termination.**Ante, p. 133.**Confidential information.**83 Stat. 845.
50 USC app.
2406.
Effective date.*

progress with respect to the investigation required by section 4(b) (2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

"(3) Upon request of any member of any such committee, the Secretary may, if he determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

"(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the Chairman, unless the Chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this Act. Each such committee shall be terminated after a period of two years, unless extended by the Secretary for additional periods of two years. The Secretary shall consult each such committee with regard to such termination or extension of that committee."

SEC. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

SEC. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguards provided in section 7(c) of the Export Administration Act of 1969.

SEC. 108. The provisions of this title take effect as of the close of July 31, 1972.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

Citation of title.

SEC. 201. This title may be cited as the "International Economic Policy Act of 1972".

STATEMENT OF PURPOSES

SEC. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

SEC. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

Council on International Economic Policy, establishment.

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CREATION

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(b) (2) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 205. The Council shall be composed of the following members and such additional members as the President may designate:

- (1) The President.
- (2) The Secretary of State.
- (3) The Secretary of the Treasury.
- (4) The Secretary of Defense.
- (5) The Secretary of Agriculture.
- (6) The Secretary of Commerce.
- (7) The Secretary of Labor.
- (8) The Director of the Office of Management and Budget.
- (9) The Chairman of the Council of Economic Advisers.
- (10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 207.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more con-

sistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy.

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

REPORT

International Economic Report,
submittal to Congress.

SEC. 207. (a) The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment; and

(4) a program for carrying out the policy objectives of this title, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

Supplementary
reports to Con-
gress.

SEC. 208. (a) The Executive Director who shall be compensated by the Executive Secretary on Banking, Housing and Urban Affairs Committee on Foreign Affairs Finance of the House of Representatives and currently in office.

(b) (1) With the consent of the Executive Director who may appoint an Executive Director who deems necessary to the Council shall be appointed by the United States Council of Economic Advisors, and shall be subject to the provisions of subchapter I and General Schedule.

(2) With the consent of the Executive Director who may appoint and fix the compensation not to exceed the Executive Salary.

(c) With the consent of the Executive Director who may procure temporary services authorized by section 5102 to exceed the daily rate.

(d) Upon request of the agency to which the Executive Director is authorized to the Council of Economic Advisors.

SEC. 209. The term of office of the Executive Director who may be appointed by the President unless extended by the Congress.

SEC. 210. For the fiscal year 1973.

Approved August 29, 1972.

Public Law 92-412

To amend section 101 of the International Economic Report.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

“§ 2735. Settlement of claims under section 101 of title 10, United States Code.”

“Notwithstanding any other provision of law, no claim under section 101 of title 10, United States Code, shall be conclusive.”

Approved August 29, 1972.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

83 Stat. 863.
Information to
congressional
committees.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

80 Stat. 378.
5 USC 101 et
seq.
5 USC 5101,
5331.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

5 USC 5315.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18.

5 USC 5316.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

80 Stat. 416.
5 USC 5332
note.

SEC. 209. The provisions of this title shall expire on June 30, 1973, unless extended by legislation enacted by the Congress.

Expiration date.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed \$1,400,000 for fiscal year 1973.

Approved August 29, 1972.

Public Law 92-413

AN ACT

To amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

August 29, 1972
[H. R. 5814]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

Armed Forces.
Military claims.
70A Stat. 155.

“§ 2735. Settlement: final and conclusive

“Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive.”

Approved August 29, 1972.



Public Law 93-121
93rd Congress, S. 1636
October 4, 1973

An Act

To amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of International Economic Policy Act of 1972, is amended—

(1) by striking out "(1) The President.";

(2) by redesignating clauses (2) through (7) as clauses (1) through (6);

(3) by inserting after clause (6), as redesignated, the following:

"(7) The Secretary of Transportation."; and

(4) by striking out the last sentence and inserting in lieu thereof the following: "The President shall designate the Chairman of the Council from among the members of the Council."

SEC. 2. Section 209 of the International Economic Policy Act of 1972 22 USC 2848. is amended by striking out "1973" and inserting in lieu thereof "1977". 87 STAT. 447

SEC. 3. Section 210 of the International Economic Policy Act of 1972 is amended by striking out "1973" and inserting in lieu thereof 22 USC 2849. "1974".

SEC. 4. Section 207(a) of the International Economic Policy Act of International 1972 is amended by redesignating paragraph (4) as paragraph (6), Economic by striking out "and" at the end of paragraph (3); and by inserting Report. immediately after paragraph (3) the following new paragraphs; 22 USC 2846.

"(4) a comparative description and analysis of the following subject matter, with respect to the United States, the European Community and principal countries within the European Community, Japan, and whenever applicable, the Union of Soviet Socialist Republics—

"(A) research and development expenditures, and productivity and technological trends in major industrial and agricultural sectors;

"(B) investment patterns in new plant and equipment;

"(C) industrial manpower and training practices;

"(D) tax incentives and other governmental financial assistance;

"(E) export promotion practices;

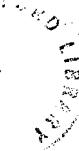
"(F) share of the export market, by area and industrial and agricultural sectors;

"(G) environmental practices;

"(H) antitrust practices; and

"(I) long-range governmental economic planning programs, targets, and objectives;

"(5) a review of the relationship between the United States Government and American private business with respect to the categories of subject matter listed in subparagraphs (A) through (I) of paragraph (4) and any other appropriate areas of information, together with recommendations for appropriate policies and programs in order to insure that American business is competitive in international commerce; and".



October 4, 1973

87 STAT. 448

Executive
Director,
appointment.
86 Stat. 649.
22 USC 2847.

SEC. 5. Notwithstanding the provisions of section 208(a) of the International Economic Policy Act of 1972, any future Executive Director of the Council on International Economic Policy appointed after the date of the enactment of this bill shall be appointed by the President, by and with the advice and consent of the Senate.

Approved October 4, 1973.

Speaker of the House of Representatives.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-318 accompanying H. R. 6548 (Comm. on Banking and Currency) and No. 93-389 (Comm. of Conference).

SENATE REPORTS: No. 93-190 (Comm. on Banking, Housing and Urban Affairs) and No. 93-218 (Comm. on Finance) and No. 93-229 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 119(1973):

June 22, considered and passed Senate.

June 28, considered and passed House, amended, in lieu of H. R. 6548.

Aug. 3, House agreed to conference report.

Sept. 20, Senate agreed to conference report.

After serving as Political Adviser to the Chief of Voice of America in New York (1951-53), Ambassador Porter was Principal Officer, then Deputy Chief of Mission in Rabat (1953-57), and Director of the Office of North African Affairs (1957-60). He was in Arabic language training (1960-61) and was Principal Officer, with the personal rank of Minister, in Algiers (1961-62) before becoming Ambassador to Algeria (1962-65).

Ambassador Porter was Deputy Ambassador to Vietnam, with the personal rank of Ambassador, from 1965 to 1967, and served as Ambassador to Korea from 1967 to 1971.

Ambassador Porter won the President's Award for Distinguished Federal Civil Service in 1967. A year earlier he was presented the Department of State's Distinguished Honor Award.

He is married to the former Eleanore Henry. They have two children.

NOTE: For Press Secretary Ziegler's announcement of the appointment, see page 1708 of this issue.

Economic Policy Officials

*Remarks of Press Secretary Ronald L. Ziegler
Announcing the Continuation in the Second Term of
George P. Shultz as Secretary of the Treasury, Herbert
Stein as Chairman of the Council of Economic Advisers,
and Peter M. Flanigan as Executive Director of the
Council on International Economic Policy, and the
Naming of Secretary Shultz as an Assistant to the
President To Chair a New Council on Economic Policy.
December 1, 1972*

The President has asked me to announce this morning that Secretary George Shultz will continue as Secretary of the Treasury as we start the second term of the Nixon Administration.

Secretary Shultz, as you recall, was one of the original members of President Nixon's Cabinet, serving first as Secretary of Labor. Then in 1970, when the Office of Management and Budget was formed, the President appointed George Shultz the first Director of the OMB.

Prior to joining the Administration, Secretary Shultz was dean of the Graduate School of Business at the University of Chicago, and he had also served several administrations here in Washington in an advisory capacity in the fields of economics and labor relations. It was during one such assignment for President Eisenhower, during the late 1950's, that Mr. Shultz's ability came to the attention of President Nixon. President Nixon, then Vice President, of course, worked with George Shultz during the Eisenhower Administration.

The President has also requested that I announce today that Herbert Stein will remain as Chairman of the Council

of Economic Advisers. Mr. Stein has agreed to stay on. Mr. Stein is the only present member of CEA who has served on the Council since the beginning of this Administration. He assumed the chairmanship in January of 1972. For 2 years prior to 1969, Mr. Stein was a senior fellow at the Brookings Institution, having come there after many years of distinguished service with the Committee for Economic Development.

With regard to the Council on International Economic Policy, which was instituted last year to coordinate affairs in this increasingly important area, the President wishes me to announce this morning that Peter Flanigan will retain his current responsibilities as Director of the Council on International Economic Policy in the second term.

Peter Flanigan, of course, has been a member of the White House staff since the Inauguration, before which time he was in the investment banking business in New York, where he was a long-time personal friend and associate of the President.

There is one further organizational step in the area of economic policy which the President has decided to take. I will give you the basic announcement on this, and then Secretary Shultz, who is here this morning, will elaborate somewhat on the matter which I am about to outline for you.

As President Nixon outlined in some of his statements since the election, it is his aim, in recasting his Administration for the second term, to achieve better coordination in the formation and execution of policy. The President, you may also recall, in his remarks at Camp David on Monday spoke specifically of the delegation of more power to responsible members of the Administration's team in the Cabinet.

Pursuant to this goal, the President is naming Secretary Shultz as an Assistant to the President, in addition to continuing his present duties at the Treasury Department. In this capacity, it is the President's intention that Secretary Shultz will be the focal point and the overall coordinator of the entire economic policy decisionmaking process, both domestically and internationally.

He will, of course, work closely with the Council of Economic Advisers under Herb Stein, and the Council on International Economic Policy under Peter Flanigan. His duties as Assistant to the President will include chairing the new Cabinet-level Council on Economic Policy. The exact make-up of this the Secretary will give to you when he is here in a moment to brief you on his additional assignments.

Also, as a part of these new responsibilities, the Secretary will be available to the President for other assignments or special activities which the President may choose to ask Secretary Shultz to involve himself in.

Before going to your questions, and then to the more detailed briefing by Secretary Shultz, let me simply conclude by saying that President Nixon feels that, with the single exception of national security and defense, he has no higher obligation to the American people than that of pro-

viding the leadership to insure a healthy, prosperous economy in the United States, an economy which will make a better life not only for all Americans, but will contribute to a healthy economy throughout the world.

The President is determined to carry the very significant economic progress of his first term forward in the second term, a term which he anticipates will be a time of increasing challenges as well as increasing opportunities economically. The President is confident that the organizational changes which are announced today will enhance his ability to meet that objective, and he is gratified that a man such as George Shultz, who has the exceptional leadership capability which he has, will take charge of carrying out the new efforts in the second term.

NOTE: Mr. Ziegler made the announcement at his morning news conference at Key Biscayne, Fla., on Friday, December 1, 1972. It was not issued in the form of a White House press release.

For Secretary Shultz's remarks describing the new Council on Economic Policy, see the following item.

Council on Economic Policy

*Remarks of Secretary of the Treasury George P. Shultz
Describing the New Cabinet-Level Council.
December 1, 1972*

This is the first time that I can remember that there has been any show of deference on the part of the Press Secretary. Something must have happened here. It is a new world, I will tell you. (*Laughter*)

I would first like to express my gratitude for the President's continued confidence in me and to say that I will be doing everything I possibly can, working as hard as I possibly can, to merit that continued confidence.

Let me first talk a bit about the Council in terms of the membership; second, a little about the mode of operation of the Council on Economic Policy as I would see it; and, third, about the arrangements for my own personal staffing on this as I at least anticipate it, recognizing that as with everything these matters evolve as they go along and develop as we try to do the sensible thing as we go along.

First of all, I think that you might say the primary membership of the Council on Economic Policy would be the Labor Department, Commerce Department, Agriculture Department, Transportation has a great play in this, and especially when you come to international economic policy the State Department, and within the Executive Office of the President.

In addition to the tremendous job that Mr. Ash will have as Director of the Office of Management and Budget in putting together the budget and working with the President in getting the priorities as expressed in the budget, he will also, of course, be a key member of the Council on Economic Policy, as will the Chairman of the Council of Economic Advisers, the Director of the Council on International Economic Policy, and the Director of the Cost of

Living Council. So that, you might say, is the primary membership, although, depending upon the nature of problems that are being addressed, other people might very well play an important role. It just depends upon the problem, which leads me to the second comment, that is, the mode of operation of the Council. .

No doubt, there will be some meetings of the Council as a whole, but I would regard it more as a kind of working group and depending on the problem we are worrying about and working on, we will put together a working group that will develop policy and follow through on that problem.

In a sense, you could say that the Council on International Economic Policy on the one hand, and the Cost of Living Council, on the other, are examples of, you might say, continuing working groups that worry about essential aspects of policy. So, that is an initial thought about the mode of operation of the Council.

I might say that while I am the Chairman of the Council, the President will always be welcome and I know that he will want to come and take part in many of our meetings. He has expressed himself on many occasions before, but in the many discussions I have had with him, especially in the last two days, his interest in this and involvement in it, domestically and internationally, is very keen.

Third, in terms of personal arrangements—people always are interested in them—I will, of course, maintain my office as Secretary of the Treasury and carry out these responsibilities. I will also have an office in the White House and a very small staff to help me in carrying out the duties as Assistant to the President. My staff will be limited to the number of people that can get into the small amount of White House space that I have been able to bargain out of Mr. Haldeman. (*Laughter*) So, it will be a very small personal staff in working as Assistant to the President, and working out of a White House office.

Well, those are some general comments. I will be glad to take your questions.

NOTE: Secretary Shultz spoke at 11:52 a.m. at Key Biscayne, Fla. Following his opening statement, printed above, he answered questions from reporters. The question-and-answer session was also included in the White House press release.

For the announcement of the naming of Secretary Shultz to chair the Council, see the preceding item.

Death of Neil H. McElroy

Statement by the President. December 1, 1972

With the death of Neil H. McElroy, the United States has lost an outstanding citizen, the American people have lost a dedicated public servant, and I have lost a valued friend and associate.

Neil McElroy served his country in many ways. He was a highly successful executive, an active civic and community leader, a strong and resourceful Secretary of Defense in the Eisenhower Administration, and—most recently—a

THE WHITE HOUSE

WASHINGTON

February 2, 1973

MEMORANDUM FOR: THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF LABOR
THE SECRETARY OF TRANSPORTATION
DIRECTOR, OFFICE OF MANAGEMENT
AND BUDGET
CHAIRMAN, COUNCIL OF ECONOMIC
ADVISERS
DIRECTOR, COST OF LIVING COUNCIL
EXECUTIVE DIRECTOR, COUNCIL ON
INTERNATIONAL ECONOMIC POLICY

SUBJECT: COUNCIL ON ECONOMIC POLICY

To help ensure better coordination in the formation and execution of economic policy, there is hereby created a Council on Economic Policy.

This Council shall consist of the addressees of this Memorandum, an Assistant to the President, and such other members as I may from time to time designate.

The Assistant to the President that I shall designate shall serve as Chairman of the Council and may invite any official of the Government who is not a member thereof to participate in its deliberations.

The Council shall perform such functions relating to economic policy as the President or the Chairman of the Council may from time to time specify.

Richard Nixon

2/5/73 copy of memo to all on this list with a copy of attached memo by WH management

THE WHITE HOUSE

WASHINGTON

February 2, 1973

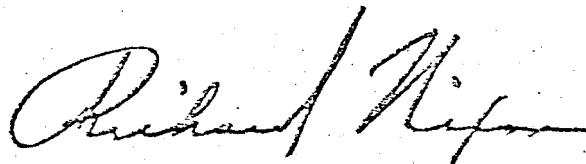
MEMORANDUM FOR

THE HONORABLE GEORGE P. SHULTZ
ASSISTANT TO THE PRESIDENT

I have today formally established the Council on Economic Policy in order to help ensure better coordination in the formation and execution of economic policy.

In accordance with the provisions of my Memorandum creating the Council, I hereby designate you to serve as Chairman.

By copy of this Memorandum, the other members of the Council are being notified of this action.



cc: The Secretary of State
The Secretary of Agriculture
The Secretary of Commerce
The Secretary of Labor
The Secretary of Transportation
Director, Office of Management and Budget
Chairman, Council of Economic Advisers
Director, Cost of Living Council
Executive Director, Council on International
Economic Policy

2/5/73 to George Shultz by WH messenger (receipt)

was appointed to the new position of Assistant Secretary for Education in the Department of Health, Education, and Welfare on October 17, 1972.

Dr. Ottina has served as Acting Commissioner since November 1, 1972, and has been Deputy Commissioner of Education for Planning, Evaluation and Management since January 1972. From December 1970 to January 1972, he was Deputy Commissioner of Education for Development.

Prior to joining the Department of HEW, Dr. Ottina was chairman of the board and president of Worldwide Information Systems, a subsidiary of King Resources Co. in Los Angeles. He served concurrently as executive vice president of the computer systems division of King Resources Co. From February 1958 to May 1969 he was vice president of the Systems Development Corp. in Santa Monica, Calif.

Dr. Ottina was born on November 5, 1931, in Los Angeles, Calif. He received his B.A. in 1953 and M.A. in 1956 from the University of California at Los Angeles. From 1954 to 1956 he was a secondary school teacher in the Los Angeles city schools. Dr. Ottina received his Ph. D. in educational psychology from UCLA in 1964. After receiving his M.A. degree, he was a mathematical engineer with Lockheed Aircraft in Burbank, Calif., from June 1956 to February 1958.

He is married to the former Martha Jean Furst. They have three sons and reside in Reston, Va.

In 1949, she established Welcome Home, which later became the Pearl S. Buck Foundation, to aid in the adoption of Asian children and provide for their welfare in foundation centers.

The statement was made available by the White House Press Office. It was not issued in the form of a White House press release.

East-West Trade Policy Committee

Announcement of Establishment of the Committee March 6, 1973

The President today established the East-West Trade Policy Committee and designated the Chairman of the Council on Economic Policy, George P. Shultz, to serve as Chairman. The President also designated the Secretary of Commerce, Frederick B. Dent, to serve as Vice Chairman of the Committee and as Chairman of the Office of East-West Trade.

The members of the East-West Trade Policy Committee will be:

The Secretary of State (WILLIAM P. ROGERS)
The Secretary of the Treasury (GEORGE P. SHULTZ)
The Secretary of Commerce (FREDERICK B. DENT)
The Assistant to the President for National Security Affairs (HENRY A. KISSINGER)
The Executive Director of the Council on International Economic Policy (PETER M. FLANAGAN)
The Special Representative for Trade Negotiations (AMBASSY WILLIAM D. EBERLE)

James E. Smith, the Deputy Under Secretary of Treasury, will serve as Executive Secretary of the East-West Trade Policy Committee.

Negotiation of major trade initiatives will be handled under the chairmanship of individuals to be designated for the specific negotiation. The President has designated George P. Shultz as Chairman of the United States delegation to the Joint U.S.-U.S.S.R. Commercial Commission.

A working group will be established under the chairmanship of the Under Secretary of the Treasury and include representation from the organizations on the East-West Trade Policy Committee.

Death of Pearl S. Buck

Statement by the President. March 6, 1973

In life Pearl Buck was a human bridge between the civilization of the East and West. With simple eloquence she translated her personal love for the people and culture of China into a rich literary heritage, treasured by Asians and Westerners alike.

She lived a long, full life as artist, wife, mother, and philanthropist. Through her eyes, millions of readers were able to see the beauty of China and its people at a time when direct personal contact was impossible. It is fitting that Pearl Buck lived to see two peoples she loved so much draw closer together during her last years. Mrs. Nixon and I join all Americans in extending our sympathy to her family, and in mourning the passing of a great artist and a sensitive, compassionate human being.

NOTE: Pearl S. Buck, 80, died after a long illness in Danby, Vt., on March 6, 1973.

The daughter of Presbyterian missionaries, she spent her youth in China, and many of her writings dealt with China.

In 1931 she received the Pulitzer Prize for "The Good Earth," and in 1938 she received the Nobel Prize for literature.

Meeting With District of Columbia Police Chief

Informal Remarks of the President and Jerry V. Wiles, Chief, Metropolitan Police Department. March 6, 1973

THE PRESIDENT. I am meeting with the Chief, incidentally, ladies and gentlemen, for two purposes. He

EXECUTIVE ORDER

1/15/74

PRESIDENT'S COMMITTEE ON EAST-WEST TRADE POLICY

By virtue of the authority vested in me as President of the United States of America, it is hereby ordered as follows:

Section 1. The East-West Trade Policy Committee is hereby redesignated as the President's Committee on East-West Trade Policy (hereinafter referred to as the Committee), and is hereby continued. It shall be composed of the following-described members:

- (1) The Counsellor to the President for Economic Policy.
- (2) The Secretary of State.
- (3) The Secretary of the Treasury.
- (4) The Secretary of Commerce.
- (5) The Director of the Office of Management and Budget.
- (6) The Executive Director of the Council on International Economic Policy.
- (7) The Special Representative for Trade Negotiations.

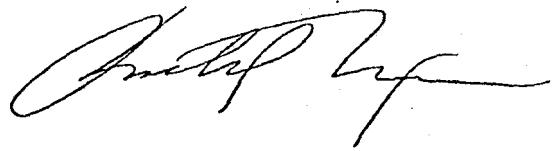
Sec. 2. The Counsellor to the President for Economic Policy is designated Chairman of the Committee. The Secretary of the Treasury and the Secretary of Commerce are designated Co-Vice Chairmen of the Committee and Co-Chairmen of the Office of East-West Trade.

Sec. 3. The Deputy Under Secretary of the Treasury who has been serving as the Executive Secretary of the East-West Trade Policy Committee, or his successor, shall continue to serve in that capacity with the Committee. The working group established by the Executive Secretary



is hereby continued, and shall continue to include representation from the agencies represented on the Committee. The Executive Secretary shall continue to serve as chairman of the working group.

Sec. 4. Negotiation of major trade initiatives shall continue to be handled under the chairmanship of individuals to be designated for the specific negotiations involved.



THE WHITE HOUSE,
June 25, 1974

*Rec'd
Miller*

THE WHITE HOUSE

WASHINGTON

August 15, 1975

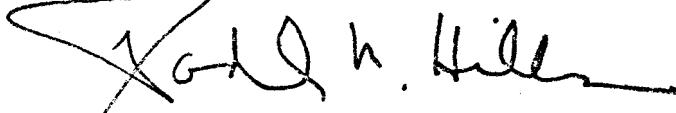
Dear Mr. Miller:

This is in reference to Mr. Philip Buchen's letter to you of July 25, 1975, and copies of letters which have been provided to you by this office from Mr. Buchen to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence Activities, dated July 28, 1975 and August 1, 1975, and from Mr. Buchen to Assistant Attorney General Rex Lee dated August 12, 1975, regarding access by the Committee to certain materials that appear to be "Presidential materials of the Nixon Administration."

Please advise this office in writing by Monday, August 18, 1975, of your decision with respect to the search requested by the Committee in these letters and the Committee subpoena of August 12, 1975 that was directed to Mr. Buchen and Mr. Arthur F. Sampson, the Administrator of General Services.

Your prompt attention to this matter is appreciated.

Sincerely,


Roderick M. Hills
Counsel to the President

Herbert J. Miller, Jr., Esquire
Miller, Cassidy, Larruca and Lewin
2555 M Street, NW., Suite 500
Washington, D.C. 20037

A. PBA

VIA C.F.J.

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JOSEPH S. McCARTHY
COURTNEY A. EVANS
OF COUNSEL

August 18, 1975

Roderick M. Hills, Esquire
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Hills:

I believe the record stands as follows. On June 30, 1975, the Select Committee requested all White House documents and papers relating to certain activities conducted in Chile by the CIA "during the period September 15 to November 3, 1970."

On July 23, 1975, the Select Committee wrote to the Honorable Philip W. Buchen reiterating the request "that all White House and NSC documents and papers (including those of White House or National Security Council officers) relating to Track II activities in Chile be made available to the Select Committee." The letter indicated that the Track II activities were not discussed in the 40 Committee and therefore presumably there would be no 40 Committee minutes or memoranda on Track II. There were, according to the letter, meetings held at the White House between September 15 and November 3, 1970, usually attended by Dr. Kissinger, General Alexander Haig, Thomas Karamessines, and on occasion Richard Helms. The Committee requested "any records of these meetings, the matters discussed, the conclusions reached" be made available to the Select Committee whether within or without the normal White House or NSC document system.

On July 25, 1975, Mr. Buchen notified by letter the counsel for former President Nixon of the Select Committee's

Roderick M. Hills, Esquire
August 18, 1975
Page Two

request. On August 1, 1975, the Select Committee wrote Mr. Buchen indicating they had received Mr. Buchen's letter of July 28, 1975, stating that he had referred the Committee's request to President Nixon's counsel, Herbert J. Miller, Jr. The Committee's letter stated:

"We do not accept your position that the Court order has any effect upon a duly authorized congressional demand for material necessary to an investigation."

Alternatively, the Committee suggested that Mr. Buchen could consent to the search with prior notification to counsel for President Nixon since the search was for "purposes of current government business." The letter from the Committee then stated that "we expect, then, that you and Mr. Miller or one of his agents will forthwith search for and segregate the documents that we have requested. . . ." The Committee stated that the Court Order does not give Mr. Miller the ability to control access to the material.

On August 1, 1975, Mr. Buchen wrote to the Chairman and Vice Chairman of the Select Committee indicating that he had been advised by the Department of Justice "that the order, as it currently stands, prohibits compliance with [the Committee's] request until counsel for Mr. Nixon consents to our undertaking the necessary search and review of Nixon's presidential material." For this reason Mr. Buchen's letter stated he was unable to comply with the Committee's request, indicating that he had thought that Committee counsel, Mr. Schwartz, had agreed that "only a further clarifying order by the Court would enable [Mr. Buchen] to conduct the unilateral search." Mr. Buchen concluded that "under the order of the District Court, we lack the unqualified authority to review unilaterally the documents on the basis of your request."

On or about August 12, 1975, an undated subpoena of the Congress of the United States signed by Frank Church, Chairman, Committee on Intelligence Activities, was served on Philip W. Buchen, requiring him to produce certain specified documents on August 25, 1975. The subpoena demands production of:

Roderick M. Hills, Esquire
August 18, 1975
Page Three

"all dictabelts, tapes, other electronic and mechanical recordings, transcripts, memoranda, notes, minutes, and other material related to:

"A. Activities during the period September 1 to November 3, 1970, directed toward preventing Salvador Allende from assuming the office of President of Chile."

The subpoena requires the search of:

"the Special Files Unit in the Office of Presidential Papers, the files of Richard Nixon, Henry Kissinger, Alexander Haig, Viron Peter Vaky, the 40 Committee, the National Security Council, and the files of all other White House/National Security Council officials and staff who you conclude had knowledge of, or participated in, activities related to Chile during the period September 1 to November 3, 1970."

The subpoena further requires all records from April 1 to December 31, 1970, relating to the Intelligence Evaluation Committee and the Huston Plan including a search of "the Special Files Unit in the Office of Presidential Papers, and the files of Richard Nixon, H. R. Haldeman, John D. Ehrlichman, Egil Krogh, Robert Finch, John Dean, III, and Tom Charles Huston," and "all papers and things (including recordings) which were transmitted to the Office of the Special Prosecutor relating to . . . 'The 1970 Intelligence Plan,' . . . the 'Special Report of the Interagency Committee on Intelligence' and efforts and activities in the period from April 1-December 31, 1970, to coordinate intelligence collection and operations. . . ."

The broad scope of the subpoena obviously requires a massive search through the papers of the former President. In order to comply with this request literally thousands of documents must be reviewed, located in innumerable places throughout the files stored in the White House.

Roderick M. Hills, Esquire
August 18, 1975
Page Four

The broad scope of the subpoena raises the question of whether it is in violation of the Fourth Amendment. This same broad scope renders the subpoena suspect because it requires a broad intrusion into the private and personal files of the former President in violation of his constitutional right to privacy and free speech, and possible intrusion into conversations with his family, doctors and attorney.

The subpoena further totally ignores the constitutionally based Presidential privilege as recently delineated by the Supreme Court in United States v. Nixon, 418 U.S. 683 (1974).

We should not forget that the Senate has earlier attempted to subpoena President Nixon's presidential materials and the Court of Appeals refused to permit the Senate to have access to the materials. Senate Select Committee on Pres. Cam. Act. v. Nixon, 162 U.S. App. D.C. 183, 498 F.2d 725 (1974). The court reviewed the scope of the Committee subpoena in language which is pertinent here:

"The [trial] Court found the subpoena 'too vague and conclusory to permit a meaningful response' and, referring to our intervening opinion in Nixon v. Sirica, held the subpoena 'wholly inappropriate given the stringent requirements applicable where a claim of executive privilege has been raised.'"

Further, the Court ruled that the Senate Committee had not met its burden to overcome the generalized claim of Presidential privilege. Said the Court:

"On the contrary, we think the sufficiency of the Committee's showing must depend solely on whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's functions.

* * *

Roderick M. Hills, Esquire
August 18, 1975
Page Five

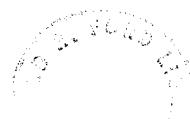
"There is a clear difference between Congress's legislative tasks and the responsibility of a grand jury, or any institution engaged in like functions. While fact-finding by a legislative committee is undeniably a part of its task, legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability, than on precise reconstruction of past events; Congress frequently legislates on the basis of conflicting information provided in its hearings."

Apparently for the first time the Church Committee in its subpoena demands documents relating to the Huston Plan and the Interagency Committee on Intelligence. Some if not all of this material may already have been made available to the House Committee on the Judiciary in its impeachment inquiry. See, e.g., Statement of Information Book VII - Part 1, House Com. on Jud., 93rd Cong., 2nd Sess., pp. 375, et seq.

Since Congress may already have the documents subpoenaed the Church Committee subpoena may be as the Senate Committee subpoena was in Senate Select Com. on Pres. Cam. Act. v. Nixon, supra, "from a congressional perspective, merely cumulative. Against a claim of privilege, the only interest that the Select Committee can currently assert is that of having these particular conversations scrutinized simultaneously by two committees" 162 U.S. App. D.C. at 190. The court declined to enforce the congressional subpoena.

The Committee's request for papers which have been transmitted to the Office of the Special Prosecutor should be troublesome to the Department of Justice. It has been a long tradition that Congress will not involve itself in ongoing investigations -- a tradition which respects the rights of those under investigation as well as the Prosecutor.

As I am sure you are aware, the search necessary to comply with the subpoena will, if accomplished by Mr. Buchen, cause a massive invasion of the former President's right to privacy and totally ignores constitutionally based privileges. Regardless of the desires of the Senate Select Committee, I



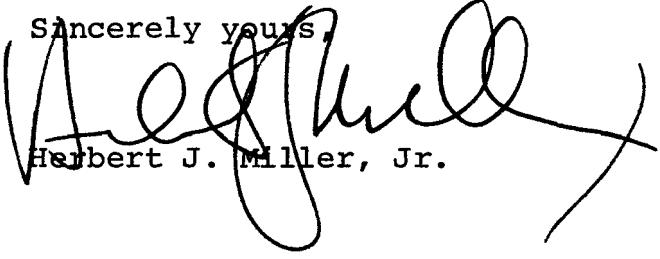
Roderick M. Hills, Esquire
August 18, 1975
Page Six

would expect Mr. Buchen would have no personal desire to listen to or read Mr. Nixon's private thoughts as expressed in his diary. But that is what Mr. Buchen will do if he complies with the subpoena.

None of the above faces the serious constitutional issue raised by the Select Committee subpoena which transgresses the separation of powers doctrine.

Since according to Mr. Buchen's correspondence he has been advised by the Department of Justice that to comply with the subpoena would violate the outstanding court order, it would seem Mr. Buchen has no course other than to resist the subpoena. I, of course, cannot, for the reasons stated consent to a search by Mr. Buchen.

Sincerely yours,


Herbert J. Miller, Jr.

HJM/psb

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August 18, 1975

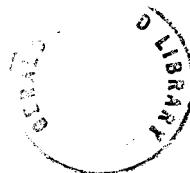
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Dear Mr. Hills:

I believe the record stands as follows. On June 30, 1975, the Select Committee requested all White House documents and papers relating to certain activities conducted in Chile by the CIA "during the period September 15 to November 3, 1970."

On July 23, 1975, the Select Committee wrote to the Honorable Philip W. Buchen reiterating the request "that all White House and NSC documents and papers (including those of White House or National Security Council officers) relating to Track II activities in Chile be made available to the Select Committee." The letter indicated that the Track II activities were not discussed in the 40 Committee and therefore presumably there would be no 40 Committee minutes or memoranda on Track II. There were, according to the letter, meetings held at the White House between September 15 and November 3, 1970, usually attended by Dr. Kissinger, General Alexander Haig, Thomas Karamessines, and on occasion Richard Helms. The Committee requested "any records of these meetings, the matters discussed, the conclusions reached" be made available to the Select Committee whether within or without the normal White House or NSC document system.

On July 25, 1975, Mr. Buchen notified by letter the counsel for former President Nixon of the Select Committee's



Roderick M. Hills, Esquire
August 18, 1975
Page Two

request. On August 1, 1975, the Select Committee wrote Mr. Buchen indicating they had received Mr. Buchen's letter of July 28, 1975, stating that he had referred the Committee's request to President Nixon's counsel, Herbert J. Miller, Jr. The Committee's letter stated:

"We do not accept your position that the Court order has any effect upon a duly authorized congressional demand for material necessary to an investigation."

Alternatively, the Committee suggested that Mr. Buchen could consent to the search with prior notification to counsel for President Nixon since the search was for "purposes of current government business." The letter from the Committee then stated that "we expect, then, that you and Mr. Miller or one of his agents will forthwith search for and segregate the documents that we have requested. . . ." The Committee stated that the Court Order does not give Mr. Miller the ability to control access to the material.

On August 1, 1975, Mr. Buchen wrote to the Chairman and Vice Chairman of the Select Committee indicating that he had been advised by the Department of Justice "that the order, as it currently stands, prohibits compliance with [the Committee's] request until counsel for Mr. Nixon consents to our undertaking the necessary search and review of Nixon's presidential material." For this reason Mr. Buchen's letter stated he was unable to comply with the Committee's request, indicating that he had thought that Committee counsel, Mr. Schwartz, had agreed that "only a further clarifying order by the Court would enable [Mr. Buchen] to conduct the unilateral search." Mr. Buchen concluded that "under the order of the District Court, we lack the unqualified authority to review unilaterally the documents on the basis of your request."

On or about August 12, 1975, an undated subpoena of the Congress of the United States signed by Frank Church, Chairman, Committee on Intelligence Activities, was served on Philip W. Buchen, requiring him to produce certain specified documents on August 25, 1975. The subpoena demands production of:

Roderick M. Hills, Esquire
August 18, 1975
Page Three

"all dictabelts, tapes, other electronic and mechanical recordings, transcripts, memoranda, notes, minutes, and other material related to:

"A. Activities during the period September 1 to November 3, 1970, directed toward preventing Salvador Allende from assuming the office of President of Chile."

The subpoena requires the search of:

"the Special Files Unit in the Office of Presidential Papers, the files of Richard Nixon, Henry Kissinger, Alexander Haig, Viron Peter Vaky, the 40 Committee, the National Security Council, and the files of all other White House/National Security Council officials and staff who you conclude had knowledge of, or participated in, activities related to Chile during the period September 1 to November 3, 1970."

The subpoena further requires all records from April 1 to December 31, 1970, relating to the Intelligence Evaluation Committee and the Huston Plan including a search of "the Special Files Unit in the Office of Presidential Papers, and the files of Richard Nixon, H. R. Haldeman, John D. Ehrlichman Egil Krogh, Robert Finch, John Dean, III, and Tom Charles Huston," and "all papers and things (including recordings) which were transmitted to the Office of the Special Prosecutor relating to . . . 'The 1970 Intelligence Plan,' . . . the 'Special Report of the Interagency Committee on Intelligence' and efforts and activities in the period from April 1-December 31, 1970, to coordinate intelligence collection and operations. . . ."

The broad scope of the subpoena obviously requires a massive search through the papers of the former President. In order to comply with this request literally thousands of documents must be reviewed, located in innumerable places throughout the files stored in the White House.

Roderick M. Hills, Esquire
August 18, 1975
Page Four

The broad scope of the subpoena raises the question of whether it is in violation of the Fourth Amendment. This same broad scope renders the subpoena suspect because it requires a broad intrusion into the private and personal files of the former President in violation of his constitutional right to privacy and free speech, and possible intrusion into conversations with his family, doctors and attorney.

The subpoena further totally ignores the constitutionally based Presidential privilege as recently delineated by the Supreme Court in United States v. Nixon, 418 U.S. 683 (1974).

We should not forget that the Senate has earlier attempted to subpoena President Nixon's presidential materials and the Court of Appeals refused to permit the Senate to have access to the materials. Senate Select Committee on Pres. Cam. Act. v. Nixon, 162 U.S. App. D.C. 183, 498 F.2d 725 (1974). The court reviewed the scope of the Committee subpoena in language which is pertinent here:

"The [trial] Court found the subpoena 'too vague and conclusory to permit a meaningful response' and, referring to our intervening opinion in Nixon v. Sirica, held the subpoena 'wholly inappropriate given the stringent requirements applicable where a claim of executive privilege has been raised.'"

Further, the Court ruled that the Senate Committee had not met its burden to overcome the generalized claim of Presidential privilege. Said the Court:

"On the contrary, we think the sufficiency of the Committee's showing must depend solely on whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's functions.

* * *

Roderick M. Hills, Esquire
August 18, 1975
Page Five

"There is a clear difference between Congress's legislative tasks and the responsibility of a grand jury, or any institution engaged in like functions. While fact-finding by a legislative committee is undeniably a part of its task, legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability, than on precise reconstruction of past events; Congress frequently legislates on the basis of conflicting information provided in its hearings."

Apparently for the first time the Church Committee in its subpoena demands documents relating to the Huston Plan and the Interagency Committee on Intelligence. Some if not all of this material may already have been made available to the House Committee on the Judiciary in its impeachment inquiry. See, e.g., Statement of Information Book VII - Part 1, House Com. on Jud., 93rd Cong., 2nd Sess., pp. 375, et seq.

Since Congress may already have the documents subpoenaed the Church Committee subpoena may be as the Senate Committee subpoena was in Senate Select Com. on Pres. Cam. Act. v. Nixon, supra, "from a congressional perspective, merely cumulative. Against a claim of privilege, the only interest that the Select Committee can currently assert is that of having these particular conversations scrutinized simultaneously by two committees" 162 U.S. App. D.C. at 190. The court declined to enforce the congressional subpoena.

The Committee's request for papers which have been transmitted to the Office of the Special Prosecutor should be troublesome to the Department of Justice. It has been a long tradition that Congress will not involve itself in on-going investigations -- a tradition which respects the rights of those under investigation as well as the Prosecutor.

As I am sure you are aware, the search necessary to comply with the subpoena will, if accomplished by Mr. [redacted] cause a massive invasion of the former President's right to privacy and totally ignores constitutionally based privilege. Regardless of the desires of the Senate Select Committee, !

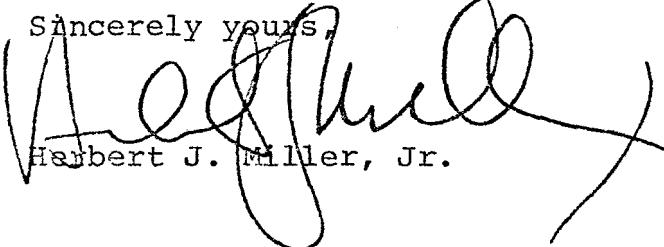
Roderick M. Hills, Esquire
August 18, 1975
Page Six

would expect Mr. Buchen would have no personal desire to listen to or read Mr. Nixon's private thoughts as expressed in his diary. But that is what Mr. Buchen will do if he complies with the subpoena.

None of the above faces the serious constitutional issue raised by the Select Committee subpoena which transgresses the separation of powers doctrine.

Since according to Mr. Buchen's correspondence he has been advised by the Department of Justice that to comply with the subpoena would violate the outstanding court order, it would seem Mr. Buchen has no course other than to resist the subpoena. I, of course, cannot, for the reasons stated consent to a search by Mr. Buchen.

Sincerely yours,



Herbert J. Miller, Jr.

HJM/psb

UNITED STATES OF AMERICA
Congress of the United States

To Philip W. Buchen
Counsel to the President
White House
Washington, D.C.

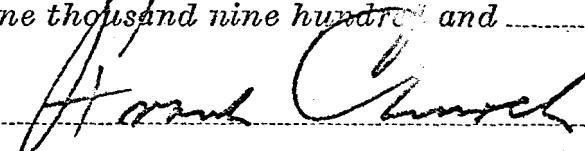
, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the Select Committee on Intelligence Activities of the Senate of the United States, on August 25, 1975, at 9:00 o'clock a.m., at their committee room (G-308) Dirksen Office Bldg., First & "C" Sts., Washington, D.C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and to bring with you all of the materials in your custody, possession, or control, or to which you have access, listed in Attachment A hereto.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To _____
to serve and return.

Given under my hand, by order of the committee, this _____ day of _____, in the year of our Lord one thousand nine hundred and _____


Howard C. Chayes
Chairman, Committee on Intelligence Activities

Any and all dictabelts, tapes, other electronic and mechanical recordings, transcripts, memoranda, notes, minutes, and other material related to:

A. Activities during the period September 1 to November 3, 1970, directed toward preventing Salvador Allende from assuming the office of President of Chile.

1. This request includes but is not limited to:

(a) materials related to all meetings on the subject (e.g., the September 15, 1970 meeting at the White House between President Richard Nixon and Director Richard Helms; the September 18, 1970 meeting at the White House between Henry Kissinger and Thomas Karamessines; the September 22, 1970 meeting at the White House attended by Henry Kissinger, Alexis Johnson, David Packard, Richard Helms, Thomas Moorer, Viron Peter Vaky, John Irwin, and Thomas Karamessines; the October 15, 1970 meeting at the White House attended by Henry Kissinger, Alexander Haig, and Thomas Karamessines); meetings of the so-called 40 Committee or the National Security Council, and any and all other meetings or conversations during this time with personnel of the Central Intelligence Agency, other government agencies or private U.S. companies related to Chile:

(b) proposals for or reports on activity relating to Chile, including plans for a military coup, the passage of machine guns, other weapons, gas masks, gas cannisters, or the kidnapping or death of General Rene Schneider, the bribery of Chilean politicians, the use of propaganda, including media personnel on the payroll of the Central Intelligence Agency, and the use of private business interests.

2. Files which should be searched include the Special Files Unit in the Office of Presidential Papers, the files of Richard Nixon, Henry Kissinger, Alexander Haig, Viron Peter Vaky, the 40 Committee, the National Security Council, and the files of all other White House/National Security Council officials and staff who you conclude had knowledge of, or participated in, activities related to Chile during the period September 1 to November 3, 1970.

B. Activities during the period April 1-December 31, 1970, relating to the so-called Huston Plan and the Intelligence Evaluation Committee.

1. This request includes but is not limited to all materials related to events described under the heading "The 1970 Intelligence Plan" in President Nixon's statement of May 22, 1973; the origin and disposition of the "Special Report of the Interagency Committee on Intelligence (Ad Hoc)" prepared for President Nixon and dated June 1970; and efforts and activities in the period April 1-December 31, to coordinate intelligence collection and operations with respect to domestic groups or individuals or to relax restraints on such collection and operations. Examples of materials within these categories include but are not limited to:

(a) materials related to meetings in April 1970 to evaluate the need for intelligence on domestic violence and unrest in which Mr. Ehrlichman, Mr. Krogh, or Mr. Huston participated;

(b) report(s) received by the White House in the period May-June 1970 by the Central Intelligence Agency regarding revolutionary youth activities;

(c) materials relating to meetings on June 5, 1970, to discuss intelligence coordination and intelligence collection among or between President Nixon, Mr. Hoover, Mr. Helms, General Bennett, Admiral Gayler, Mr. Ehrlichman, Mr. Finch or Mr. Huston;

(d) materials relating to the decision by President Nixon to approve the recommendations made by Mr. Huston in Mr. Huston's memorandum titled "Operational Restraints on Intelligence Collection", which Mr. Huston sent to Mr. Haldeman in early July 1970;

(e) communications in the period from July 23, 1970, to July 28, 1970, among or between President Nixon, Attorney General Mitchell, Mr. Hoover or Mr. Haldeman with respect to the implementation of the recommendations made by Mr. Huston in Mr. Huston's memorandum referred to in Item d above, or with respect to the views of Mr. Hoover or Mr. Mitchell regarding such implementation;

(f) materials related to the decision by President Nixon to recall the memorandum by Mr. Huston dated July 23, 1970, titled "Domestic Intelligence" and sent to Mr. Hoover, Mr. Helms, General Bennett, and Admiral Gayler, with copies to President Nixon and Mr. Haldeman;

(g) materials related to the conversation on or about September 17, 1970, between Mr. Mitchell and Mr. Dean regarding the creation of an interagency intelligence unit, including any instructions, guidelines or advice given to Mr. Dean in anticipation of such conversation;

(h) materials related to the creation in or before December 1970 of the Intelligence Evaluation Committee.

2. Files which should be searched include the files of the Special Files Unit in the Office of Presidential Papers, and the files of Richard Nixon, H. R. Haldeman, John D. Ehrlichman, Egil Krogh, Robert Finch, John Dean, III, and Tom Charles Huston.

3. This request also includes all papers and things (including recordings) which were transmitted to the Office of the Special Prosecutor relating to (a) the events described under the heading "The 1970 Intelligence Plan," in President Nixon's statement of May 22, 1973, (b) the origin and disposition of the "Special Report of the Interagency Committee on Intelligence (Ad Hoc)" prepared for President Nixon and dated June 1970, and (c) efforts and activities in the period from April 1-December 31, 1970, to coordinate intelligence collection and operations with respect to domestic groups or individuals or to relax restraints on such collection and operations.



[ca. 8/26/75]

Ford said to limit Nixon files access

By MURIEL DOBBIN
Washington Bureau of The Sun

Washington—Senator Frank Church (D., Idaho), chairman of the Senate intelligence committee, yesterday charged the White House was giving "privileged status" to the papers of former President Nixon by limiting congressional access to files about Central Intelligence Agency operations in Chile.

According to Senator Church, Philip W. Buchen, a presidential adviser, indicated at a meeting with the Senate committee that the White House might claim executive privilege regarding information about the assassination of Gen. Rene Schneider, Chilean chief of staff.

General Schneider reportedly died as the result of CIA activities ordered by Mr. Nixon in a futile attempt to prevent Salvador Allende, a Marxist, from being elected president of Chile in 1970.

A White House spokesman flatly denied that any favorable treatment was being afforded Mr. Nixon's papers, and stressed that the Ford administration was anxious to co-operate with the intelligence investigation.

The spokesman added that material relevant to the Nixon policy on Chile—not restricted by court order—had been turned over to Senator Church by Mr. Buchen.

The Senate committee recently subpoenaed both the Chilean material and matters relating to the so-called Huston plan, drawn up by a former Nixon aide, Tom Charles Huston, through which the Nixon

administration sought to make illegal domestic use of the CIA.

This plunged the committee into the legal morass in which the Nixon papers are embedded while a judicial decision is reached on whether such documents are owned by the government or the former president.

Representing the White House, Mr. Buchen pledged compliance if the United States District Court rules that the Nixon files should be searched for the papers requested by the Senate committee, now probing the chain of command in illegal intelligence operations.

However, Mr. Buchen noted yesterday that such compliance could take months, even given a speedy court decision, because of the time needed to search "hundreds and thousands" of documents to determine which were relevant.

Senator Church said he was "disturbed" by the White House position that it would reserve the right to determine what information from the Nixon files on Chilean operations should be turned over to the investigating committee.

The chairman noted that the Ford administration had not tried to withhold any papers from the files of the John F. Kennedy administration regarding CIA operations in Cuba.

"It is quite wrong that all papers relating to Cuban activities should be available but a privileged status is bestowed on President Nixon," Mr. Church commented.

The Idaho Democrat urged



FRANK CHURCH
charges White House

that the White House "reconsider" its stance by the time Mr. Buchen reports back to the committee next week.

It is hoped that by then the district court will decided whether even the White House will be allowed to examine the Nixon files while such material is the subject of legal action.

Mr. Nixon's attorneys are expected to oppose such access. The former president contends that only he or his family should have the right to determine what will be released.

Senator Church emphasized that any delay resulting from the Nixon problem would not affect completion of the Senate committee's interim report on CIA involvement in political assassination plots, due next month.

Senate hearings will also open in September, at which the intelligence agency's domestic activities will be examined, at least partially, in public.

In the na

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Detroit (AP)—have uncovered James R. Hoffa, former Teamster a car owned by Anthony (Tony Jack Detroit Mafia fig to a copyrighted day's editions o Free Press.

The newspaper experts using do work in kidnap officials to beli Hoffa recently h back seat and t owned by Joseph The car was Mr. Hoffa's foste L. O'Brien, July Hoffa disappear to Mr. O'Brien alone.

Mr. O'Brien h trial figure in the and was subpoena appear before a jury in Detroit W

FBI agents c younger Giacalone August 9 to the front seat. I be fish blood, a had maintained.

FBI investiga three dogs to det was any trace scent in the car, told the Free P

'Jack the I killer fear

Miami (AP)—Ripper" type of loose in the Miami medical examiner

Epidemic alert issued in Portland

Church Lntc.

August 28, 1975

3:25

Mr. Hills:

Herb Miller called with reference to the article in the Washington Post this morning. He said he thinks the White House is being misused by Senator Church. He wanted to touch base with you and see if he could be of some help.

MWT
10/1

THE WHITE HOUSE

WASHINGTON

September 24, 1975

Dear Mr. Miller:

Enclosed is a copy of a letter to me from David Aaron of the Senate Select Intelligence Committee requesting documents which may be among the Presidential Materials of the Nixon Administration, and subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518.

In accordance with said Order, we would appreciate your promptly advising us as to whether you consent to this request for copies of these materials.

Sincerely yours,

James A. Wilderotter

James A. Wilderotter
Associate Counsel
to the President

Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
Suite 500
2555 M Street, N.W.
Washington, D.C. 20037

bcc: Honorable Henry S. Ruth, Jr.
Honorable Philip W. Buchen
(w/c ltr. from David Aaron)



FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
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WALTER D. HOLLOWELL, KY.
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CHARLES MCC. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERIC A. O. SCHWARTZ, JR., CHIEF COUNSEL
CURTIS P. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

September 5, 1975

The Honorable James A. Wilderotter
Associate Counsel to the President
The White House
Washington, D.C.

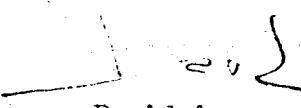
Dear Mr. Wilderotter: *Vim*

In connection with the inquiry into the IRS Special Services Staff, a subject which was included within the Notification sent forward to the IRS on June 23, 1975, we would appreciate your supplying the following documents:

1. A memorandum from Patrick Buchanan to the President written in the first half of 1969 regarding the desirability of having the IRS look at tax exempt left-wing organizations.
2. A copy of the minutes of a meeting held in IRS July 24, 1969, to organize the Special Services Staff, reportedly sent to the White House by Roger Barth shortly after the meeting.
3. Any other White House documents pertaining to the Special Services Staff as such, or to the use or possible use of the IRS to examine ideological, activist or militant organizations or individuals.

Since these documents are needed in connection with hearings now scheduled for the last week in September, the earliest possible response to this request would be appreciated.

Sincerely,


David Aaron
Task Force Director



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D.C. 20037

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. McCARTHY
COURTNEY A. EVA
ANDREW F. OENMA
OF COUNSEL

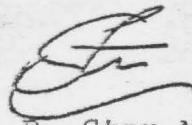
November 14, 1975

Philip W. Buchen, Esquire
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Phil:

As I promised I am enclosing a copy of Jack's letter to Frederick Schwarz which outlines the terms under which former President Nixon is prepared to meet with the ranking members of the Senate Select Committee on Intelligence Activities to discuss a variety of topics set forth in a letter from the Committee to Jack dated October 9, 1975. You have previously received a copy of that correspondence.

Sincerely,



R. Stan Mortenson

RSM/tc
Enclosure



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D.C. 20037

AREA CODE 202
TELEPHONE 293-8400

FREDERIC L. MILLER, JR.
JOHN J. CASSIDY
PAUL W. J. LARROCA
NATHAN A. LEWIN
MATTHEW D. MACKER
WILLIAM H. JEFFRESS, JR.
R. STAN MORTENSON
THOMAS J. CARP

JOSEPH G. MC
COLLPATRICK E.
ANDREW F. OEH
OF COUNSEL

November 13, 1975

Frederick A. O. Schwarz, Jr., Esq.
Chief Counsel
United States Senate
Select Committee to Study Governmental
Operations with Respect to
Intelligence Activities
Washington, DC 20510

Dear Fritz:

With respect to the former President's decision voluntarily to provide the Senate Committee with information it seeks, I have reviewed with Mr. Nixon your letter of October 9. It is clear from the description of topics and questions listed in the letter that apart from the Committee's interest in the former President's opinions and advice concerning legislative action contemplated by the Committee, the Committee's stated interest in the former President's testimony pertains to matters which are subject to the presidential privilege of confidentiality as described by the Supreme Court in United States v. Nixon. Therefore, it would be totally inappropriate for Mr. Nixon to agree in advance to waive the privilege of confidentiality in order to respond to whatever questions might be put. However, in an effort to assist the Committee in fulfilling its legislative responsibilities, Mr. Nixon has agreed that in general, and under appropriate arrangements, he will respond to the Committee's questions on the matters referred to in your letter to the extent that they call for factual



Frederick H. O. Schwarz, Jr., Esq.

November 13, 1975

Page 3

information within his knowledge or for his opinions or recommendations with respect to possible legislation. Of course, Mr. Nixon necessarily reserves the right not to discuss particular matters if he concludes that to do so would constitute an unwarranted breach of presidential privilege. In addition, Mr. Nixon believes that it would be in derogation of the separation of powers for him to be required to respond to congressional questions concerning the executive's decision-making process or the basis for actions he took as President, and thus believes that answers to such inquiries are not warranted.

Mr. Nixon's decision to assist the Committee as set forth above is premised, of course, upon our agreeing to appropriate arrangements for the Committee's receipt of the information he is willing to provide. To this end, Mr. Nixon is prepared to meet informally with the ranking members of the Committee at his office in San Clemente at which time he will respond to the Senators' questions insofar as the guidelines I have described above permit. We assume that a four-hour session will be adequate to complete the Committee's inquiry, but Mr. Nixon is prepared to accommodate the Senators for a somewhat longer period if necessary.

It is Mr. Nixon's position that the separation of powers precludes Congress from requiring any President (or former President) from appearing before it for the purpose of investigating actions taken during his term in office. A President may, of course, voluntarily discuss such matters. Consequently, I believe it is appropriate for the Committee to provide the former President a letter recognizing that he has agreed voluntarily to furnish information to it and that the Committee does not consider this action a waiver of any rights or privileges available to him.

If the arrangements I have outlined above are satisfactory to the Committee, I am prepared to meet with



Frederick A. O. Schwarz, Jr., Esq.
November 13, 1975
Page 3

you to finalize the schedule and other matters and to obtain copies of documents and transcripts of testimony the Senators intend to reply upon, directly or indirectly, in their discussions with the former President.

Sincerely yours,

Herbert J. Miller, Jr.

HJM/tc



EYES ONLY

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f

THE WHITE HOUSE
WASHINGTON

November 26, 1975

MEMORANDUM FOR:

JACK MARSH
BRENT SCOWCROFT

FROM:

PHIL BUCHEN

P.

Attached are copies of the following letters:

1. October 9, 1975, from the Senate Select Committee on Intelligence Activities to Herbert J. Miller as Counsel for former President Nixon.
2. November 13, 1975, from Herbert J. Miller to Frederick Schwarz as Chief Counsel of the Committee.

So far, there is no indication that the Committee has agreed to the terms set-out in the November 13 letter. I am also advised that if the Committee does agree to the terms, the actual meeting with Mr. Nixon at San Clemente will probably not take place until January.

As you will note, the only reference to documents needed by Mr. Nixon to prepare for the meeting involve relevant documents already in the posession of the Committee including transcripts of testimony by others, and the Committee would furnish copies thereof to Mr. Nixon.

Attachments

LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D.C. 20037

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
R. STAN MORTENSON
THOMAS S. CARR

AREA CODE 202
TELEPHONE 293-8400

JOSEPH S. McCARTHY
COURTNEY A. EVANS
ANDREW F. OEHMANN
OF COUNSEL

November 13, 1975

Frederick A. O. Schwarz, Jr., Esq.
Chief Counsel
United States Senate
Select Committee to Study Governmental
Operations with Respect to
Intelligence Activities
Washington, DC 20510

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Frederick A. O. Schwarz, Jr., Esq.

November 13, 1975

Page 2

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Frederick A. O. Schwarz, Jr., Esq.

November 13, 1975

Page 3

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Sincerely yours,

Herbert J. Miller, Jr.

HJM/tc



FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN

PHILIP A. FURT, MICH.
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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

October 9, 1975

Herbert J. Miller, Esq.
Miller, Cassidy, Larroca & Lewin
2555 "M" Street, N.W.
Washington, D.C. 20037

Dear Jack:

I have reported to the Committee on our discussions of September 26, 1975, concerning the Committee's decision to seek testimony from the former President. The Committee was pleased to learn that you confirmed that your client was not unwilling to testify voluntarily. Mr. Smothers and I were instructed by the Committee to pursue further discussions with you concerning both the subjects to be covered in Mr. Nixon's testimony and arrangements for taking the testimony with due regard to Mr. Nixon's health, security and other such personal factors.

As to the scope of the questioning, it would, of course, be limited to matters which: (a) fall within the subjects specifically set forth in Senate Resolution 21 (copy enclosed) at Section 2 and (b) relate either to facts peculiarly within Mr. Nixon's personal knowledge according to testimony and documents already received by the Committee, or his unique expertise as the only living former President of the post World War II era, concerning foreign and domestic intelligence.

It scarcely needs saying that because he served the country as Vice President from 1953 to 1960 and as President from 1969 to 1974, Mr. Nixon is unusually and uniquely qualified to evaluate the intelligence community's performance and the desirability of legislative changes in the structure, function, authority, jurisdiction,



supervision, control and oversight of the community and its constituent agencies. In this regard, the Committee's mandate (Resolution 21, Section 2) specifically charges it "to make a complete investigation and study" of, among other matters:

- (7) Nature and extent of executive branch oversight of all United States intelligence activities.
- (11) The need for improved strengthened or consolidated oversight of United States intelligence activities by the Congress.
- (14) The extent and necessity of overt and covert intelligence activities in the United States and abroad.

The Committee believes that Mr. Nixon's testimony is essential to fulfilling its mandate on these and the similar or related matters appearing, for example, at subparagraphs (8) (need for Charter for National Security Agency and Defense Intelligence Agency), (9) (control of agencies by Executive orders, rules or regulations), and (13) (duplication of expenditure and effort). The Committee anticipates that because its investigation and study of the intelligence agencies is the first such Congressional review in thirty years, it may consider recommending fundamental changes in the operation of these agencies which are so vital to the safety of our country. Before doing so, however, the Committee needs Mr. Nixon's personal views on these matters.

In addition, there are several matters of fact for which Mr. Nixon is the best and indeed perhaps the only source of critical information. For example, in connection with the so-called Huston Plan (see Resolution 21, Section 2(3)), the Committee received testimony in Public Session from Tom Charles Huston that in 1970 when he forwarded to the President a memorandum recommending, among other things, that mail opening and monitoring of telecommunication be authorized (Section 2(10)) he was unaware that such collection methods were already in use



by the agencies. Further, he testified that, as far as he knew, the President was also unaware. The Committee wishes to ask Mr. Nixon. Secondly, other witnesses testified that even after Mr. Nixon rescinded his approval of such collection methods, the agencies nevertheless continued to use them. The Committee needs to know if Mr. Nixon was so informed. Thirdly, the Committee needs to know the reasons the Huston Plan was revoked.

Other matters concerning which Mr. Nixon is desired as a fact witness include discussions, directly or indirectly, between Mr. Nixon and Mr. Helms concerning: (1) domestic dissidents (Operation CHAOS); (2) CIA-NSA Watch Lists; (3) destruction of toxins pursuant to Mr. Nixon's directives of November 26, 1969 and February 14, 1970; and (4) CIA mail opening (see Section 2(1)(4)(5) (6) and 10)), and discussion, directly or indirectly, between Mr. Nixon and Mr. Hoover concerning: (1) surreptitious entry, wiretapping and electronic eavesdropping in national security and intelligence cases, (2) infiltration and disruption of domestic dissident groups (COINTELPRO), (3) FBI Mail Opening, and (4) FBI-NSA Watch Lists (see Section 2(2), (4) and (10)).

We would like to meet again with you to further define the scope of Mr. Nixon's testimony. Meanwhile, we would like to receive from you the statement of subjects you consider irrelevant to the matters covered in the Resolution and, therefore, outside the proper scope of the proposed examination, for the Committee has specifically agreed to your proposal that you furnish such a statement in order to establish appropriate limits for the questioning.

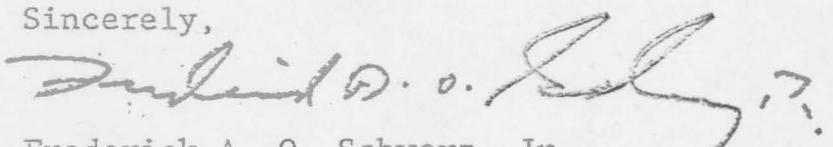
In addition, the Committee agreed to your examining in advance copies of all documents which might be used during the examination. We propose to do so after an agreement has been reached whereby Mr. Nixon will testify.

We are eager to receive your statement as soon

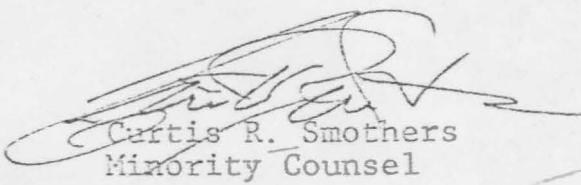


as possible and promptly thereafter to meet again with you.

Sincerely,



Frederick A. O. Schwarz, Jr.
Chief Counsel



Curtis R. Smothers
Minority Counsel



EYES ONLY

THE WHITE HOUSE
WASHINGTON

November 26, 1975

*me in
paper
(per
miss
file)*

MEMORANDUM FOR: JACK MARSH
BRENT SCOWCROFT

FROM: PHIL BUCHEN ✓

Attached are copies of the following letters:

1. October 9, 1975, from the Senate Select Committee on Intelligence Activities to Herbert J. Miller as Counsel for former President Nixon.
2. November 13, 1975, from Herbert J. Miller to Frederick Schwarz as Chief Counsel of the Committee.

So far, there is no indication that the Committee has agreed to the terms set-out in the November 13 letter. I am also advised that if the Committee does agree to the terms, the actual meeting with Mr. Nixon at San Clemente will probably not take place until January.

As you will note, the only reference to documents needed by Mr. Nixon to prepare for the meeting involve relevant documents already in the posession of the Committee including transcripts of testimony by others, and the Committee would furnish copies thereof to Mr. Nixon.

Attachments

