

If you cannot resolve it, fine. At that point, we have to decide to what degree this did or did not represent a departure from the traditional concept of the Comptroller General's office.

Mr. COLMAN. We will consult with the Comptroller General and his staff, Mr. Chairman, and be in touch with the staff of the subcommittee about this.

Senator MUSKIE. I have some questions that arise out of the testimony yesterday of Mr. Hughes of the Bureau of the Budget.

He pointed out that title VI, providing a method for grant consolidation, gives the President authority to specify the formula or formulas for making grants under the consolidated programs, but does not give him authority to propose changes in eligibility, planning, and other requirements that may be needed.

Do you see the need to give the President this additional authority? If so, would it raise any serious legal questions?

Mr. COLMAN. Yes, sir, we think that the provisions of the title should make clear, if they do not now make clear, that the types of considerations that could enter into a grant consolidation plan might involve such things as planning requirements, eligibility requirements, classes of recipients, and so forth. But I see no legal problem.

The Reorganization Act deals with matters of statutory law, as do the grant programs.

Now, at the risk of analogy, sir, which is always risky, let me advance one that seems to us to be fairly close to the concept proposed here. That is the way that a committee of conference of Congress works. When a committee of conference has two versions of the bill before it, there are the parameters within which the committee hammers out the final version of the legislation. Under this proposed title, the President would have the statutory language of the two, three, or more grant-in-aid programs being considered for consolidation. Those various statutory provisions would be the parameters beyond which he could not go but within which he could operate freely as to formula, as to planning requirements, as to eligibility, and so on.

It is like the banks of a river, the banks being fixed, but the particular course of the channel being flexible.

We would certainly believe that the items Mr. Hughes referred to in his testimony should be within the scope of the President's powers under the bill.

Senator MUSKIE. Mr. Hughes suggested that the authority which title VI would give the President is already contained in large part in the President's Reorganization Act authority. Do you have any view on that?

Mr. COLMAN. Well, if one wants to forget about the word, "formula," and the associated words in the text now, well, certainly, a number of the effects of grant-in-aid consolidation are covered by the Reorganization Act, but only those parts having to do with what agency or unit of an agency shall administer the program. There is no authority, as we understand it, and I think this was implicit in what Mr. Hughes said, there is no authority in the Reorganization Act to take two grant programs and merge the formulas, merge the rules for eligibility, merge the planning requirements, operating within the parameters of the different statutes but not going beyond them. I do not think that is at all permitted under the Reorganization Act of 1949, as amended.