

While we have reservations about the approach used in title VI, we share your concern about the current multiplicity of narrow grant programs. We believe some consolidation into broader program grants is desirable and have been working with various agencies to explore the possibility of developing such consolidated grants.

Senator MUSKIE. With respect to title VI, I take it your position is neither affirmative nor negative at this point?

Mr. HUGHES. That is correct, Mr. Chairman. First, we are somewhat uncertain as to the impact of title VI, for the reasons that we have mentioned.

Secondly, and we are somewhat embarrassed by this, I am frank to say, we are not certain of the impact of a provision such as title VI on the general and continuing problem of executive-legislative relations.

You may be aware that questions continually arise of the constitutionality and validity of the Reorganization Act procedure, and at least one of the arguments in support of that procedure has centered around the fact that it deals with essentially executive matters; namely, the organization of agencies. This fact gives us some concern in considering whether it is appropriate and constitutional to deal with the amendment of substantive legislation by this kind of a procedure.

Certainly this kind of authority would give the President a very useful tool in accomplishing purposes that you and we agree are desirable.

Senator MUSKIE. May I make two or three observations at this point?

I think you are undoubtedly correct that with some and maybe many Members of this Congress with this proposal you touch a sensitive nerve about the proposition of legislative authority, between the legislative and executive branches.

Second, I think you are also correct in suggesting in your prepared statement that the executive reorganization authority gives some authority to us. And yet I suspect that it has been little used because of the first reason that you just touched upon. It is used in the case of the Department of Housing and Urban Development transfer to the Department of Transportation, I think with the advance approval of the Congress. I think it was understood that there would be some transfer of this kind, because it wasn't possible to work it out legislatively.

Mr. HUGHES. The problem was dealt with in the creation of the Department of Transportation itself, and there was the expectation that there would be a follow-on action of some sort.

Senator MUSKIE. In other words, my feeling is that without additional mandate from the Congress, perhaps in the form we have in this bill, the President is not likely to use the reorganization authority he now has to accomplish this purpose, even though the authority may exist to some degree. Is that an accurate assessment; do you think?

Mr. HUGHES. We certainly would proceed very cautiously, Mr. Chairman. I don't think there is any question about that.

Senator MUSKIE. So the question then which we seek to raise in this legislation is whether or not this is the time for Congress to consider it positively, and to give a positive mandate or reject it.