

be particularly helpful, I think, is that while you have—when the Congress initiates legislation there is generally some very considerable and thoughtful investigation and hearings and so forth, and when the Office actually gets into the process of awarding grants and contracts the money for this, that, and the other, this is, we think, a fairly efficient and certainly just system of making awards.

There obviously will be particular examples of bad justice or bad practices and so forth. I don't know about the cases that Dr. Arbuckle just described to you. He may be perfectly correct. I think that there is a process within OE as well as within other agencies in Washington which may be overlooked. That is the process of developing guidelines, which, after all, is a crucial step between the legislation and the awarding of money under the guidelines. I think it is here that the spectre of Federal control, if it ever is going to emerge, will probably emerge first. Ironically, it will emerge in those programs which the Congress has deliberately tried to make as flexible as possible.

Then given all these pressures, these poor fellows are understood to come out with announcements of how you get the money 3 days after the Congress has enacted and the President has finally signed the legislation. The last thing you can really set up in an organizational framework is flexibility, the last you can build into a way of doing things is flexibility.

I am pretty much in the dark, really, about how guidelines are made up. It would seem to be a kind of secretive process, secretive not from the sense that it is deliberately kept from scrutiny but pressures come on, people have decisions to make, deadlines to meet, and a lot of conflicting advice to try to bring into concord one way or another. And they have to go back to their office and hatch something.

Mr. GIBBONS. Let me interrupt you for a moment. We think that perhaps we are going about the legislative process in the wrong manner. We on the congressional end sometimes get the feeling that when somebody has a legislative idea, they turn it into a lot of legalistic terms, what we sometimes call mealy-mouthed words, and they go over and they jockey it through Congress hoping that Congress won't understand it too thoroughly, get the President's signature on it, and then they run back and say, "Oh, boy, look what we got; let us see what we can do with it." And then they put out the guidelines. I think before the legislation comes to Congress there should be some narrative about what they want to accomplish. There should be some guidelines, some regulations, and the package of material should perhaps be at least available for interested Members of Congress and their staffs to study. Then, when we get the legislation passed, there would not be this panicky period that you talk about, where somebody has to figure out what all these words mean. Perhaps I have oversimplified it and I have made it too sarcastic, but I think that is where the problem is.

Mr. HERZOG. I think that is an excellent idea. I would like to see what Joe Young thinks of it. Except one thing, I don't think it would be successful unless you gave the Office another staff to do this.

Mr. GIBBONS. More staff?

Mr. HERZOG. Right. Maybe this particular new assignment or new way of doing it wouldn't require a great many people, but it will be