

THE WHITE HOUSE
WASHINGTON

February 18, 1970

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9/8/70

MEMORANDUM FOR MR. CLAY T. WHITEHEAD

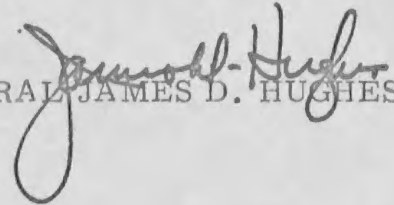
SUBJECT: Office of Telecommunications Policy (OTP)

Reference: (a) Your memo, same subject, dtd Dec 5, 1969
(b) My memo, same subject, dtd Dec 15, 1969

In your memorandum, you suggested that a memorandum from the President be written which would outline the relationship of the OTP with the White House Communications Agency. In my memorandum, I agreed with this approach and suggested that it would be appropriate that such a memorandum be signed prior to, or concurrently with, the publication of the OTP charter.

Based on the transcript of a recent White House Press Conference on the subject, it appears that the OTP could become a reality within the next sixty days. With this in mind, I would like to propose the attached draft of a Presidential memorandum for your consideration. After you have had a chance to look it over, I would like to get together with you and work out the details of the final memorandum.

BRIGADIER GENERAL JAMES D. HUGHES



D R A F T

17 February 1970

SUBJECT: White House Communications Agency (WHCA)

In my memorandum to the Secretary of Defense on April 29, 1969, the Military Assistant to the President was designated as my representative for a point of contact for requirements and giving policy direction to DCA/WHCA concerning Presidential communications.

The establishment of the Office of Telecommunications Policy does not change the above responsibilities of the Military Assistant. However, the Director of Telecommunications Policy is authorized to coordinate with the Military Assistant any DCA/WHCA matters affecting Presidential communications when it is determined that such matters are of mutual concern.

MEMORANDUM FOR THE PRESIDENT

FROM: Peter A. Flanigan

SUBJECT: White House and Presidential Communications Facilities

On February 9, the reorganization plan establishing a new Office of Telecommunications Policy (OTP) in the Executive Office of the President was sent to Congress. In late March or early April you will be appointing a Director for the Office and signing an Executive Order establishing the full scope of the authority and functions of this office.

One important matter will not be resolved in these public documents. That is the role of the Director and the new office with respect to White House and other Presidential communications.

The Director will have broad responsibilities for coordinating and integrating the communications of the Executive Branch of the government. To perform this role effectively, the Director must be aware of the communications requirements of the Presidency, and of the technical characteristics, procedures and plans for Presidential facilities. This is necessary for two reasons.

1. So that the Presidency is supplied with all of the required links to the Executive Branch.

2. To clearly establish in the minds of departmental and other Executive Branch officials that the Director is the President's principal adviser on telecommunications matters.

It is not necessary that the OTP become involved in the day to day operations of the White House Communications Agency, nor that he assume any responsibilities previously delegated to elements of the White House staff. However, it is necessary to clarify:

1. The "need to know" of the Director, OTP with respect to White House and other Presidential communications.

2. The channels for processing recommended changes to White House/Presidential communications facilities or procedures.

The memorandum at Tab A recognizes that the Director, OTP has a valid "need to know" about some aspects of Presidential communications, and requires him to coordinate with the Military Assistant in matters concerning Presidential communications.

Recommendation

That you sign the memorandum at Tab A.

Pse. draft & return

MEMORANDUM FOR

DIRECTOR, OFFICE OF TELECOMMUNICATION
POLICY
MILITARY ASSISTANT TO THE PRESIDENT

SUBJECT: White House and Presidential Communications Facilities

In my memorandum of April 29 to Mr. Laird I indicated that the Military Assistant to the President would be the point of contact in the White House for providing requirements and policy direction to the White House Communications Agency (WHCA). *However,* I recognize that the Director, Office of Telecommunications Policy, will also require some familiarity with White House and Presidential communications systems and plans in order to discharge his responsibilities as my principal telecommunications adviser and as coordinator of all

Executive Branch telecommunications.

no The establishment of the Office of Telecomm. Policy does not change *therefore these responsibilities of the Military Assistant; in particular, he is to have full responsibility for actual operations of Presidential communications activities.*
no Accordingly the Director should ^{is authorized to} coordinate with the Military Assistant ^{any matters concerning Presidential} to the President his needs for information about, and any recommendations for improving, communications provided by the White House Communications Agency when it is determined that such matters are of mutual concern.

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2. To clearly establish in the minds of departmental and other Executive Branch officials that the Director is the President's principal adviser on telecommunications matters.

- 2 -

It is not necessary that the OTP become involved in the day to day operations of the White House Communications Agency, nor that he assume any responsibilities previously delegated to Dr. Kissinger, Colonel Hughes, or other elements of the White House staff. However, it is necessary to clarify:

1. The "need to know" of the Director, OTP with respect to White House and other Presidential communications.

2. The channels for processing recommended changes to White House/Presidential communications facilities or procedures.

It would be appropriate at the same time to recognize that Dr. Kissinger and Mr. Erlichman also have coordination and information handling responsibilities which require them to be concerned with the capabilities and performance of White House and Presidential communications facilities.

I recommend that you issue a memorandum establishing a broad policy concerning need to know and ask that specific privacy requirements be identified and submitted for your approval.

The broad policy guidance should be that:

1. The Assistant to the President for National Security Affairs, the Assistant to the President for Domestic Affairs, and the Director, Office of Telecommunications Policy should have sufficient information about White House and Presidential communications facilities, procedures and plans, to be able to discharge their respective responsibilities.

2. That the above named officials need not be concerned with the day to day operations of the White House Communications Agency (WHCA).

3. That Colonel Hughes continues to be the single channel for providing requirements and direction to the WHCA.

4. That the need for privacy with respect of the use of communications should be respected.

Recommendation

That you sign the memorandum at Tab A establishing your general policy and requesting that specific guidelines be developed for your approval.

Attachment

MEMORANDUM FOR JOHN D. ERLICHMAN
HENRY A. KISSINGER
(DIRECTOR, OTP)
JAMES D. HUGHES
WILLIAM J. HOPKINS

SUBJECT: White House and Presidential Communications Facilities

Communications facilities at the White House, and other communications facilities operated by the White House Communications Agency, perform in several roles. They serve me, they serve several staffs, and they serve all Executive Departments and Agencies in their need to communicate with the White House. I know that all of you are concerned about the design or performance of present and future communications facilities. This is an area in which full and effective coordination is required, with due respect for the privacy each of us should enjoy with respect to our use of the communications facilities.

I have directed that the Military Assistant to the President be the single channel within the White House for providing requirements and day to day operational direction to the White House Communications Agency. In addition, I want each of you to have sufficient information about the White House and other Presidential communications facilities, procedures and plans, to be able to perform your respective responsibilities. I would like Colonel Hughes to develop specific guidelines for achieving this end, to obtain the views of the other addressees on these guidelines, and to submit them for my approval within one month.

Recommendations you may have for improving White House or Presidential communications should be coordinated among yourselves and implemented through the Military Assistant to the President. Any matters which cannot be resolved in this way should be brought to my attention.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 15, 1969

MEMORANDUM FOR MR. CLAY T. WHITEHEAD

SUBJECT: Office of Telecommunications Policy (OTP)

In your 8 December memorandum to me, on the subject, you indicated that you believed that it would be more appropriate to handle the matter of the White House Communications Agency (WHCA) in a memorandum from the President. I agree to your proposed method of handling the relationship between WHCA and OTP. Also, I agree with your thoughts that neither the Director of OTP nor his staff should be involved in WHCA operations in any way. Further, I do not question the statement that the Director be the President's principal advisor on telecommunications matters. I do, however, have some reservations on the degree to which he needs to know about the "needs; capabilities, and activities of WHCA." For example, communications support provided by WHCA to the President basically falls into three categories, as follows:

- a. Personal communications.
- b. Communications in support of the President as the head of the Republican Party.
- c. Those communications in support of the President as the head of state and the Commander in Chief of the Armed Forces.

In viewing the above categories, I believe it is apparent that only the latter of these three categories should be of any direct interest to the Director of OTP. I do not believe that it would serve any useful purpose to have the Director of OTP nor his staff involved in any way with the WHCA needs, capabilities or activities associated with the first two categories.

I would like to suggest that we get together soon to draft a Presidential memorandum to clarify these relationships. Further, I believe it would be appropriate that this memorandum be signed prior to, or concurrently with, the publication of the OTP charter.


COLONEL JAMES D. HUGHES

*Fed Comm
Org.*

December 8, 1969

MEMORANDUM FOR COLONEL HUGHES

Attached for your information is a copy of the final version of our Recommendation on Executive Branch Organization for Telecommunications Matters. You will note that I have adopted many of your suggestions. I have, however, omitted any reference to the White House Communications Agency since I feel that this is not a matter appropriate for discussion and comment throughout the Administration.

I agree only in part with your view that WHCA should be totally outside the purview of the new Office of Telecommunications Policy. Neither the Director of Telecommunications Policy nor his staff should be involved in WHCA operations in any way. However, it is important that the Director be the President's principal adviser on telecommunications matters. It is essential, therefore, that he personally be fully informed about the needs, capabilities, and activities of WHCA.

I believe that the appropriate way to handle this very confidential matter is through an understanding between the President, his immediate staff, his Military Aide, and the Director of Telecommunications Policy. This is more appropriately handled through a memorandum from the President outlining how that matter is to be handled than in an Executive Order establishing organizational responsibilities throughout the executive branch. Such a procedure would provide more flexibility and more confidentiality.

I would welcome any further views you have on this document, since it is now being circulated for comment among the various Federal departments and agencies.

Clay T. Whitehead
Staff Assistant

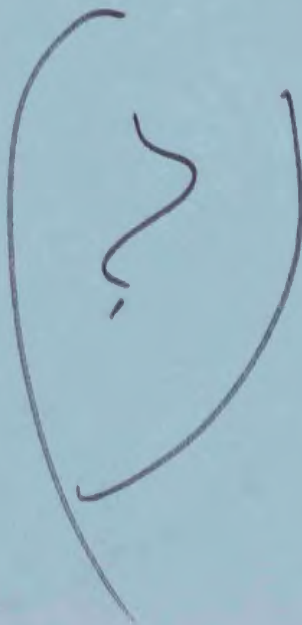
Attachment

cc: Mr. Flanigan
Mr. Kriegsman
Mr. Whitehead
Central Files

CTWhitehead:jm/ed

4/29/69

Memo to
Secy of Defense
from
President



OTP

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF TELECOMMUNICATIONS MANAGEMENT
WASHINGTON, D.C. 20504

OFFICE OF THE DIRECTOR

February 25, 1970

MEMORANDUM FOR DR. CLAY T. WHITEHEAD

Subject: Meeting with Members of the Staff of the House Committee
on Government Operations

Attached for your information is a summary of the meeting of the OTM staff with certain staff members of the Subcommittee on Military Operations.

We have been informed that the Blatnik Hearings are scheduled for 9 and 10 March.

There will probably be an advantage to making the December 6th memorandum available to Representative Blatnik's Committee, inasmuch as the memorandum was made public by Representative Karth. If you like I will be happy to send him a copy.

My preference with respect to the BoB Organization Study is "for it to stay lost." Making the study available without agency comments could only mislead or perhaps cause difficulties with the Reorganization Plan.

I have attached a copy of the Hearings referred to in the attachment wherein the so-called "laundry list" appears. Please note page 249.

W. E. Plummer
W. E. Plummer
Acting

Atchs.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF TELECOMMUNICATIONS MANAGEMENT
WASHINGTON, D.C. 20504

February 24, 1970

MEMORANDUM FOR THE RECORD

Subject: Meeting with Members of the Staff of the House Committee
on Government Operations

At the request of Mr. Herbert Roback, Staff Administrator of the Subcommittee on Military Operations of the subject Committee, Mr. Ralph Clark and Mr. J.R. O'Connell met with Mr. Roback; Mr. Elmer W. Henderson, Counsel for the Subcommittee on Executive and Legislative Reorganization; Mr. Douglas G. Dahlin, Counsel for the Subcommittee on Military Operations; and Mr. James A. Lanigan, General Counsel for the full Committee, for the purpose of discussing background information concerning the Office of Telecommunications and the proposed Reorganization Plan to establish the Office of Telecommunications Policy.

At this meeting the following questions and requests were made:

a. They would like to have someone representing the Executive Branch to testify before the Committee concerning background philosophy and other details which have led to the proposed Reorganization Plan. They would prefer that this person be Dr. Whitehead and not a member of the Bureau of the Budget since they believe that all any member of the Bureau could provide would be the paraphrasing of the Reorganization Plan itself. In a word, they want someone who has been responsible for developing the plans for the new office.

b. They understand there is an internal memorandum, authored by Dr. Whitehead, that was routed throughout certain agencies of the Government prior to the issuance of the Reorganization Plan and would like to obtain copies of it. We informed them that it was our understanding that this memorandum was an internal discussion paper of certain aspects of a proposed reorganization plan and, as such, was not available for publication. Mr. Henderson indicated that he would prepare a letter to BoB Director Mayo requesting that this memorandum be provided to the Committee.

c. In President Johnson's letter of August 14, 1967, in which he established the President's Task Force on Telecommunications Policy,

he charged the BoB to do a study on reorganization in the telecommunications area. The Committee would like to know what were the results of this study.

d. A discussion was held concerning the interest of the Committee in the allocation of frequencies by the Government and to the private sector as managed by the FCC. This discussion consisted of providing information in response to questions concerning details as to how frequencies are allocated.

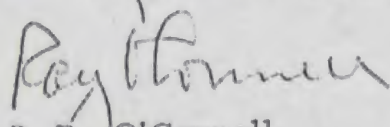
e. They indicated that they wanted someone to answer questions concerning Mr. Peter Flanigan's letter to Chairman Dean Burch on domestic satellites and the details concerning this paper.

f. They inquired as to whether there were any vested interests that will respond negatively to the proposed Reorganization Plan. We informed them that there were none to our knowledge since all parties concerned appeared to agree that the establishing of a separate office was a desirable plan. They read to us the statement of Congressman Gallagher of New Jersey in which he filed a disapproval of the President's Reorganization Plan to create the Office of Telecommunications Policy. (Copy attached)

In response to our questioning, they anticipated that Chairman Blatnik would conduct Hearings within two weeks.

While we were discussing these matters, Mr. Roback stated that Mr. Henderson and Mr. Lanigan would do well to refresh their minds of the issues at stake by reading the testimony of General J. D. O'Connell before the Holifield Committee several years ago at which time he put forth a "laundry list" of things which needed to be done in the telecommunications area.

In general, our meeting was friendly and was prompted by a desire to make known to us what their thinking was concerning the proposed hearings on the Reorganization Plan. In a few words, they favored the proposed plan but believed that the record should show the philosophy and background of the proposed plan.



J. R. O'Connell
Executive Assistant

Atch.

FOR RELEASE: Wednesday, February 18, 1970

GALLAGHER FILES DISAPPROVAL RESOLUTION ON PRESIDENTIAL REORGANIZATION PLAN TO CREATE OFFICE OF TELECOMMUNICATIONS POLICY. AND CITES NECESSITY FOR ASSURANCES ON COMPUTER PRIVACY AND CONGRESSIONAL EQUALITY IN USE OF FEDERAL TELECOMMUNICATIONS SYSTEM.

"Let me immediately make it clear that I believe increased Executive Office concern over telecommunications policy and computer/communications systems is a salutary step and I applaud President Nixon for his initiative. At the same time, however, it is apparent to me that the issue of computer privacy is at least as important as that of increasing the efficiency and economy of Federal computers. In addition, I believe the Congress has been discriminated against in the use of the free phone service provided under the Federal Telecommunications System."

Congressman Gallagher, Chairman of the Right to Privacy Inquiry, has been concerned over the issue of computer privacy since his Special Subcommittee on Invasion of Privacy succeeded in causing a massive reevaluation of the National Data Bank proposal forwarded by the Bureau of the Budget in 1966.

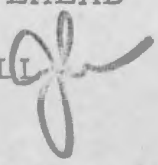
"I am taking this technical step of filing a disapproval resolution to Reorganization Plan No. 1 of 1970, submitted by the President on February 9, not because I believe it is a bad plan or that it is not necessary. Quite the contrary, it is long overdue and the Office of Telecommunications Policy should permit the Federal Establishment to deal better with the dislocations of the new computer technology. But unless it included the issue of privacy, it will probably be outmoded before it is established," Congressman Gallagher continued. "In order to meet our Congressional responsibilities, it is essential that we have the same rights and privileges in the use of free telephones as does Executive Agencies and so I am coupling these two requests together as my grounds for the disapproval resolution. I would hope to be reassured by the Executive that both these issues will

THE WHITE HOUSE

WASHINGTON

March 6, 1970

MEMORANDUM FOR TOM WHITEHEAD

FROM: JOHN CAMPBELL 

The attached was forwarded to Ken Cole for his review.

Would you please review the proposed testimony and if you have any problems with it, please be in contact with Dr. Myron Tribus today.

U. S. DEPARTMENT OF COMMERCE

Statement of Dr. Myron Tribus
Assistant Secretary for Science and Technology
Before the Executive and Legislative Reorganization Subcommittee
of the House Government Operations Committee
on Reorganization Plan No. 1 of 1970
March 9, 1970

Mr. Flanagan
Mr. Whitehead
Should review this and
make sure it is
consistent with
the message
OTP

Mr. Chairman and members of the Subcommittee, I am especially pleased to appear before this Subcommittee on Executive and Legislative Reorganization this morning to support Reorganization Plan No. 1 of 1970, which the President submitted to the Congress on February 9. This plan would establish a new Office of Telecommunications Policy in the Executive Office of the President. The existing office held by the Director of Telecommunications Management would be abolished.

In forwarding Reorganization Plan No. 1 of 1970, the President stated: "It has long been recognized that the Executive Branch of the Federal Government should be better equipped to deal with the issues which arise from telecommunications growth." He further stated that "This plan should result in the more efficient operation of the Government."

In addition to responsibilities which would be assigned to the Office of Telecommunications Policy under the Reorganization Plan itself, the President stated in his message transmitting the Plan to the Congress that he would assign certain other authorities vested in the President and other functions now assigned by Executive Order or Presidential Memorandum to the Office of Telecommunications Policy. In this message he also stated his intention to assign certain responsibilities for support of the Office of Telecommunications Policy to the Secretary of Commerce.

These responsibilities the President would assign to the Secretary of Commerce are as follows:

1. Provide a centralized research and engineering capability for coordination of Federal frequency uses and assignments.
2. Develop and operate a national electromagnetic compatibility analysis facility.
3. Conduct research and analysis in telecommunications sciences.

The Department believes that this support is essential to the successful performance of the duties of the proposed Office of Telecommunications Policy. And the Department stands ready to accept the responsibility for this support. In fulfilling these responsibilities the Department of Commerce would be the primary resource to OTP for technical and economic research and analysis.

The Department is prepared to build upon its existing programs to provide the support needed by the Office of Telecommunications Policy. I would like to give you some flavor of our existing programs in telecommunications technology by mentioning the following research:

A major program is devoted to study of the atmosphere as the propagation medium for radio waves. This program covers the frequency range from a few hertz, or cycles per second, up through the frequencies of visible light. The information obtained in this program is necessary for the proper matching of frequency allocations and assignments to the radio service to be performed. For example, a propagation prediction service offered by the Department enables users to choose the optimum frequency to use over long high-frequency propagation paths at a given future time. Understanding of the propagation medium is also vital to predicting interference between radio systems.

Another major program concerns measurement standards for electronic communications equipment. An example from this program area is the precise measurement of radio antenna characteristics. In designing a radio system it is important to know how much power will be radiated from an antenna in the desired direction, and how much in undesired directions. Such information permits not only prediction of performance of the radio link in question, but prediction of its interference with other nearby radio systems. For example, prediction of the interference between an earth station-to-satellite link and an entirely terrestrial link using the same frequency requires precise knowledge of the antenna characteristics.

Other Department programs in telecommunications include calculation of least-cost ways to interconnect the Government's communications terminals by means of lines leased from the common carriers.

We see three major areas where these capabilities can be expanded to provide meaningful support to OTP in its policy roles. These are, first, direct analytical support on specific issues and continuing operational problems which come before the OTP. The second is in research to support the more direct analysis for OTP. The third area is in the interfaces where telecommunications policy comes into contact with the society as a whole. Let me say a few words about each of these areas.

The centralized research and engineering capability for coordination of Federal frequency uses and assignments mentioned by the President is in the first category, direct analytical support. Within the Federal community allocation and assignment are routinely handled by the Interdepartment Radio Advisory Committee (IRAC). The Commerce Department would improve and maintain the information base upon which these allocations and assignments are made.

The national electromagnetic compatibility analysis center proposed by the President is a further form of direct support to OTP. This center would be responsible for analyzing present and proposed uses of the electrospace so that mutual interference between signals can be minimized. We use the term "electrospace" rather than "frequency spectrum" to explicitly recognize that there are other properties associated with frequency use; spatial dimensions, the time of use, and direction of propagation, among others. The Department's capabilities both in propagation mechanisms and in equipment characterization will be needed in this responsibility.

Other support for OTP might be analysis of aspects of the Government's own communications facilities, such as needs, systems design, and practices.

Research performed by the new office in Commerce would include both technical and non-technical investigations.

Research on the basic characteristics of the propagation medium--the atmosphere--would continue to be an important part of the Department's program.

Modern wire systems, which do not use the electrospace, offer very large information carrying capacities where mobile operation or communication in outer space is not required. The Government cannot afford to neglect research in this area, to support its own communication needs as well as those of the nation as a whole.

In all large communications systems standards of measurements and practice are necessary. The interconnection of private systems with the common carrier telephone networks, for example, requires that the private systems use recognized standards of practice in order not to disrupt service to others. The development of a nationwide network of broadband service to the

home and office would be impossible without standards of measurement and practice to ensure compatibility and permit innovation in the system.

The third major area in which the new Commerce office would support the Office of Telecommunications Policy is at the interfaces between telecommunications technology and the needs of the society as a whole.

Technology assessment and technological forecasting will be an important part of this effort. To the extent that new developments can be anticipated, the analytical basis for policy decisions can be constructed before the policy problems reach crisis proportions. Our society is recognizing more clearly each year the need for careful assessment of new technology.

It is projected that population and occupational distributions will change drastically during the next decade.

Such a redistribution could be affected by telecommunications policy, and in turn would certainly affect the need for communications services. This is only one example of the need to devote research effort in the new Commerce office to clarifying how social and economic information relates to telecommunications policy and to obtaining the social and economic information upon which policy decisions will be based.

Finally, let me mention the interface between the Government and the university community. The Federal Government, and especially state governments need to take steps to ensure themselves a supply both of new ideas and of people trained in policy and regulatory aspects of telecommunications. The new office in Commerce would cooperate with the Office of Telecommunications Policy in establishing or sponsoring interdisciplinary programs in selected universities.

The three areas of support which I have outlined are all needed to support the policymaking roles of the President's proposed Office of Telecommunications Policy. The details of the Department's program at any one time would be determined by priorities set in cooperation with the OTP.

In closing, I would like to thank you once again for the opportunity to present our views on the role the Department of Commerce would play in support of the Office of Telecommunications Policy, according to the President's message. We enthusiastically support the Reorganization Plan, and are anxious to provide all the support we can to the proposed Office of Telecommunications Policy.

TRANSMITTAL FORM - U.S. DEPARTMENT OF COMMERCE
OFFICE OF THE GENERAL COUNSEL

FORM CD-82
(5-7-63)

DATE 3/5/70

TO: Mr. Howard Schnoor (BoB)
Room 9013, New E.O.B.
FROM: Burt W. Roper *BWR*

Attached are two copies of draft statement of Assistant Secretary Tribus for delivery Monday, March 9 before Executive and Legislative Reorganization Subcommittee of House Government Operations in connection with Reorganization Plan No. 1 of 1970 (Telecommunications). Since Committee has requested printed copies of the statement by Friday, would appreciate receiving Budget Bureau clearance advice as early as possible tomorrow. Thanks.

cc: Mr. Kenneth Cole (4)
The White House

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USCOMM-DC 785-P63

OTP

March 9, 1970

MEMORANDUM FOR GENERAL JAMES D. HUGHES

As you note in your memorandum of February 18th, the Office of Telecommunications Policy is expected to come into existence in mid-April. I have looked at your suggested memorandum from the President regarding relationship of OTP with the White House Communications Agency. I think it is basically the type of document we are looking for, and suggest the attached revision.

Clay T. Whitehead
Special Assistant to the President

cc: Mr. Kissinger
Mr. Flanigan
Mr. Whitehead
Central Files

CTWhitehead:jm

MEMORANDUM FOR

DIRECTOR, OFFICE OF TELECOMMUNICATIONS POLICY
MILITARY ASSISTANT TO THE PRESIDENT

SUBJECT: White House and Presidential Communications Facilities

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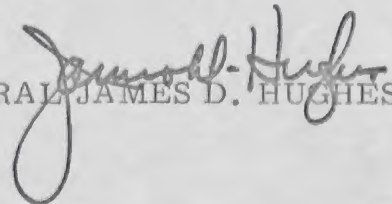
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BRIGADIER GENERAL JAMES D. HUGHES

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D R A F T

17 February 1970

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Recommendation

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POLICY
MILITARY ASSISTANT TO THE PRESIDENT

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The establishment of the Office of Telecomm. Policy does not change
Accordingly the Director should ^{is authorized} coordinate with the Military Assistant to the President *any matters concerning Presidential* his needs for information about, and any recommendations for improving, communications provided by the White House Communications Agency *when it is determined that such matters are of mutual concern.*

These responsibilities of the Military Assistant; in particular, he is to have full responsibility for actual operations of Presidential communications activities.

MEMORANDUM FOR THE PRESIDENT

FROM: Peter A. Flanigan

SUBJECT: White House and Presidential Communications Facilities

On February 9, the reorganization plan establishing a new Office of Telecommunications Policy (OTP) in the Executive Office of the President was sent to Congress. In late March or early April you will be appointing a Director for the Office and signing an Executive Order establishing the full scope of the authority and functions of this office.

One important matter will not be resolved in these public documents. That is the role of the Director and the new office with respect to White House and other Presidential communications.

The Director will have broad responsibilities for coordinating and integrating the communications of the Executive Branch of the government. To perform this role effectively, the Director must be aware of the communications requirements of the Presidency, and of the technical characteristics, procedures and plans for Presidential facilities. This is necessary for two reasons.

1. So that the Presidency is supplied with all of the required links to the Executive Branch.

2. To clearly establish in the minds of departmental and other Executive Branch officials that the Director is the President's principal adviser on telecommunications matters.

It is not necessary that the OTP become involved in the day to day operations of the White House Communications Agency, nor that he assume any responsibilities previously delegated to Dr. Kissinger, Colonel Hughes, or other elements of the White House staff. However, it is necessary to clarify:

1. The "need to know" of the Director, OTP with respect to White House and other Presidential communications.

2. The channels for processing recommended changes to White House/Presidential communications facilities or procedures.

It would be appropriate at the same time to recognize that Dr. Kissinger and Mr. Erlichman also have coordination and information handling responsibilities which require them to be concerned with the capabilities and performance of White House and Presidential communications facilities.

I recommend that you issue a memorandum establishing a broad policy concerning need to know and ask that specific privacy requirements be identified and submitted for your approval.

The broad policy guidance should be that:

1. The Assistant to the President for National Security Affairs, the Assistant to the President for Domestic Affairs, and the Director, Office of Telecommunications Policy should have sufficient information about White House and Presidential communications facilities, procedures and plans, to be able to discharge their respective responsibilities.

2. That the above named officials need not be concerned with the day to day operations of the White House Communications Agency (WHCA).

3. That Colonel Hughes continues to be the single channel for providing requirements and direction to the WHCA.

4. That the need for privacy with respect of the use of communications should be respected.

Recommendation

That you sign the memorandum at Tab A establishing your general policy and requesting that specific guidelines be developed for your approval.

Attachment

MEMORANDUM FOR JOHN D. ERLICHMAN
HENRY A. KISSINGER
(DIRECTOR, OTP)
JAMES D. HUGHES
WILLIAM J. HOPKINS

SUBJECT: White House and Presidential Communications Facilities

Communications facilities at the White House, and other communications facilities operated by the White House Communications Agency, perform in several roles. They serve me, they serve several staffs, and they serve all Executive Departments and Agencies in their need to communicate with the White House. I know that all of you are concerned about the design or performance of present and future communications facilities. This is an area in which full and effective coordination is required, with due respect for the privacy each of us should enjoy with respect to our use of the communications facilities.

I have directed that the Military Assistant to the President be the single channel within the White House for providing requirements and day to day operational direction to the White House Communications Agency. In addition, I want each of you to have sufficient information about the White House and other Presidential communications facilities, procedures and plans, to be able to perform your respective responsibilities. I would like Colonel Hughes to develop specific guidelines for achieving this end, to obtain the views of the other addressees on these guidelines, and to submit them for my approval within one month.

Recommendations you may have for improving White House or Presidential communications should be coordinated among yourselves and implemented through the Military Assistant to the President. Any matters which cannot be resolved in this way should be brought to my attention.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 15, 1969

MEMORANDUM FOR MR. CLAY T. WHITEHEAD

SUBJECT: Office of Telecommunications Policy (OTP)

In your 8 December memorandum to me, on the subject, you indicated that you believed that it would be more appropriate to handle the matter of the White House Communications Agency (WHCA) in a memorandum from the President. I agree to your proposed method of handling the relationship between WHCA and OTP. Also, I agree with your thoughts that neither the Director of OTP nor his staff should be involved in WHCA operations in any way. Further, I do not question the statement that the Director be the President's principal advisor on telecommunications matters. I do, however, have some reservations on the degree to which he needs to know about the "needs, capabilities, and activities of WHCA." For example, communications support provided by WHCA to the President basically falls into three categories, as follows:

- a. Personal communications.
- b. Communications in support of the President as the head of the Republican Party.
- c. Those communications in support of the President as the head of state and the Commander in Chief of the Armed Forces.

In viewing the above categories, I believe it is apparent that only the latter of these three categories should be of any direct interest to the Director of OTP. I do not believe that it would serve any useful purpose to have the Director of OTP nor his staff involved in any way with the WHCA needs, capabilities or activities associated with the first two categories.

I would like to suggest that we get together soon to draft a Presidential memorandum to clarify these relationships. Further, I believe it would be appropriate that this memorandum be signed prior to, or concurrently with, the publication of the OTP charter.


COLONEL JAMES D. HUGHES

Fed Comm
Org.

December 8, 1969

MEMORANDUM FOR COLONEL HUGHES

Attached for your information is a copy of the final version of our Recommendation on Executive Branch Organization for Telecommunications Matters. You will note that I have adopted many of your suggestions. I have, however, omitted any reference to the White House Communications Agency since I feel that this is not a matter appropriate for discussion and comment throughout the Administration.

I agree only in part with your view that WHCA should be totally outside the purview of the new Office of Telecommunications Policy. Neither the Director of Telecommunications Policy nor his staff should be involved in WHCA operations in any way. However, it is important that the Director be the President's principal adviser on telecommunications matters. It is essential, therefore, that he personally be fully informed about the needs, capabilities, and activities of WHCA.

I believe that the appropriate way to handle this very confidential matter is through an understanding between the President, his immediate staff, his Military Aide, and the Director of Telecommunications Policy. This is more appropriately handled through a memorandum from the President outlining how that matter is to be handled than in an Executive Order establishing organizational responsibilities throughout the executive branch. Such a procedure would provide more flexibility and more confidentiality.

I would welcome any further views you have on this document, since it is now being circulated for comment among the various Federal departments and agencies.

Clay T. Whitehead
Staff Assistant

Attachment

cc: Mr. Flantgan
Mr. Kriegsman
Mrs Whitehead
Central Files

CTWhitehead:jm/ed



I can't
find

4/29/69

Presidential
Memo to
Secy of Defense

APPROVING REORGANIZATION PLAN NO. 1 OF 1970
(TELECOMMUNICATIONS)

MARCH 19, 1970.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H. Res. 841]

The Committee on Government Operations, to whom was referred the resolution (H. Res. 841) to disapprove Reorganization Plan No. 1 of 1970, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

SUMMARY AND PURPOSE OF REORGANIZATION PLAN NO. 1 OF 1970

The plan would establish an Office of Telecommunications Policy in the Executive Office of the President. It will be headed by a Director (Executive level III) and a Deputy Director (Executive level IV), both to be appointed with the advice and consent of the Senate. The new Office would perform telecommunications functions vested in the President by the Communications Act of 1934 and other statutes now delegated to the existing Office of Telecommunications Management, which is part of the Office of Emergency Preparedness. The Office of Telecommunications Management in the Office of Emergency Preparedness will be abolished.

The only function to be carried out by the new Office that is designated in the plan itself is that relating to the assignment of frequencies of radio stations belonging to and operated by the U.S. Government. Other functions will be assigned by the President to the new Office by Executive order as soon as the pending reorganization plan takes effect. These expected additional functions are set forth in a letter from the Director of the Bureau of the Budget to the chairman of this committee, dated February 27, 1970, a copy of which is printed in this report. The newly created Office of Telecommunications Policy

will, therefore, have essentially the same range of duties as those now performed by the expiring Office of Telecommunications Management in the Office of Emergency Preparedness.

President Nixon said the plan "should result in the more efficient operation of the Government" and is needed "if the Government is to respond adequately to the challenges and opportunities presented by the rapid pace and change in communications."

ESSENTIAL ROLES OF THE NEW OFFICE OF TELECOMMUNICATIONS POLICY

President Nixon stated the essential roles to be played by the new Office in these terms:

1. It would serve as the President's principal adviser on telecommunications policy, helping to formulate Government policies concerning a wide range of domestic and international telecommunications issues, and helping to develop plans and programs which take full advantage of the Nation's technological capabilities. The speed of economic and technological advance in our time means that new questions concerning communications are constantly arising, questions on which the Government must be well informed and well advised. The new Office will enable the President and all Government officials to share more fully in the experience, the insights, and the forecasts of Government and non-Government experts.

2. The Office of Telecommunications Policy would help formulate policies and coordinate operations for the Federal Government's own vast communications systems. It would, for example, set guidelines for the various departments and agencies concerning their communications equipment and services. It would regularly review the ability of Government communications systems to meet the security needs of the Nation and to perform effectively in time of emergency. The office would direct the assignment of those portions of the radio spectrum which are reserved for Government use, carry out responsibilities conferred on the President by the Communications Satellite Act, advise State and local governments, and provide policy direction for the national communications system.

3. Finally, the new office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission. This action would take away none of the prerogatives or functions assigned to the Federal Communications Commission by the Congress. It is my hope, however, that the new office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy, especially in their procedures for allocating portions of the radio spectrum for Government and civilian use. Our current procedures must be more flexible if they are to deal adequately with problems such as the worsening spectrum shortage.

SECTION-BY-SECTION ANALYSIS OF REORGANIZATION PLAN No. 1 OF 1970

Section 1. Transfers the function of assigning frequencies of U.S. Government owned and operated radio stations to the Director of the Office of Telecommunications Policy.

Section 2. Establishes the Office of Telecommunications Policy in the Executive Office of the President.

Section 3. Puts at the head of the Office a Director at executive level 3 and in the Office a Deputy Director at executive level 4, both to be appointed by the President with the advice and consent of the Senate.

Section 4. The Director may appoint and fix the compensation of employees in accordance with the civil service laws and delegate to them such of his functions as he deems appropriate.

Section 5. The Office of Assistant Director of the Office of Emergency Preparedness—Director of Telecommunications Management—is abolished.

Section 6. Such personnel and property of the Office of Telecommunications Management as the Director of the Bureau of the Budget shall direct will be transferred to the new Office or otherwise disposed of.

Section 7. The President may appoint an interim Director of the new Office.

HEARINGS

Hearings on the plan and disapproval resolution were held by the Subcommittee on Executive and Legislative Reorganization.¹ The hearings were announced to the press and in the Congressional Record. Representatives of the Bureau of the Budget, the Office of Telecommunications Management, the Department of Defense, the General Services Administration, and the Department of Commerce testified in behalf of the plan and explained how it would affect the operations of their agencies. The Chairman of the Federal Communications Commission, speaking for the Commission, also endorsed the plan. Representatives of the General Accounting Office appeared and stated that the plan was in accord with the recommendations of that Office. Congressman Cornelius Gallagher, who filed the disapproval resolution (H. Res. 841), also testified and informed the subcommittee on his reasons for opposing the plan.

BACKGROUND

Regulation of our Nation's commercial telecommunications service lies primarily with the Federal Communications Commission, but the responsibility for meeting the Government's own requirements in this field have been placed largely in the hands of the President. This includes the formulation of policy and standards and the operation of a vast internal network of communications used by the executive departments and agencies called the National Communications System. The President has delegated this responsibility to the presently existing Office of Telecommunications Policy in the Office of Emergency

¹ Hearings on Reorganization Plan No. 1 of 1970 (Office of Telecommunications Policy) by the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations, Mar. 9 and 10, 1970.

Preparedness. Recognizing the great importance of this function the director of that office (though currently vacant) has served as a Special Assistant to the President and as Assistant Director of the Office of Emergency Preparedness. He develops the executive branch position on national telecommunications policy, coordinates the planning and operation of the telecommunications systems of the Federal Government, discharges responsibilities assigned to the President in the areas of spectrum management and satellite communications, and performs emergency planning and control functions for telecommunications. He also assures that there is effective cooperation with the FCC on policy issues.

INADEQUACY OF THE PRESENT OFFICE

For various reasons this arrangement has been neither satisfactory nor effective and the Office has not carried out these functions as well as expected, particularly in the area of coordination and the unification of intragovernmental telecommunications. This weakness in administration has resulted in a number of studies in recent years. President Johnson set up a task force on communications policy, headed by Eugene V. Rostow, which made a report to him on December 7, 1968. He also ordered a study of Federal communications organization by the Bureau of the Budget, which report was likewise submitted in December of 1968. President Nixon instituted a review of telecommunications policy and organizational problems, and a report was submitted by Peter Flanigan, Assistant to the President, and Clay T. Whitehead of the White House staff, in December 1969. The Flanigan-Whitehead report apparently led to the submission of the plan.

COMPTROLLER GENERAL'S STUDY

The Comptroller General also made a study and submitted to Congress in July 1969 a report entitled "Review of Status of Development Toward Establishment of a Unified National Communications System." He found that " * * * there is little, if any, centralized direction and control over the development and improvement of the agency networks. * * * Also, there is no assurance that the broader national objectives of (1) reliable and effective communications capability and (2) economy of operation from a Government-wide standpoint are being effectively considered." The Comptroller recommended a major realignment and "removing the Office of the Director of Telecommunications Management as a component part of the Office of Emergency Preparedness and reconstituting this office as a new organization or entity * * *."

HOLIFIELD SUBCOMMITTEE RECOMMENDATION

The Committee on Government Operations, through our Military Operations Subcommittee chaired by Hon. Chet Holifield, gave close attention to this problem. In hearings during 1964 the subcommittee reviewed 6 years of Government effort in the development of satellite communications. The Holifield Subcommittee examined, among other things, the role and structure of the Office of Telecommunications Management. In its report approved by the full Committee on

Government Operations and submitted to the Congress on March 17, 1965 (H. Rept. 89-178), Recommendation 6 provided as follows (p. 111):

At the earliest practicable date, the President should submit to the Congress a reorganization plan to reconstitute the functions and responsibilities of the Director of Telecommunications Management in a separate office in the Executive Office of the President, and take steps to insure that the office is adequately staffed.

That recommendation was repeated in a Committee Report of October 19, 1966 (H. Rept. 89-2318, p. 9), and adverted to again in a report of August 28, 1967 (H. Rept. 90-613, p. 12), noting in the latter report that the Bureau of the Budget had undertaken, at President Johnson's request, a study of organizational alternatives for telecommunications management in the Federal Government.

CONSENSUS FOR REORGANIZATION

Thus, there appears to be a remarkable consensus between the present and past administrations, the Comptroller General and our own committee that a reorganization of telecommunications functions is needed and should be made.

Reorganization Plan No. 1 of 1970 is fully in accord with the recommendation made by this committee 5 years ago and renewed in succeeding reports, and recognized as valid both by the Comptroller General and the present administration. This does not necessarily commit this committee to any policy positions that the President or the Director of this new office may put forth. What we are agreed upon, however, is that telecommunications is a vitally important subject and the Government has large responsibilities in the field. By this plan a better organizational base is created for telecommunications policy development and management.

VIEWS OF OTHER LEGISLATIVE COMMITTEES

As is our custom, when we consider reorganization plans that in some way may affect the interests of other committees of the House, we wrote to the chairman of the Interstate and Foreign Commerce Committee, the chairman of the Armed Services Committee, and the chairman of the Independent Offices Subcommittee of the Committee on Appropriations asking them to give us their reactions to the plan and to appear before us during the hearings, if they cared to do so. Their responses are printed in this report. It will be noted that none of them opposed approval of the plan.

RELATIONS BETWEEN THE NEW OFFICE OF TELECOMMUNICATIONS POLICY AND THE FEDERAL COMMUNICATIONS COMMISSION

During our consideration of Reorganization Plan No. 1, this committee has been very conscious of the special status of the independent regulatory agencies and the Federal Communications Commission in particular. We closely analyzed the plan to make certain that it would produce neither expressly nor by implication

any change in the proper relation that should exist between the Executive and the FCC.

This problem was highlighted when, during the hearings, Clay T. Whitehead, a White House staff member, was quoted as saying he had no qualms about seeking to influence the FCC or other so-called independent agencies. Mr. Whitehead dispatched a letter dated March 10, 1970, to Acting Chairman Chet Holifield denying that this was his view and informing us that " * * * there have been strict instructions to the entire White House staff not to attempt to influence independent regulatory commissions in their quasi-judicial functions, or even give the appearance of attempting to do so * * *." He enclosed a copy of a memorandum dated May 21, 1969, circulated to the staff in that regard and referred to the testimony previously given to the subcommittee by administration witnesses which he said "made clear this administration's policy that the independence and the authority of the Federal Communications Commission is in no way impaired by Reorganization Plan No. 1 * * *". No powers of the FCC are affected and the authority of the Congress remains unchanged." The full text of his letter and the memorandum are printed in this report.

Chairman Dean Burch of the Federal Communications Commission, who strongly supported the plan in his testimony, was questioned by members of the subcommittee on possible White House influence on his agency. He stated:

I have absolutely no fear of either an actual or possible undue influence by the White House on the Commission by virtue of this office. I just don't think there is any fear there.

CONGRESSMAN GALLAGHER'S OBJECTIONS TO THE PLAN

H. Res. 841, a resolution to disapprove Reorganization Plan No. 1 of 1970, was filed by Congressman Cornelius E. Gallagher of New Jersey. In his testimony before the committee Congressman Gallagher indicated that his interest was in focusing on the problem of computer privacy and the integrity of the data flow along communication lines. His principal desire was for positive assurance that computer privacy concerns will be a part of the new office.

During the hearings the following statement was made by Dwright Ink, Assistant Director of the Bureau of the Budget on this matter:

Mr. Chairman, Congressman Gallagher raised two separate questions in introducing his resolution of disapproval. One deal with the use of services under the Federal Telecommunications System by Congress. On this point, GSA corresponded with Mr. Gallagher on February 25 and pointed out that an offer of service comparable to that being provided the agencies had been made to the clerk of the House. We understand that this proposal is currently pending in the Committee on House Administration. The representative of GSA can provide further details on this matter.

The other matter raised by Mr. Gallagher deals with computer privacy. I can assure you, Mr. Chairman, that we are acutely aware of the importance of this issue, and we can reassure you that the Office of Telecommunications Policy

will focus on the issue in dealing with any executive branch proposals related to computers and communications to assure that privacy is not violated. Mr. Gallagher's concern may be related in part to a proposal for a National Data Bank which was considered during the previous administration. This proposal is not under consideration at this time and I know of no plans to reactivate it.

We note that the President's letter of transmittal stated that the new Office of Telecommunications Policy will have the responsibility of formulating Government policies designed to develop plans and programs which take full advantage of the Nation's technological capabilities in the area of telecommunications. It must be kept in mind, however, that evolving technologies in the area of telecommunications and data processing will result in making increasingly uncertain the borders separating the communications industry from the data processing industry. Therefore, the office must be prepared to develop plans and programs dealing with possible conflicts between these two industries. The problem of protecting the rights of privacy of individuals which may be jeopardized through the use of computers for data banks is one of many problems which will have to be considered in formulating appropriate Government policies.

This committee most certainly does not intend that the organizational step made by this plan will lead to a gigantic ogre where the intimate details of the lives and properties of the American people are laid bare. We expect that the expressed commitment of concern for privacy will be adhered to and we will exercise our responsibility to follow closely such moves as may be made.

CONCLUSION

We view the plan as a forward step of significant proportions toward the efficient organization of the important and necessary telecommunications services of the Government. It is axiomatic that in these times messages must be relayed with dispatch among the farflung offices and stations throughout the United States and the world if our Government's business is to be properly conducted. This plan gives status and importance to this new Office and, hopefully, it will be able to resolve the many complex and technical problems involved in establishing and maintaining this sensitive mechanism.

APPENDIX

91st Congress, 2d Session - - - - - House Document No. 222

REORGANIZATION PLAN NO. 1 OF 1970

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REORGANIZATION PLAN NO. 1 OF 1970



FEBRUARY 9, 1970.—The message and accompanying papers referred to the Committee on Government Operations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1970

LETTER OF TRANSMITTAL

THE WHITE HOUSE, February 9, 1970.

To the Congress of the United States:

We live in a time when the technology of telecommunications is undergoing rapid change which will dramatically affect the whole of our society. It has long been recognized that the executive branch of the Federal government should be better equipped to deal with the issues which arise from telecommunications growth. As the largest single user of the nation's telecommunications facilities, the Federal government must also manage its internal communications operations in the most effective manner possible.

Accordingly, I am today transmitting to the Congress Reorganization Plan No. 1 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code.

That plan would establish a new Office of Telecommunications Policy in the Executive Office of the President. The new unit would be headed by a Director and a Deputy Director who would be appointed by the President with the advice and consent of the Senate. The existing office held by the Director of Telecommunications Management in the Office of Emergency Preparedness would be abolished.

In addition to the functions which are transferred to it by the reorganization plan, the new Office would perform certain other duties which I intend to assign to it by Executive order as soon as the reorganization plan takes effect. That order would delegate to the new Office essentially those functions which are now assigned to the Director of Telecommunications Management. The Office of Telecommunications Policy would be assisted in its research and analysis responsibilities by the agencies and departments of the Executive Branch including another new office, located in the Department of Commerce.

The new Office of Telecommunications Policy would play three essential roles:

1. It would serve as the President's principal adviser on telecommunications policy, helping to formulate government policies concerning a wide range of domestic and international telecommunications issues and helping to develop plans and programs which take full advantage of the nation's technological capabilities. The speed of economic and technological advance in our time means that new questions concerning communications are constantly arising, questions on which the government must be well informed and well advised. The new Office will enable the President and all government officials to share more fully in the experience, the insights, and the forecasts of government and non-government experts.

2. The Office of Telecommunications Policy would help formulate policies and coordinate operations for the Federal government's own vast communications systems. It would, for example, set guidelines for the various departments and agencies concerning their communications equipment and services. It would regularly review the ability of government communications systems to meet the security needs of the nation and to perform effectively in time of emergency. The Office would direct the assignment of those portions of the radio spectrum which are reserved for government use, carry out responsibilities conferred on the President by the Communications Satellite Act, advise State and local governments, and provide policy direction for the National Communications System.

3. Finally, the new Office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission. This action would take away none of the prerogatives or functions assigned to the Federal Communications Commission by the Congress. It is my hope, however, that the new Office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy, especially in their procedures for allocating portions of the radio spectrum for government and civilian use. Our current procedures must be more flexible if they are to deal adequately with problems such as the worsening spectrum shortage.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in sections 3(a) and 3(b) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

This plan should result in the more efficient operation of the government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

The public interest requires that government policies concerning telecommunications be formulated with as much sophistication and vision as possible. This reorganization plan—and the executive order which would follow it—are necessary instruments if the government is to respond adequately to the challenges and opportunities presented by the rapid pace of change in communications. I urge that the Congress allow this plan to become effective so that these necessary reforms can be accomplished.

RICHARD NIXON.

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)

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).

(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.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 27, 1970.

HON. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In his message to the Congress of February 1970, transmitting Reorganization Plan No. 1 of 1970, the President stated that he intended to assign additional duties to the proposed Office of Telecommunications Policy in the Executive Office of the President as soon as the reorganization plan takes effect. Since most of the functions to be assigned are of a nonstatutory nature their inclusion in the reorganization plan would be inappropriate.

When staff of the Bureau of the Budget discussed the proposed telecommunications reorganization with staff of the committee it was their recommendation that additional materials describing the type of functions to be performed by the new Office should be provided to the committee so that the reorganization plan could be considered in its proper context. The enclosed listing of functions to be assigned by Executive order was provided informally to committee staff. We would like to submit it formally at this time.

Sincerely,

ROBERT P. MAYO, *Director.*

TELECOMMUNICATIONS MANAGEMENT REORGANIZATION

ASSIGNMENT OF FUNCTIONS BY EXECUTIVE ORDER TO THE PROPOSED
DIRECTOR OF TELECOMMUNICATIONS POLICY

The following listed functions assigned currently to the Director of Telecommunications Management in the Office of Emergency Preparedness would be redelegated or reassigned to the Director of Telecommunications Policy upon the establishment of the Office of Telecommunications Policy as a separate unit in the Executive Office of the President.

A. Executive Order No. 10995 of February 16, 1962, as amended by Executive Order No. 11084 of February 15, 1963—"Assignment of Telecommunications Management Functions"

1. Coordinate telecommunications activities of the executive branch and be responsible for the formulation, after consultation with appropriate agencies, of overall policies and standards therefor.
2. Promote and encourage the adoption of uniform policies and standards by agencies authorized to operate telecommunications systems.
3. Develop data with regard to U.S. Government frequency requirements.
4. Encourage research and development activities deemed necessary and desirable to attain the following objectives:
 - (a) Full and efficient employment of telecommunications resources in carrying out national policies;
 - (b) Development of telecommunications plans, policies, and programs to take full advantage of technological development; serve the national security; sustain and contribute to the develop-

ment of world trade and commerce; strengthen the U.S. position in international negotiations; and encourage better frequency management;

(c) Utilization of the radio spectrum by the Federal Government in the public interest; and

(d) Implementation of the national policy on the development and use of space satellites for international telecommunications services.

5. Assist and give policy advice to the Department of State in international telecommunications matters (in conjunction with the FCC).

6. Authorize a foreign government to construct and operate a radio station at the seat of government (vested in the President by subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. 305(d)).

7. Exercise the war powers vested in the President by subsections 606(a), (c), and (d) of the Communications Act of 1934, as amended (47 U.S.C. 606(a), (c), and (d)) (delegated to the Director, OEP by Executive Order No. 10705 of April 17, 1957, as amended).

8. Contract for studies and reports related to any aspect of his responsibilities.

B. Executive Order No. 11051 of September 27, 1962—"Prescribing Responsibilities of the Office of Emergency Planning in the Executive Office of the President"

Planning for the emergency mobilization of telecommunications resources (sections 301, 306, and 406 of Executive Order No. 11051).

C. Executive Order No. 11191 of January 4, 1965—"Providing for carrying out of certain provisions of the Communications Satellite Act of 1962"

1. Advise and assist the President in connection with the functions conferred upon the President by section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)).

2. Aid in planning and development of a national program for establishing a commercial communications satellite system.

3. Review the development of the operation of a commercial communications satellite system, including the activities of the Communications Satellite Corporation.

4. Coordinate telecommunications activities of governmental agencies to assure compliance with the act.

5. Make recommendations to the President on steps needed to insure the availability and appropriate utilization of the communications satellite system for general governmental purposes.

6. Help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities.

7. Serve as chief point of liaison between the President and the Communications Satellite Corporation.

D. President's Memorandum of August 21, 1963—"Establishment of the National Communications System" (38 F.R. 9413)

1. Responsibility for policy direction of the development and operation of a National Communications System (NCS).

2. Advise with respect to (a) communications requirements to be supplied through the NCS; (b) the responsibilities of the agencies

in implementing and utilizing the NCS; (c) the guidance to be given to the Secretary of Defense as executive agent for the NCS with respect to the design and operation of the NCS.

3. Identify those requirements unique to the needs of the Presidency.

4. Formulate and issue to the Executive Agent guidance as to the relative priorities of requirements.

5. Insure that there is adequate planning to meet future needs of the NCS.

6. Assist the President with respect to his coordinating and other functions under the Communications Satellite Act of 1962.

7. Exercise review and surveillance of actions to insure compliance with policy determinations and guidance.

8. Arrange for the assignment of communications and other specialists from any agency by detail or temporary assignment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C., March 9, 1970.

Hon. JOHN A. BLATNIK,
*Chairman, Executive and Legislative Reorganization Subcommittee, House
Committee on Government Operations, Washington, D.C.*

DEAR MR. CHAIRMAN: I write in response to your request for my views with respect to the President's Reorganization Plan No. 1 of 1970. That plan would, of course, establish a new office, the Office of Telecommunications Policy in the Executive Office of the President under the direction of a Director and Deputy Director to be appointed by the President by and with the consent of the Senate. The existing Office of Telecommunications Management would be abolished.

The telecommunications industry is one of the Nation's largest, and telecommunications are essential to our security, welfare, and commerce—interstate, intrastate, and foreign. Therefore, I regard the formulation of Government policy with respect to telecommunications as being of the greatest importance. The fact that in 1967 President Lyndon Johnson found it necessary to establish a Task Force on Communications Policy, and that in the first year of President Nixon's administration a White House working group was established to formulate policy with respect to domestic communications satellites persuades me that the executive branch of our Government requires greater policymaking capability in the field of telecommunications. To the extent that the Office of Telecommunications Policy under the proposed reorganization plan would make available such capability to the President, I support the plan.

However, I note that in his letter transmitting the reorganization plan, the President states: " * * * the new Office would enable the executive branch to speak with a clear voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission." He goes on to assure that none of the prerogatives or functions assigned to the FCC by the Congress would be taken away. The FCC is, of course, an arm of the Congress which comes within the legislative jurisdiction of the House Committee on Interstate and Foreign Commerce, of

which I have the honor to be chairman. So long as I am chairman of the committee, it will be my purpose to prevent any of the prerogatives or functions of the FCC from being taken away by Executive action.

Because of other commitments it will be impossible for me to appear and testify before your subcommittee on this important matter. Nevertheless I wish to thank you for your invitation and extend to you best wishes in your deliberations.

Sincerely yours,

HARLEY O. STAGGERS, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 5, 1970.

HON. JOHN A. BLATNIK,
*Chairman, Executive and Legislative Reorganization Subcommittee,
Committee on Government Operations, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of March 3 for my views on Reorganization Plan No. 1 of 1970, which would establish an Office of Telecommunications Policy in the Executive Office of the President.

As you know, the interest of this committee has been limited to the telecommunications systems of the Department of Defense. We have not directed our attention to the existing office of the Director of Telecommunications Management, nor to the telecommunications systems of the executive branch which do not support the Defense Department. Our investigation is in its early stages and has not yet reached any conclusions concerning the impact that reorganization of the existing office might have upon Defense communications. However, if the proposed reorganization would provided clear policy direction for the Department of Defense, it should enable that Department to make more effective use of its telecommunications assets.

Sincerely,

L. MENDEL RIVERS, *Chairman.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 9, 1970.

HON. JOHN A. BLATNIK,
*Chairman, Executive and Legislative Reorganization Subcommittee,
Committee on Government Operations, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: I appreciate your kind consideration in advising of your hearings on Reorganization Plan No. 1 of 1970, relating to management of governmental telecommunications.

In our appropriation hearings on the 1971 budget we recently discussed the reorganization plan with the Office of Emergency Preparedness. Some of us felt that telecommunications today is of sufficient magnitude and importance to warrant a more comprehensive review by the Congress than is afforded through a reorganization plan.

The proposed organization seems to us to achieve little that could not be done by an Executive order, but primarily rearranges functions previously assigned by prior Executive orders. It was suggested to OEP that consideration should therefore be given to establishing the office by legislation. This would provide a firmer statutory basis for these vital activities.

We do not object to the reorganization plan, but in response to your kind invitation I am submitting these other considerations that had occurred to us.

With every good wish, I am
Sincerely yours,

JOE L. EVINS,
*Chairman, Independent Offices,
HUD Subcommittee.*

THE WHITE HOUSE,
Washington, March 10, 1970.

Hon. CHET HOLIFIELD,
*Committee on Government Operations,
House of Representatives,
Washington, D.C.*

DEAR MR. HOLIFIELD: I understand that at a hearing, which you chaired, of the Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations on March 9, 1970, concerning Reorganization Plan No. 1, questions arose about White House relationships with the Federal Communications Commission. Specifically, questions were raised about an article appearing in *Broadcasting* magazine which attributed to me the view that "the White House has no qualms about seeking to influence the commission or other so-called independent agencies." I would like to clarify both the record and our position in this matter.

First, I have made no statements to the press from which they could properly conclude that the White House intended any undesirable or improper influence on the FCC; that is not my view, and it is not the view of this administration. Indeed, there have been strict instructions to the entire White House staff not to attempt to influence independent regulatory commissions in their quasi-judicial functions, or even give the appearance of attempting to do so; I attach a memorandum circulated to the staff in that regard.

Second, it is appropriate to draw a distinction between general policy issues which may be before regulator commissions and particular cases in which those commissions are exercising their quasi-judicial responsibilities. In the latter category, any attempt to influence a commission would obviously be improper for the White House or any executive branch agency. In the former category, however, the President has both statutory and general leadership responsibilities which, from time to time, make necessary or desirable an expression of the administration viewpoint to the regulatory commissions. Previous administrations, as well as this one, have done so in fulfilling those responsibilities.

It is our conviction that such open expressions of viewpoint are not "influence" in the negative connotation sometimes used, but

rather a proper part of general policymaking dialog among the FCC, the Congress, and the executive branch.

Finally, I would underscore the testimony of administration witnesses before the committee on March 9 which made clear this administration's policy that the independence and authority of the Federal Communications Commission is in no way to be impaired by the Reorganization Plan No. 1 now before the committee. No powers of the FCC are affected, and the authority of the Congress remains unchanged. It is, in fact, the administration's hope that the new Office of Telecommunications Policy will enable the executive branch to act as a more responsible and responsive partner to the Congress and the FCC in the telecommunications policy area.

Sincerely,

CLAY T. WHITEHEAD,
Special Assistant to the President.

MEMORANDUM FOR THE WHITE HOUSE STAFF

Subject: Contacts between the White House and the independent regulatory agencies.

The independent regulatory agencies include:

- Civil Aeronautics Board.
- Federal Communications Commission.
- Federal Maritime Commission.
- Federal Power Commission.
- Federal Trade Commission.
- Interstate Commerce Commission.
- Securities and Exchange Commission.

This memorandum discusses some important points you should bear in mind with regard to these agencies.

Contacts between the White House and the regulatory agencies are very sensitive on two grounds: (1) The Congress has a special relationship with these agencies, viewing them in part as instruments of the Congress in its constitutional power to regulate interstate and foreign commerce; (2) the Commissioners of these agencies have quasi-judicial responsibilities for individual cases coming before their agencies on rates, license renewals, route awards, and so forth. Obviously, any executive interference in this quasi-judicial function would be highly improper.

In spite of these sensitivities, matters often arise which do require official or informal contacts with the Commissioners or the staffs of these agencies. The following guidelines are provided for any exposure you may have to these agencies or problems pending before them. They also apply in those cases where other agencies of the executive branch act in a regulatory or quasi-judicial role.

1. Any expression of interest or any attempt to influence the outcome of any case pending is illegal. These cases are typically extremely complicated, and it is very dangerous to make judgments on the basis of limited information as to how the White House should like to see any case resolved. You should in no way express interest to these agencies in the outcome of pending cases and in no way attempt to influence the Commissioners or hearing examiners in their decisions on any case pending before their agencies.

2. It is important to remember that the cases that come before these agencies are often extremely important to the parties concerned and involve large amounts of money. They are, therefore, very closely watched for any evidence of improper procedure or influence. It is important to avoid even the mere *appearance* of interest or influence.

3. You may, of course, listen to comments and views on such cases when they are volunteered to you. However, such visits or the submission of written briefs should not be encouraged—better still, they should be sidestepped and avoided wherever possible.

4. Inquiries about the status of cases pending before these agencies should not be made. Instead, the inquirer should be advised to contact the agency directly.

5. The policies and findings of these agencies often interact heavily with the policies of the executive branch of Government. Transportation policy, for instance, is affected heavily by the policies of the ICC and the CAB. There is, therefore, occasion for White House staff contact with these agencies. However, for the reasons cited above, you should keep my office informed of any contact you may have with these agencies. Please call Dan Hofgren or Tom Whitehead *in advance* to assure appropriateness of such contacts.

PETER M. FLANIGAN,
Assistant to the President.

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THE WHITE HOUSE

WASHINGTON

March 25, 1970

Dear Mr. Chairman:

On February 9, 1970, the President submitted Reorganization Plan No. 1 to the Congress proposing the establishment of the Office of Telecommunications Policy in the Executive Office of the President. A copy of the Plan is enclosed.

It is now anticipated that the Executive Order establishing the new office will be signed by the President with an effective date of April 25, 1970.

The Director of Telecommunications Policy will be the principal adviser to the President on telecommunications issues of growing complexity and importance to the Nation. The office will be a relatively small one, but will have large responsibilities and will provide policy direction to many operational and research organizations in the executive departments and agencies. Therefore, it is essential that the Director obtain the capability for attracting and retaining a group of highly competent and experienced professionals from both the physical and social sciences.

Under the Reorganization Plan, the position of Director of Telecommunications Management will be abolished and the super-grade positions transferred to the new Office of Telecommunications Policy. The Director of Telecommunications Management in the Office of Emergency Preparedness now has assigned to him nine super-grade positions: three GS-18's, three GS-17's, and three GS-16's. In order to provide for adequate staffing of the new office six additional super-grade positions will be required: two GS-17's and four GS-16's.

I am writing to you at this time to indicate the requirement because I am aware of the limited availability of super-grade positions. Shortly after the Executive Order is signed, appropriate documents

will be submitted, substantiating the need for allocating additional super-grade positions to the new Office of Telecommunications Policy.

Sincerely,

Clay T. Whitehead
Special Assistant
to the President

Enclosure

Honorable Robert E. Hampton
Chairman
U. S. Civil Service Commission
Washington, D. C. 20415

OTP

ORGANIZING AND STAFFING THE OTP

Background

This paper examines possible organizational structures and staffing arrangements for the OTP. While final structure will be at the discretion of the Director of the OTP, consideration has to be given to the subject at this point in order to reallocate DTM resources to the OTP and the Department of Commerce.

In proposing alternative management arrangements, consideration has been given the "Flanigan" memo of December 6, and the press materials issued by the White House on February 9, 1970, when Reorganization Plan No. 1 of 1970 was submitted to the Congress.

The initial strength of the OTP is to be limited to 30 professionals, including up to 15 at the supergrade levels. Emergency planning functions, final spectrum management, and NCS responsibilities of the DTM are to be transferred to the OTP. The major portion of the Frequency Management Directorate of the DTM should be transferred to the Department of Commerce.

A Telecommunications Research and Analysis Center (TRAC), to be established in the Department of Commerce, will provide a centralized research, engineering, and analysis capability in support of spectrum management and such other areas as may be required. TRAC will provide the Director with those analyses he needs to satisfy his frequency management responsibility.

In his message transmitting the Reorganization Plan, the President noted three roles for the OTP he considered essential.

These are:

- ..serving as the President's principle adviser on telecommunications policy, helping formulate Government policies on domestic and international telecommunications issues and helping develop plans and programs to take full advantage of the nation's technological capabilities.
- ..helping formulate policies and coordinate operations for the Government's communications systems.
- ..enabling the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the FCC.

In the following list, the functions to be performed by the OTP have been identified as to whether they pertain to Government communications, national communications policy, or matters affecting both Government communications and national policy.

National Policy Functions

1. Develop policies with respect to US domestic and international communications industry.
2. Prepare recommendations to the FCC on spectrum allocation for civilian use.
3. Prepare US positions for international communication conferences, conventions, and organizations.
4. Develop executive branch position on telecommunication policy issues and assure that it is effectively presented

to the Congress and to the FCC in the form of legislative proposals, recommendations, and testimony as required, and that there is effective cooperation with the FCC on policy issues.

5. Carry out the responsibilities conferred on the President by the Communications Satellite Act and not delegated elsewhere.
6. Coordinate the development of plans and programs for the mobilization and use of telecommunications resources in an emergency.
7. Prepare to administer national telecommunications resources in the event of war under the overall policy guidance of the Director, OEP.

Government Communications

1. Develop Government-wide standards for equipment and procedures as required in the interest of economy or effectiveness.
2. Evaluate the ability of national communications resources adequately and efficiently to meet established national security and emergency communications requirements.
3. Make recommendations to the BOB concerning the funding of communications systems and research and development programs.
4. Prepare guidelines for the most economical procurement of Federal telecommunications services.
5. Allocate the radio spectrum resource for government use.

Government and non-Government.

1. Work with the FCC to achieve reforms in procedures for allocating portions of the radio spectrum for Government and civilian use.

Organizational Alternatives

To perform the above functions a combination of technical, economic, legal and to some extent sociological skills are needed.

The internal organization could consist of a pool of talented individuals organized into project teams as problems arise or are identified. Under this concept there would in effect not be a formal structure.

Another alternative is a functional grouping of economists, sociologists, lawyers, and technicians. This would most likely result in problems being handled in a manner similar to the way they would be handled on a project basis. A functional organization could result in excessive compartmentalization and either continuous bickering between the people of different disciplines or a complete lack of communication.

A third alternative is a program or product oriented organization. Several variations in program breakdowns are possible though only the most attractive are discussed herein.

The DTM is organized in program areas--international, national, and frequency management. This particular split leads to considerable overlap in some cases and in other cases a lack of ability to take full advantage of available information.

For example, the Frequency Management Directorate allocates frequencies to all Government users. The National Communications Directorate is concerned primarily with Government communications services and systems. There is thus a natural overlap between the two directorates since the frequencies allocated are for stations and systems in support of programs for which the National Communications Directorate is concerned. In those rare cases where two or more agencies are vying for the same assignment, the National Communications Directorate should be in a better position to assess which agency program should receive the assignment. This leads to the conclusion that in the DTM structure the Frequency Management Directorate should be under the National Communications Directorate so that it can coordinate the total communications resource of the Government.

The OTP will be concerned with coordinating the operations and planning of the Federal communications systems including the allocations of frequencies. OTP will be concerned also with developing policy recommendations on matters of national importance which are broader in scope than communications for the Government. Further, the OTP will have to work closely with the FCC to improve the management of the frequency spectrum.

Organizationally, the OTP could consist of three divisions--Government, non-Government, and Spectrum Planning. Internal communications problems of the Government such as assignment of frequencies, NCS, standards, etc., would be handled by the Government Communications Division. By including in this Division

the Director's frequency management function, the Government Communications Division would be able to review and coordinate the total government telecommunications program with a high degree of assurance that it is fully informed. The non-Government Communications Division would perform analysis of domestic and international policies which would lead to Administration positions to be presented to the FCC and the Congress. The Spectrum Planning Division would analyze, in cooperation with the FCC, methods and policies to improve the total frequency management process. The spectrum planning function could be assigned to one of the other divisions but this problem is of sufficient importance to warrant special attention.

Essentially two structures seem not feasible; the one described above and one similar to the DTM wherein all frequency management functions are grouped in a separate division. With the latter type of organization the development of policies for national frequency management might be given secondary status relative to studies of Government frequency management. Figure 1 details the recommended structure.

Since for all practical purposes the non-Government function is not now being performed, it will be necessary to staff this Division primarily with new Government employees. To a great extent, the Government Division will be composed of persons now on the DTM's payroll.

Staffing the OTP

Due to the emphasis the President has placed on performing analysis of national policy issues, this function should receive as much emphasis and resources in the OTP as the Government communications function. With the recommended three division structure, the following staffing is envisioned: Spectrum Planning-3; Government Communications-13; non-Government Communications-13; and administration-1.

While the DTM's staff is heavily loaded with technical personnel and persons heavy in practical experience and knowledge of Government communications operations, the OTP will need a considerable number of persons trained and experienced in quantitative analytical techniques such as econometrics, operations research, and statistical decision theory to name a few.

Of the 13 positions recommended for the Government Communication Division, it is recommended that 2-3 be filled by persons with quantitative analysis expertise. The lack of these skills in the DTM's office has seriously hampered any efforts to fully understand the capabilities of the Government's communications systems and especially to evaluate the need for improvements to those systems. To perform analysis of all Government communications systems at the OTP would be undesirable; however, the OTP should have the capability to direct agency analyses and evaluate the results.

Reallocation of the DTM Staff

Twenty-five professional staff are presently on the DTM payroll. This is composed of 3 in the Director's Office, 3 in International Communications, 7 in National Communications, and 8 in Frequency Management. In the recommended OTP structure, 1 of the Director's Office staff would be retained as executive officer, 1 would go to Commerce and the legal aid would fit in the non-Government program office. The Directorates of the DTM are addressed in the following paragraphs.

International Communications Directorate--The International Division of this Directorate is directly concerned with items that will be of direct concern to the non-Government Division of the OTP (1 professional). The Advanced Technology Division (1 professional) is concerned with subjects that fall under the general area of interest of the Government Division but these functions could be performed equally well or better by the TRAC. It is recommended that this Division be reallocated to the TRAC. The Director should go to non-Government Communications since this position has been closely associated with non-Government Communications function.

National Communications Directorate--This office is directly concerned with things that will be of interest to the Government Communications Division. The Director of this office will be retiring in the near future and it is thought his position should be reestablished as Director of the Division. The remainder of the National Communications Directorate fits into the Government Communications Division almost function for function. It is

therefore recommended that this Directorate be transferred to the OTP.

Frequency Management Directorate--The majority of the Directorate's personnel are concerned with functions that are to be performed by the TRAC. There will be need for one person, however, in the Government Communications Division to develop policy guidance related to frequency assignments to Government agencies and to assist the Director in resolving agency disagreements over frequency assignments. The Spectrum Planning Division will require probably a lawyer, an economist, and a person familiar with the frequency assignment business. For this position it is recommended that one of the individuals in the DTM's Spectrum Development Division be retained by the OTP. The remainder of the Frequency Management Directorate should be transferred to the Commerce Department. The Director of the OTP will be able to call on the TRAC for whatever assistance is required in analysis of complex frequency management problems and this assistance should prove sufficient to satisfy his specific frequency management responsibilities.

Summary

Distributing DTM professional personnel in the manner described above would provide the OTP with an initial staffing of 13 filled positions and up to 4 unfilled ones. Of the 13 positions, 1 will be retiring in the very near future and another will retire is asked. In 1971, another 10 spaces will become available if approved by Congress bringing the total to 27, slightly less than the 30 authorized. According to this proposal

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the 13 filled positions would be reestablished in the OTP in the following manner:

Executive Assistant	1
Government Communications	8
Non-Government Communications	3
Spectrum Planning	1

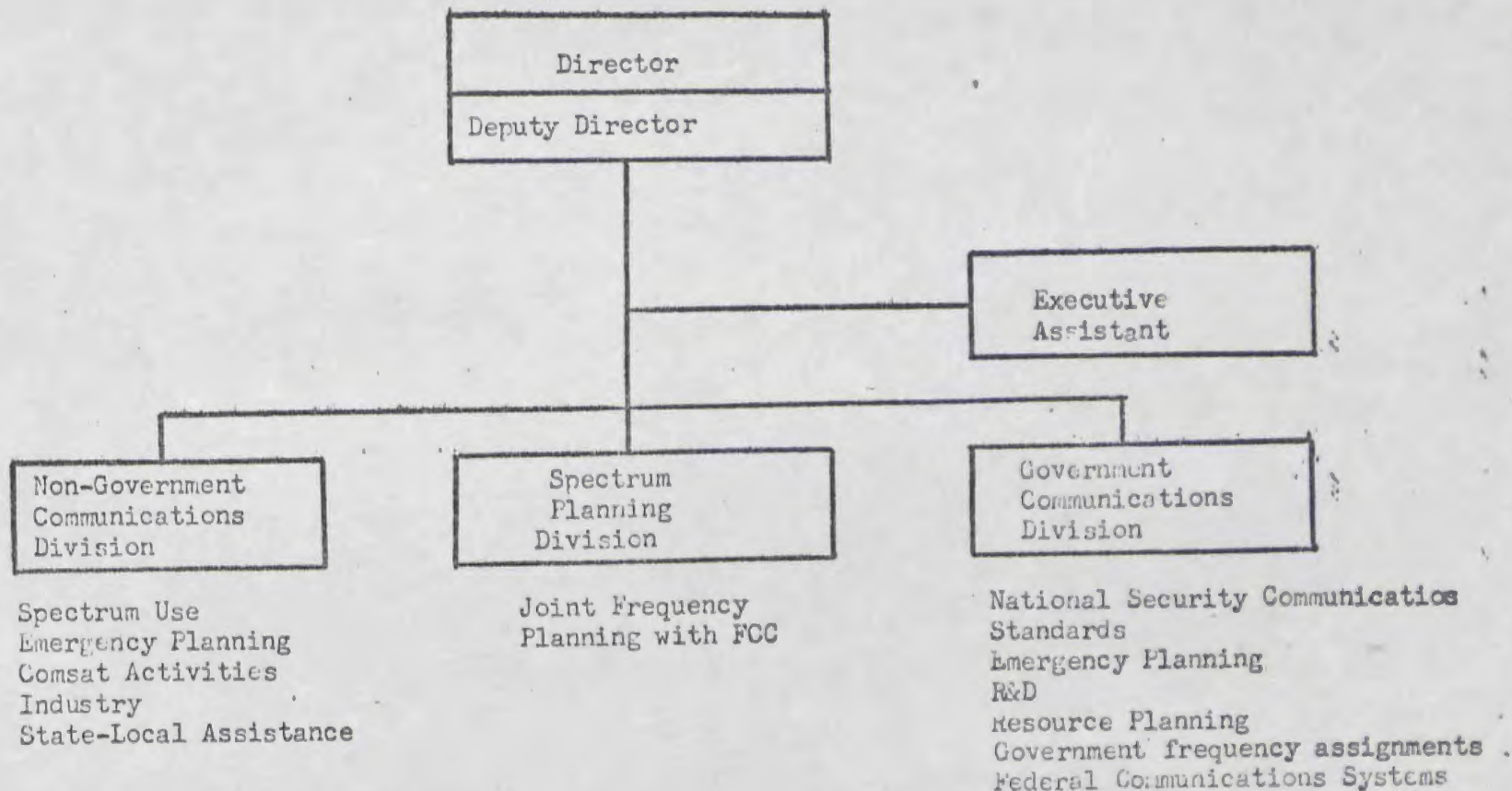


Figure 1 -- Recommended Internal Organization for Office of Telecommunications Policy

O.T.P

Enclosed herewith is a draft Executive Order assigning telecommunications management functions within the executive branch. I would appreciate receipt of any comments you may wish to provide by April 10, 1970.

Howard - Would you see that
NSC, OEP, Commerce & others
get copies & I see any
significant comments?

Tom

EXECUTIVE ORDER

ASSIGNING TELECOMMUNICATIONS MANAGEMENT FUNCTIONS

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. General functions. Subject to the authority and control of the President, the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director) shall:

(a) Serve as the President's principal adviser on telecommunications [policy].

(b) Coordinate telecommunications activities of the executive branch and be responsible for the formulation of overall policies for such activities, including policies relating to the procurement of telecommunications services and equipment, the allocation and use of electromagnetic spectrum, and the privacy and security of telecommunications. Agencies shall consult with the Director to insure that their conduct of telecommunications activities is consistent with the Director's overall policies.

(c) Conduct economic, technical, and systems analyses of telecommunications policies, activities, and opportunities in support of national policy formulation and United States participation in international telecommunications activities.

(d) Assure that the executive branch position on telecommunications policy issues, including non-Government use of the electromagnetic spectrum, is presented effectively to the Congress and the Federal Communications Commission.

(e) Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of the total electromagnetic spectrum resource.

(f) Develop telecommunications plans, policies, and programs under which the full advantage of technological development will accrue to the Nation and the users of telecommunications, which will serve the national security and telecommunications security, sustain and contribute to the full development of world trade and commerce, strengthen the position and serve the best interests of the United States in negotiations with foreign nations, and permit the maximum use of resources through better frequency management.

(g) Review and test on a continuing basis existing and planned telecommunications systems, both governmental and private, to determine whether national security, communications security, and emergency preparedness requirements are being met adequately and efficiently, and report the results and any remedial actions recommended to the President through the National Security Council.

(h) Review telecommunications research and development, system improvement and expansion programs, and programs for the testing,

operation, and use of telecommunications systems of Federal agencies to identify competing, overlapping, duplicating or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Bureau of the Budget concerning the scope and funding of these programs.

(i) Coordinate the development of policy, plans, and programs for the mobilization and use of telecommunications resources in any emergency, and prepare to administer such resources if directed to do so in any emergency, under the overall policy direction and planning assumptions of the Director, Office of Emergency Preparedness.

(j) Coordinate Federal assistance to State and local governments in the telecommunications area.

(k) Conduct studies and analyses to evaluate the impact of the convergence of computer and communications technologies on telecommunications, data processing, and information handling, and recommend needed actions to the President, through the Bureau of the Budget, and to other departments and agencies.

(l) Contract for studies and reports related to any aspect of his responsibilities.

SEC. 2. Frequency assignments. The functions transferred to the Director by section 1 of Reorganization Plan No. 1 of 1970 shall include the functions of amending, modifying, and revoking frequency assignments for radio stations belonging to and operated by the United States, or to classes thereof, which have heretofore been made or

which may be made hereafter. Executive Order No. 10695A of January 16, 1957, is amended insofar as it is inconsistent with the present order.

SEC. 3. War powers. Executive Order No. 10705 of April 17, 1957, headed "Delegating Certain Authority of the President Relating to Radio Stations and Communications", is further amended by:

(a) Revising subsection 1(a) to read: "Subject to the provisions of this order, the authority vested in the President by subsections 606(a), (c), and (d) of the Communications Act of 1934, as amended (47 U.S.C. 606(a), (c), and (d)), is delegated to the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director). Such authority shall be exercised under the overall policy direction of the Director of the Office of Emergency Preparedness."

(b) Deleting from subsection 1(b) the words "subsections 305(a) and 606(a)" and inserting in lieu thereof "subsection 606(a)".

SEC. 4. Foreign government radio stations. The authority to authorize a foreign government to construct and operate a radio station at the seat of government vested in the President by subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. 305(d)), is hereby delegated to the Director of Telecommunications Policy. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Federal Communications Commission.

SEC. 5. Office of Emergency Preparedness. (a) Executive Order No. 11051 of September 27, 1962, headed "Prescribing Responsibilities of the Office of Emergency Planning in the Executive Office of the President" is amended by:

(1) Revising section 306 to read as follows: "Emergency telecommunications. The Director shall be responsible for providing overall policy guidance to the Director of the Office of Telecommunications Policy in planning for the mobilization of the Nation's telecommunications resources in time of national emergency."

(2) Deleting section 406.

(b) Section 1802 and subsections 401(27) and 2002(3) of Executive Order No. 11490 of October 28, 1969, headed "Assigning emergency preparedness functions to Federal departments and agencies," are hereby amended to conform to the provisions of this order.

SEC. 6. National Communications System. The President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413), is amended by:

(a) Substituting the following for the first paragraph after the heading "Executive Office Responsibilities": "the Director of the Office of Telecommunications Policy shall be responsible for policy direction of the development and operation of the National Communications System and shall:"

(b) Substituting the term "Director of the Office of Telecommunications Policy" for the term "Special Assistant to the President for Telecommunications" wherever it appears in said memorandum.

SEC. 7. Communications Satellite Act of 1962. Executive Order No. 11191 of January 4, 1965, headed "Providing for the Carrying Out of Certain Provisions of the Communications Satellite Act of 1962" is amended by:

(a) Substituting the following for section 1(c): "The term 'the Director' means the Director of the Office of Telecommunications Policy." and

(b) Substituting the following for the heading of section 2 "Director of the Office of Telecommunications Policy."

SEC. 8. Advice to Secretary of State. The Director, in consultation with the Federal Communications Commission, shall assist and give policy advice to the Secretary of State in the discharge of his functions in the field of international telecommunications policies, positions, and negotiations.

SEC. 9. Advisory committees. The Director shall establish such interagency advisory committees and working groups composed of representatives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue the Interdepartment Radio Advisory Committee, it shall serve in an advisory capacity to the Director. The Director also shall establish a telecommunications advisory committee composed of experts in the telecommunications area outside the Government.

SEC. 10. Rules and regulations. The Director shall issue such rules and regulations as may be necessary to carry out the duties and responsibilities vested in him by this order or delegated to him under this order.

SEC. 11. Agency assistance. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Director and to furnish him such information, support and assistance, not inconsistent with the law, as he may require in the performance of his duties.

SEC. 12. Functions of the Secretary of Commerce. The Secretary of Commerce, in supporting the Director in the performance of his functions and operating under the general spectrum management guidelines and criteria prescribed by the Director, shall:

- (a) Provide a centralized research and engineering capability within the executive branch for the coordination of Federal frequency uses and assignments.
- (b) Develop and operate a national electromagnetic compatibility analysis facility.
- (c) Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques leading to improved utilization of the radio resource.
- (d) Conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies and in response to specific requests from the Director.

(e) Provide such administrative and technical support as may be required for the effective functioning of the Interdepartment Radio Advisory Committee and provide for the maintenance of files relevant to frequency management responsive to the needs of the Director and the Committee.

SEC. 13. Retention of existing authority. (a) Nothing contained in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission.

(b) Nothing contained in this order shall be deemed to impair the responsibilities of the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended, with respect to the representation of agencies in negotiations with carriers and in proceedings before Federal and State regulatory bodies or the procurement either directly or by delegation of authority to other agencies of public utility communications services. The Administrator shall coordinate his activities in these areas with the Director.

(c) Except as specifically provided therein, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any other department or agency or officer thereof made by statute, Executive order, or Presidential directives, including memoranda.

SEC. 14. Program content. Nothing in this order shall be construed as authorizing the exercise of any authority with respect to the content of any station program or of communications transmitted by any communication facility.

SEC. 15. Superseded orders. To the extent that the following have not heretofore been made or become inapplicable, they are hereby superseded and revoked:

- (1) Executive Order No. 10995 of February 16, 1962
- (2) Executive Order No. 11084 of February 15, 1963.

THE WHITE HOUSE

DRAFT
5-15-70

EXECUTIVE ORDER

ASSIGNING TELECOMMUNICATIONS FUNCTIONS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and pursuant to the intention expressed in my message to the Congress which accompanied Reorganization Plan No. 1 of 1970, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Amended and superseded orders. Executive Order Nos. 10705 of April 17, 1957, 11051 of September 27, 1962, 11191 of January 4, 1965, and 11490 of October 28, 1969, and the President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413) are amended as provided herein. Executive Order Nos. 10695-A of January 16, 1957, 10995 of February 16, 1962, and 11084 of February 15, 1963, to the extent not heretofore made inapplicable, are superseded and revoked in full.

SEC. 2. General functions. Subject to the authority and control of the President, the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director) shall:

(a) Serve as the President's principal adviser on telecommunications.

(b) Coordinate telecommunications activities of the executive branch and be responsible for the formulation of overall policies for such activities, including policies relating to the development of systems concepts, plans and performance criteria, equipment standards, the interoperability and survivability of the National Communications System, and the allocation, use, and management of the spectrum. Agencies, including the Executive Agent of the National Communications System, shall consult with the Director to insure that their conduct of telecommunications activities is consistent with the Director's overall policies and standards.

(c) Conduct economic, technical, and systems analyses of telecommunications policies, activities, and opportunities in support of national policy formulation and United States participation in international telecommunications activities.

(d) Coordinate the development of executive branch positions on telecommunications policy issues, including non-Government use of the spectrum, and assure that they are presented effectively to the Congress and the Federal Communications Commission.

(e) Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of the total spectrum resource.

(f) Develop telecommunications plans, policies, and programs under which the full advantage of technological development will accrue to the Nation and the users of telecommunications, which will serve the national security, sustain and contribute to the full development of

world trade and commerce, strengthen the position and serve the best interests of the United States in negotiations with foreign nations, and permit the maximum use and most effective management of communications resources and frequencies.

(g) Review and assess on a continuing basis existing and planned telecommunications systems, both governmental and those private facilities included in national security planning, to determine whether national security and emergency preparedness requirements, including communications security, are being met adequately and efficiently, and report the results and any remedial actions recommended to the President through the National Security Council.

(h) Review telecommunications research and development, system improvement and expansion programs, and programs for the testing, operation, and use of telecommunications systems of Federal agencies to identify competing, overlapping, duplicating or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Bureau of the Budget concerning the scope and funding of these programs.

(i) Coordinate the development of policy, plans, programs, and standards for the mobilization and use of telecommunications resources in any emergency, and prepare to administer such resources if directed to do so in any emergency, under the overall policy direction and planning assumptions of the Director of the Office of Emergency Preparedness.

(j) Coordinate Federal assistance to State and local governments in the telecommunications area.

(k) Conduct studies and analyses to evaluate the impact of the convergence of computer and communications technologies, and recommend needed actions to the President and to the departments and agencies.

(l) Contract for studies and reports related to any aspect of his responsibilities.

SEC. 3. War powers. Executive Order No. 10705 of April 17, 1957, headed "Delegating Certain Authority of the President Relating to Radio Stations and Communications", as amended, is further amended by:

(a) Substituting for subsection (a) of section 1 the following:
"(a) Subject to the provisions of this order, the authority vested in the President by subsections 606(a), (c), and (d) of the Communications Act of 1934, as amended (47 U.S.C. 606(a), (c) and (d)), is delegated to the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director). Such authority shall be exercised under the overall policy direction of the Director of the Office of Emergency Preparedness."

(b) Substituting for the text "subsections 305(a) and 606(a)" in subsection (b) of section 1 the following: "subsection 606(a)".

SEC. 4. Foreign government radio stations. The authority to authorize a foreign government to construct and operate a radio station at the seat of government vested in the President by subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. 305(d)), is

hereby delegated to the Director. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Federal Communications Commission.

SEC. 5. Office of Emergency Preparedness. (a) Executive Order No. 11051 of September 27, 1962, as amended, is further amended by:

(1) Deleting subsection 301(4) and renumbering subsection 301(5) as subsection 301(4).

(2) Substituting for section 306 the following: "Sec. 306.

Emergency telecommunications. The Director shall be responsible for providing overall policy guidance to the Director of the Office of Telecommunications Policy in planning for the mobilization of the Nation's telecommunications resources in time of national emergency."

(3) Deleting section 406.

(b) Executive Order No. 11490 of October 28, 1969, headed "Assigning emergency preparedness functions to Federal departments and agencies," as amended, is hereby further amended so as to conform section 1802 and subsections 401(27) and 2002(3) to the provisions of this order.

SEC. 6. National Communications System. The President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413), is amended by:

(a) Substituting the following for the first paragraph after the heading "Executive Office Responsibilities": "The Director of the Office of Telecommunications Policy shall be responsible for policy direction of the development and operation of the National Communications System and shall:"

(b) Substituting the term "Director of the Office of Telecommunications Policy" for the term "Special Assistant to the President for Telecommunications" wherever it appears in said memorandum.

SEC. 7. Communications Satellite Act of 1962. Executive Order No. 11191 of January 4, 1965, headed "Providing for the Carrying Out of Certain Provisions of the Communications Satellite Act of 1962", is amended by:

(a) Substituting the following for subsection (c) of section 1: "(c) The term 'the Director' means the Director of the Office of Telecommunications Policy.", and

(b) Substituting the following for the catchline of section 2: "Director of the Office of Telecommunications Policy."

SEC. 8. Advice to Secretary of State. The Director, in consultation with the Federal Communications Commission when appropriate, shall assist and give policy advice to the Secretary of State in the discharge of his functions in the field of international telecommunications policies, positions, and negotiations.

SEC. 9. Advisory committees. As may be permitted by law, the Director shall establish such interagency advisory committees and working

groups composed of representatives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue the Interdepartment Radio Advisory Committee, it shall serve in an advisory capacity to the Director. As may be permitted by law, the Director also shall establish one or more telecommunications advisory committees composed of experts in the telecommunications area outside the Government. The Director shall serve as a member of the United States Communications Security Board.

SEC. 10. Rules and regulations. The Director shall issue such rules and regulations as may be necessary to carry out the duties and responsibilities vested in him by this order or delegated to him thereby.

SEC. 11. Agency assistance. All executive departments and agencies of the Federal Government, including the Executive Agent of the National Communications System, are authorized and directed to cooperate with the Director and to furnish him such information, support and assistance, not inconsistent with the law, as he may require in the performance of his duties.

SEC. 12. Functions of the Secretary of Commerce. The Secretary of Commerce, in supporting the Director in the performance of his functions and operating under the spectrum management policy guidelines and direction of the Director, shall:

(a) Provide a centralized research and engineering capability within the executive branch for the coordination of Federal frequency uses and assignments.

(b) Develop and operate a national electromagnetic compatibility analysis facility.

(c) Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques leading to improved utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

(d) Conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies as required and in response to specific requests from the Director.

(e) Provide such administrative and technical support as may be required for the effective functioning of the Interdepartment Radio Advisory Committee and provide for the maintenance of files relevant to frequency management responsive to the needs of the Director and the Committee.

SEC. 13. Retention of existing authority. (a) Nothing contained in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission. In carrying out his functions under this order, the Director shall coordinate as appropriate with the Federal Communications Commission and make appropriate recommendations to it as the regulator of the private sector.

(b) Nothing contained in this order shall be deemed to impair the responsibilities of the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended, with respect to the representation of agencies in negotiations with carriers and in proceedings before Federal and State regulatory bodies or the procurement either directly or by delegation of authority to other agencies of public utility communications services. The Administrator shall coordinate his activities in these areas with the Director.

(c) Except as specifically provided herein, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any other department or agency or officer thereof made by statute, Executive order, or Presidential directives, including memoranda.

SEC. 14. Program content. Nothing in this order shall be construed as authorizing the exercise of any authority with respect to the content of any station program or of communications transmitted by any communication facility.

THE WHITE HOUSE

1970



GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE
WASHINGTON, D.C. 20230

APR 15 1970

Honorable Robert P. Mayo
Director, Bureau of the Budget
Washington, D. C. 20503

Dear Mr. Mayo:

This is in reply to your request for the views of this Department concerning a draft Executive Order

"Assigning Telecommunications Management Functions".

The order would provide for the assigning of telecommunications management functions to implement the provisions of Reorganization Plan No. 1 of 1970 (now pending in Congress) which would establish a new Office of Telecommunications Policy in the Executive Office of the President. The order would assign to the Director of the new Office of Telecommunications Policy the major functions relating to telecommunications policy.

Section 12 of the order sets forth the functions of the Secretary of Commerce, who, among other things, would be required to: (a) provide a centralized research and engineering capability for the coordination of Federal frequency uses and assignments; (b) develop and operate a national electromagnetic compatibility analysis facility; (c) conduct research and analysis to improve utilization of the radio resource; (d) conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies and in response to specific requests from the Director; and (e) provide such administrative and technical support as may be required for the effective functioning of the Interdepartment Radio Advisory Committee.

We believe the draft order fulfills a need for strengthening the Government's machinery for formulating and coordinating broad national policies in the field of telecommunications. However, we recommend that section 12 of the order be revised to incorporate the new language set forth in the attached draft.

Subsection (c) of our revision is more specific than subsection (e) of the draft with respect to Department of Commerce functioning in support of frequency assignments. We believe it is proper to relate Commerce functions directly to the Office of Telecommunications Policy rather than to a committee advisory to the Director.

Subsection (d) has been inserted in our revision as a responsibility appropriate to the Department of Commerce because of the Department's current expertise in technical and economic matters and made especially necessary by (1) the rapidity of change in communications technology and (2) the large national investments of capital in telecommunications hardware.

Subsections (e), (f), and (g) have been inserted, replacing subsections (c) and (d) of the draft, to make available to OTP the existing competence of the Department in research on the properties of the electromagnetic spectrum itself. At the same time, subsection (f) generalizes our sphere of concern to include wire communications systems. We foresee a rapid parallel development of cable techniques, a growing competition between radio and cable resources, and a consequent need to understand the interrelationship between the two.

Subsections (h) and (i) have been added to focus again on the rapidity with which telecommunications technology is changing and being applied. The new technology must be understood and guided where possible in the light of future needs, consequences, and opportunities, which are themselves changing rapidly.

Subsection (j) has been added because telecommunications needs will vary in some degree according to geography, economic activity, and social need in the various regions of our nation. Some regionalization of policy appears inevitable, and we should be prepared to offer advisory services on a State and local level in support of the corresponding function of the Director of OTP.

Subsection (k) has been drafted into our revision because a systems resource is useless without the human resource to understand, operate, and modify it to meet changing conditions. This subsection will enable us to help develop the human resource.

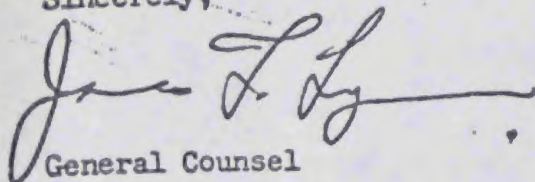
Subsection (l) of our revision is a blanket clause which we feel is necessary to cover presently unforeseen developments in telecommunications. Telecommunications is already undergoing an upheaval and we must be free to move in whatever direction our talents permit in order to assure the greatest national benefit from these changes.

These proposed revisions in the Executive Order draft will enable the Department of Commerce to assist the Office of Telecommunications Policy in more of its functions. The Department of Commerce will at the same time make fuller use of its technical resources and talent. If section 12 is revised as we recommend, this Department would favor issuance of the order by the President.

3

The word "therein" in section 13(c) of the order should be corrected to read "herein".

Sincerely,

A handwritten signature in dark ink, appearing to read "James L. Ly", with a long horizontal flourish extending to the right.

General Counsel

Section 12 Functions of the Secretary of Commerce. In connection with his statutory authorities, the Secretary of Commerce (hereinafter referred to in this order as the "Secretary"), shall be the primary source of support for the Director for technical research and analysis and for such economic analysis as would be appropriate and in the performance of these functions shall:

- (a) Provide a centralized research and engineering capability within the Executive Branch for the coordination of Federal frequency uses and assignments;
- (b) Develop and operate a national electromagnetic compatibility analysis facility;
- (c) Maintain the records on frequency assignments, amendments, modifications, and revocations for radio stations belonging to and operated by the United States or to classes thereof; process requests concerning frequency assignments for such stations for decisions by the Director; and perform related technical and administrative functions;
- (d) Conduct technical and economic research and analysis to provide information and alternatives required by the Office of Telecommunications Policy to make representations or decisions on policy issues;
- (e) Conduct a central federal program of research and services on description and prediction of electromagnetic wave propagation over the surface of the earth and in the atmosphere, on electromagnetic noise and interference, and on communication technology and system sciences for effective use of various transmission media for telecommunications;
- (f) Conduct research and analysis in the general field of telecommunications sciences, including measurement of system performance and standards of practice, for both radio and wire systems;
- (g) Conduct technical and economic research on efficient utilization of the electromagnetic spectrum as a national and international resource;
- (h) Provide methodology and information in appropriate form for anticipating the longer range effects of the telecommunications sector upon the rest of the economy;
- (i) Provide systematic and continuing projections of current technological developments, future needs, and the probable broad effects of particular technical developments, including the convergence of computer and communications technologies;
- (j) Provide advisory services in telecommunications to State and local agencies;
- (k) Administer grants for interdisciplinary programs, where authorized, in selected universities to combine the legal, economic and sociological disciplines with the engineering disciplines, for the purpose of investigating the principles underlying telecommunications policy and for educating students for careers in this field; and
- (l) Conduct such other activities as may be appropriate to support the Director in performance of his functions.

OTP

June 9, 1970

MEMORANDUM FOR

General James D. Hughes
Military Assistant to the President

I propose to have the President sign the memorandum that you and I agreed to at the same time that the Executive Order is signed. While OTP officially exists, it is not functioning until the Executive Order is signed.

Clay T. Whitehead
Special Assistant to the President

cc: Mr. Whitehead
Central Files

CTWhitehead:ed

MEMORANDUM

THE WHITE HOUSE

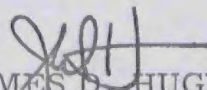
WASHINGTON

8 June 1970

MEMORANDUM FOR MR. CLAY T. WHITEHEAD

SUBJECT: Presidential Memorandum Pertaining to the Office of
Telecommunications Policy (OTP)

Reference our earlier discussions and my memorandum to you on the subject dated 11 March 1970. I would appreciate knowing the status of this memorandum, now that the OTP has been formally approved.



JAMES D. HUGHES
Brigadier General, United States Air Force
Military Assistant to the President

07P

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF EMERGENCY PREPAREDNESS
WASHINGTON, D.C. 20504

JUN 22 1970

OFFICE OF THE DIRECTOR

Honorable Robert E. Hampton
Chairman
U. S. Civil Service Commission
Washington, D. C. 20415

Dear Mr. Chairman:

This is a special report covering our intentions regarding vacant supergrade positions.

The President has not yet appointed a new Director for the Office of Telecommunications Policy which became an independent office under Reorganization Plan No. 1. Consequently, we have taken no action regarding that office's vacant supergrades and I urge the Civil Service Commission to do likewise until a new Director is appointed and can be consulted by the Civil Service Commission. The spaces involved are:

Chief, Communications System Division - GS-855-17 #233.
Proposed for return to CSC in lieu of GS-16 for Executive Assistant position. Appeal of CSC action is under consideration.

Deputy Associate Director, Advanced Concepts and Technology - GS-1301-17 #U126. Since this is a non-quota position, it is presumed no CSC emergency exists for utilization.

Associate Director, Frequency Management Directorate - GS-855-17 #223.

We have the following three vacant supergrade position in OEP:

Deputy Director, Government Preparedness Office -
GS-301-17 #206. Vacant as of May 5, 1970.

(Deputy) Director of Liaison - GS-301-16 #531. Vacant
as of June 12, 1970

Deputy Chief, Systems Evaluation Division - GS-1515-16
#0964. We are completing a review of our systems
evaluation workload and requirements for FY 1971 and
beyond. Since this is a non-quota supergrade and not
usable in any other way, we presume that there is no
CSC emergency for utilizing it.

We have many urgent requirements for the two quota supergrade
vacancies listed above, not the least of which is for staffing
our Oil Import Policy function. I will be making staffing
decisions within the next several weeks based on Congressional
action on our FY 1971 budget and other considerations.

Sincerely,

G. A. Lincoln
Director

cc: Clay T. Whitehead
The White House

July 15, 1970

Dear Mr. Chairman:

I very much appreciated your taking the time today to meet with me and to discuss how I see the role of the new Office of Telecommunications Policy in the Executive Office of the President. The Senate Commerce Committee holds hearings tomorrow on my nomination to be Director of that Office, and I look forward to getting our new activities underway.

As you know, our FY 71 budget recommendations for the Office of Telecommunications Management anticipated both Reorganization Plan No. 1 of 1970 and the greatly expanded role and vigor foreseen for the new Office of Telecommunications Policy. Now that the Congress has allowed this Plan to go into effect, the Administration has been reviewing those budget recommendations and the recent actions by the House and Senate. As this matter goes to Conference, I want to be sure that the relative priorities of this Administration in this program are available to the Congress.

The President's budget recommendations for telecommunications policy requested \$3.3 million, a significant percentage increase above the 1970 budget of \$1.8 million. I wish to emphasize that we still consider the full funding of \$3.3 million is vitally important to the development of an effective telecommunications policy program during the forthcoming year.

As you know, the House action contemplates no increased funding above the 1970 level for the old Office of Telecommunications Management. I understand that part of this reduction (\$906,000) was attributed to concern over the establishment of a new National Electromagnetic Compatibility Analysis Facility without legislative authorization. The remaining reduction would sharply curtail our plans to initiate urgently needed studies of a broad range of telecommunications policy issues not heretofore considered by the

OTM. Recent pay raises would in fact lower the effective resources available to the new office if the House proposals were adopted.

As I mentioned in our discussion, I feel that communications has a vast potential for good in our society and our economy. But we must have government policies and programs that promote, rather than hinder, that potential. The new staff and contract support needed for telecommunications policy analysis is of the highest priority and absolutely essential to expansion of the role and capabilities of the new Office of Telecommunications Policy beyond that of its predecessor. The 1970 funding for studies covered only frequency management subjects. The additional funds requested in 1971 are needed to address a number of problems concerning international agreements and spectrum allocations, data communications, defense and emergency preparedness needs, the efficiency of Federal expenditures and procurement for communications services, and other important policy issues that have not received adequate policy attention. The present OTM staff and funding levels allow for no such policy studies.

With respect to the electromagnetic compatibility analysis effort, it is not our intention to establish any new facility or organization which would require legislative authorization. Rather, we intend to task the Department of Commerce to develop the necessary analytic techniques, data base, and processing capabilities to provide the Office of Telecommunications Policy the information necessary to more efficient use of the spectrum.

The \$1.5 million reduction proposed by the House would make impossible the following three categories of work that are important to achieving the objectives of the new office: (1) \$539,000 for 10 new staff members and for contract studies of the Office of Telecommunications Policy to deal with broad telecommunications subjects not previously undertaken by the old Office of Telecommunications Management. (2) \$560,000 for additional staff to develop the concepts, techniques, and data bases for modernized electromagnetic compatibility analysis to achieve more efficient use of our spectrum resources and to meet the increasing workload of frequency assignment processing. (3) \$406,000 for broader and more rapid application of electromagnetic compatibility analyses.

However, should the Congress feel that some budgetary reductions below the \$3.3 million requested must be made, despite its own and the Administration's strongly expressed interest in developing a more effective telecommunications policy capability, some reduction in the \$406,000 category just mentioned would be less detrimental to the overall effort than would other reductions.

Sincerely,

Clay T. Whitehead
Special Assistant to the President

Honorable Joe L. Evins
Chairman
Subcommittee on Independent Offices
Committee on Appropriations
House of Representatives
Washington, D. C.

cc: Mr. Whitehead
Central Files
Dick Cook
George Shultz
CTW Peter Flanigan

CTWhitehead:ed

070
July 7, 1970

Dear Senator Cotton:

I appreciate very much your taking the time to talk with me yesterday about my nomination to be Director of the new Office of Telecommunications Policy. As you suggested, I have begun to contact the other Senators on the Commerce Committee. I hope to be able to meet with all the Republicans and as many of the Democrats as possible. I have also been in touch with Art Pankopf about meeting some of the Committee staff and getting the hearings scheduled in a timely way.

Attached for your ready reference is a copy of a brief biography and materials released from the White House Press Office regarding the purposes and functions of the new Office of Telecommunications Policy.

I certainly enjoyed our visit. It was most helpful to me, and I hope that I will have the opportunity to keep you informed and consult with you from time to time as this new undertaking proceeds. I would be pleased to visit with you at any time should you have any questions or problems.

Sincerely,

Clay T. Whitehead
Special Assistant to the President

Honorable Norris Cotton
United States Senate
Washington, D. C.

Attachments

cc: Mr. Whitehead
Central Files

CTWhitehead:ed

077
July 16, 1970

Dear Congressman Jonas:

Attached is a copy of a letter I sent to Chairman Evins. I regret that I did not have a chance to talk with you before Mr. Evins spoke with me and I prepared this letter.

I would appreciate the opportunity to discuss this area with you in the near future.

Sincerely,

Clay T. Whitehead
Special Assistant
to the President

Honorable Charles Raper Jonas
House of Representatives
Washington, D. C.

Enclosure

cc: Mr. Whitehead
Central Files

CTWhithead:jm

July 15, 1970

Dear Mr. Chairman:

I very much appreciated your taking the time today to meet with me and to discuss how I see the role of the new Office of Telecommunications Policy in the Executive Office of the President. The Senate Commerce Committee holds hearings tomorrow on my nomination to be Director of that Office, and I look forward to getting our new activities underway.

As you know, our FY 71 budget recommendations for the Office of Telecommunications Management anticipated both Reorganization Plan No. 1 of 1970 and the greatly expanded role and vigor foreseen for the new Office of Telecommunications Policy. Now that the Congress has allowed this Plan to go into effect, the Administration has been reviewing those budget recommendations and the recent actions by the House and Senate. As this matter goes to Conference, I want to be sure that the relative priorities of this Administration in this program are available to the Congress.

The President's budget recommendations for telecommunications policy requested \$5.3 million, a significant percentage increase above the 1970 budget of \$1.8 million. I wish to emphasize that we still consider the full funding of \$5.3 million as vitally important to the development of an effective telecommunications policy program during the forthcoming year.

As you know, the House action contemplated no increased funding above the 1970 level for the old Office of Telecommunications Management. I understand that part of this reduction (\$700,000) was attributed to concern over the establishment of a new National Electromagnetic Compatibility Analysis Facility without legislative authorization. The resulting reduction would sharply curtail our plans to initiate urgently needed studies of a broad range of telecommunications policy issues not heretofore considered by the

OTM. Recent pay raises would in fact lower the effective resources available to the new office if the House proposals were adopted.

As I mentioned in our discussion, I feel that communications has a vast potential for good in our society and our economy. But we must have government policies and programs that promote, rather than hinder, that potential. The new staff and contract support needed for telecommunications policy analysis is of the highest priority and absolutely essential to expansion of the role and capabilities of the new Office of Telecommunications Policy beyond that of its predecessor. The 1979 funding for studies covered only frequency management subjects. The additional funds requested in 1971 are needed to address a number of problems concerning international agreements and spectrum allocations, data communications, defense and emergency preparedness needs, the efficiency of Federal expenditures and procurement for communications services, and other important policy issues that have not received adequate policy attention. The present OTM staff and funding levels allow for no such policy studies.

With respect to the electromagnetic compatibility analysis effort, it is not our intention to establish any new facility or organization which would require legislative authorization. Rather, we intend to task the Department of Commerce to develop the necessary analytic techniques, data base, and processing capabilities to provide the Office of Telecommunications Policy the information necessary to more efficient use of the spectrum.

The \$1.5 million reduction proposed by the House would make impossible the following three categories of work that are important to achieving the objectives of the new office: (1) \$237,000 for 10 new staff members and for contract studies of the Office of Telecommunications Policy to deal with broad telecommunications subjects not previously undertaken by the old Office of Telecommunications Management. (2) \$560,000 for additional staff to develop the concepts, techniques, and data bases for coordinated electromagnetic compatibility analysis to achieve more efficient use of our spectrum resources and to meet the increasing workload of frequency assignment processing. (3) \$493,000 for broader and more rapid application of electromagnetic compatibility analyses.

However, should the Congress feel that some budgetary reductions below the \$2.3 million requested must be made, despite its own and the Administration's strongly expressed interest in developing a more effective telecommunications policy capability, some reduction in the \$406,000 category just mentioned would be less detrimental to the overall effort than would other reductions.

Sincerely,

Clay T. Whitehead
Special Assistant to the President

Honorable Joe L. Ekins
Chairman
Subcommittee on Independent Offices
Committee on Appropriations
House of Representatives
Washington, D. C.

cc: Mr. Whitehead
Central Files
Dick Cook
George Shultz
CTW/Peter Flanigan

CTWhitehead:ed

Telecom

ELECTRONIC NEWS
Monday, August 10, 1970

Louis deRosa Moving In To Top New Telecom Slot

By HEATHER M. DAVID

WASHINGTON — Communications expert Louis deRosa will be sworn in Tuesday into the Pentagon's new top telecommunications post.

The former Philco-Ford and ITT vice-president was picked for the new position of assistant to the secretary of Defense (Telecommunications) some time ago (EN, June 8). Official disclosure was postponed until Civil Service-Paper work was completed.

Mr. deRosa's appointment has been greeted warmly by industry representatives who welcomed a qualified communicator with industry experience in the important post.

While the position now carries the title assistant to the Secretary of Defense, the Defense blue ribbon panel has recommended it be upgraded to assistant Secretary of Defense and given responsibility for automatic data processing management.

No decision has been announced by Defense Secretary Melvin Laird. However, even in its present concept the office is expected to have an important influence on the future direction of the \$2 billion-\$3 billion a year Defense communications mar-

ket.

Mr. deRosa will be a focal point for monitoring and coordinating service activities as well as Defense Communications Agency programs and advise the Secretary of Defense on budget and procedural matters.

During his civilian career Mr.

deRosa has been Philco-Ford corporate vice-president for engineering and research, technical director of ITT's U.S. Defense Space Group, vice-president and general manager ITT Federal Laboratories, San Fernando, Calif.; vice-president, engineering for ITT Communications Systems, Inc., and ITT vice-president, Electronics Defense Laboratory at Nutley, N.J.

SEPTEMBER 4, 1970

OTP
Backgrou

Office of the White House Press Secretary
(San Clemente, California)

THE WHITE HOUSE

The President today signed an Executive Order, "Assigning Telecommunications Functions," which establishes the responsibilities and authority of the new Office of Telecommunications Policy in the Executive Office of the President.

The President also announced his intention to nominate Dr. George F. Mansur, Jr., to be Deputy Director of the Office of Telecommunications. Dr. Clay T. Whitehead, whose nomination to be Director of the Office has been confirmed by the Senate, will be sworn in at a White House ceremony after the President returns from San Clemente.

Dr. Mansur, 42, is a graduate of the University of Missouri, where he received both his Bachelor of Science and Master of Science degrees. He earned his Doctorate in electrical engineering from Iowa State University in 1963. His professional career spans twenty years; except for a two-year period of Army service, he has been associated with industry in positions oriented both to military and civil communications. His most recent position was Director of the Microwave and Space Systems Division of Collins Radio Company which he joined in 1953.

In 1969 Dr. Mansur was the recipient of NASA's Public Service Award which cited him "for his outstanding contributions ... which made possible the exceptional success of the APOLLO program. He is a member of the Institute of Electrical and Electronic Engineers, holds several classified patents, and has authored a number of technical papers.

A resident of Dallas, Texas, Dr. Mansur is married to the former Mary Lu Jones. They have two children.

#

E.O. 11556

signed Sept. 4, 1970

EXECUTIVE ORDER

ASSIGNING TELECOMMUNICATIONS FUNCTIONS

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, and in consonance with the intention expressed in my message to the Congress transmitting Reorganization Plan No. 1 of 1970, it is hereby ordered as follows:

SECTION 1. Amended and superseded orders. Executive Orders Nos. 10705 of April 17, 1957, 11051 of September 27, 1962, 11191 of January 4, 1965, and 11490 of October 28, 1969, and the President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413) are amended as provided herein. Executive Orders Nos. 10695-A of January 16, 1957, 10995 of February 16, 1962, and 11084 of February 15, 1963, to the extent not heretofore made inapplicable, are hereby revoked.

SEC. 2. General functions. Subject to the authority and control of the President, the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director) shall:

(a) Serve as the President's principal adviser on

telecommunications

(b) Develop and set forth plans, policies, and programs with respect to telecommunications that will promote the public interest, support national security, sustain and contribute to the full development of the economy and world trade, strengthen the position and serve the best interests of the United States in negotiations with foreign nations, and promote effective and innovative use of telecommunications technology, resources, and services. Agencies shall consult with the Director to insure that their conduct of telecommunications activities is consistent with the Director's policies and standards.

(c) Assure that the executive branch views are effectively presented to the Congress and the Federal Communications Commission on telecommunications policy matters.

(d) Coordinate those interdepartmental and national activities which are conducted in preparation for U.S. participation in international telecommunications conferences and negotiations, and provide to the Secretary of State advice and assistance with respect to telecommunications in support of the Secretary's responsibilities for the conduct of foreign affairs.

(e) Coordinate the telecommunications activities of the executive branch and formulate policies and

standards therefor, including but not limited to considerations of interoperability, privacy, security, spectrum use and emergency readiness.

(f) Evaluate by appropriate means, including suitable tests, the capability of existing and planned telecommunications systems to meet national security and emergency preparedness requirements, and report the results and any recommended remedial actions to the President and the National Security Council.

(g) Review telecommunications research and development, system improvement and expansion programs, and programs for the testing, operation, and use of telecommunications systems by Federal agencies. Identify competing, overlapping, duplicative or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Office of Management and Budget concerning the scope and funding of telecommunications programs.

(h) Coordinate the development of policy, plans, programs, and standards for the mobilization and use of the Nation's telecommunications resources in any emergency, and be prepared to administer such resources in any emergency under the overall policy direction and planning assumptions of the Director of the Office of Emergency

(i) Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources.

(j) Conduct and coordinate economic, technical, and systems analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

(k) Conduct studies and analyses to evaluate the impact of the convergence of computer and communications technologies, and recommend needed actions to the President and to the departments and agencies.

(l) Coordinate Federal assistance to State and local governments in the telecommunications area.

(m) Contract for studies and reports related to any aspect of his responsibilities.

SEC. 3. Frequency assignments. The functions transferred to the Director by section 1 of Reorganization Plan No. 1 of 1970 include the functions of amending, modifying, and revoking frequency assignments for radio stations belonging to and operated by the United States, or to classes thereof, which have heretofore been made or which may be made hereafter.

SEC. 4. War powers. Executive Order No. 10705 of

17 1957 headed "Delegating Certain Authority of

the President Relating to Radio Stations and Communications", as amended, is further amended by:

(a) Substituting for subsection (a) of section 1 the following: "(a) Subject to the provisions of this order, the authority vested in the President by subsections 606(a), (c), and (d) of the Communications Act of 1934, as amended (47 U.S.C. 606(a), (c) and (d)), is delegated to the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director). That authority shall be exercised under the overall policy direction of the Director of the Office of Emergency Preparedness."

(b) Substituting for the text "subsections 305(a) and 606(a)" in subsection (b) of section 1 the following: "subsection 606(a)".

SEC. 5. Foreign government radio stations. The authority to authorize a foreign government to construct and operate a radio station at the seat of government vested in the President by subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. 305(d)), is hereby delegated to the Director. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the

Secretary of State and after consultation with the Attorney General and the Chairman of the Federal Communications Commission.

SEC. 6. Office of Emergency Preparedness. (a) Executive Order No. 11051 of September 27, 1962, headed "Prescribing Responsibilities of the Office of Emergency Planning in the Executive Office of the President", as amended, is further amended by:

(1) Deleting subsection 301(4) and renumbering subsection 301(5) as subsection 301(4).

(2) Substituting for section 306 the following:

"Sec. 306. Emergency telecommunication. The Director shall be responsible for providing overall policy guidance to the Director of the Office of Telecommunications Policy in planning for the mobilization of the Nation's telecommunications resources in time of national emergency."

(3) Deleting section 406.

SEC. 7. Emergency preparedness. Executive Order No. 11490 of October 28, 1969, headed "Assigning emergency preparedness functions to Federal departments and agencies," as amended, is hereby further amended (1) by substituting "Policy (35 F.R. 6421)" for "Management (OEP)" in section 401(27), and (2) by substituting the number of this order for "10995" in section 1802 and in section 2002(3).

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SEC. 8. National Communications System. The President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413), is amended by:

(a) Substituting the following for the first paragraph after the heading "Executive Office Responsibilities":

"The Director of the Office of Telecommunications Policy shall be responsible for policy direction of the development and operation of the National Communications System and shall:"

(b) Substituting the term "Director of the Office of Telecommunications Policy" for the term "Special Assistant to the President for Telecommunications" wherever it appears in said memorandum.

SEC. 9. Communications Satellite Act of 1962. Executive Order No. 11191 of January 4, 1965, headed "Providing for the Carrying Out of Certain Provisions of the Communications Satellite Act of 1962", is amended by:

(a) Substituting the following for subsection (c) of section 1:

"(c) The term 'the Director' means the Director of the Office of Telecommunications Policy.", and

(b) Substituting the following for the catchline of section 2: "Director of the Office of Telecommunications Policy."

SEC. 10. Advisory committees. As may be permitted by law, the Director shall establish such interagency advisory committees and working groups composed of representatives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue the Interdepartment Radio Advisory Committee, that Committee shall serve in an advisory capacity to the Director. As may be permitted by law, the Director also shall establish one or more telecommunications advisory committees composed of experts in the telecommunications area outside the Government.

SEC. 11. Rules and regulations. The Director shall issue such rules and regulations as may be necessary to carry out the duties and responsibilities delegated to or vested in him by this order.

SEC. 12. Agency assistance. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Director and to furnish him such information, support and assistance, not inconsistent with law, as he may require in the performance of his duties.

SEC. 13. Functions of the Secretary of Commerce. The Secretary of Commerce shall support the Director in the performance of his functions, shall be a primary source

of technical research and analysis and, operating under the policy guidance and direction of the Director, shall:

(a) Perform analysis, engineering and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director in the performance of his responsibilities for the management of the radio spectrum.

(b) Conduct technical and economic research upon request to provide information and alternatives required by the Director.

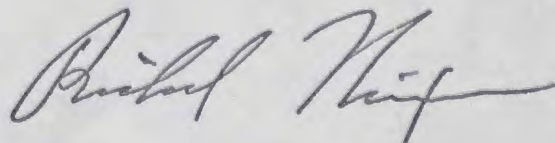
(c) Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques affecting the utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

(d) Conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies as required and in response to specific requests from the Director.

(e) Conduct such other activities as may be required by the Director to support him in the performance of his functions.

SEC. 14. Retention of existing authority. (a) Nothing contained in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission. In carrying out his functions under this order, the Director shall coordinate his activities as appropriate with the Federal Communications Commission and make appropriate recommendations to it as the regulator of the private sector.

(b) Except as specifically provided herein, nothing in this order shall be deemed to derogate from any existing assignment of functions to any other department or agency or officer thereof made by statute, Executive order, or other Presidential directives.



THE WHITE HOUSE,

September 4, 1970

THE WHITE HOUSE
WASHINGTON

September 8, 1970

MEMORANDUM FOR

Director, Office of Telecommunications Policy
Military Assistant to the President

FROM: The President

SUBJECT: White House and Presidential Communications
Facilities

In my memorandum of April 29, 1969, to the Secretary of Defense I indicated that the Military Assistant to the President would be the point of contact in the White House for providing requirements and policy direction to the White House Communications Agency (WHCA). The establishment of the Office of Telecommunications Policy does not change these responsibilities of the Military Assistant; in particular, he is to have full responsibility for actual operation of Presidential communications activities.

However, I recognize that the Director, Office of Telecommunications Policy, will also require some familiarity with White House and Presidential communications systems and plans in order to discharge his responsibilities as my principal telecommunications adviser and coordinator of all Executive Branch telecommunications. Accordingly the Director is authorized to coordinate with the Military Assistant any matters concerning Presidential communications when it is determined that such matters are of mutual concern.

Richard Nixon

Executive Order 11556

ASSIGNING TELECOMMUNICATIONS FUNCTIONS

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(a) Serve as the President's principal adviser on telecommunications.

(b) Develop and set forth plans, policies, and programs with respect to telecommunications that will promote the public interest, support national security, sustain and contribute to the full development of the economy and world trade, strengthen the position and serve the best interests of the United States in negotiations with foreign nations, and promote effective and innovative use of telecommunications technology, resources, and services. Agencies shall consult with the Director to insure that their conduct of telecommunications activities is consistent with the Director's policies and standards.

(c) Assure that the executive branch views are effectively presented to the Congress and the Federal Communications Commission on telecommunications policy matters.

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(e) Coordinate the telecommunications activities of the executive branch and formulate policies and standards therefor, including but not limited to considerations of interoperability, privacy, security, spectrum use and emergency readiness.

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(h) Coordinate the development of policy, plans, programs, and standards for the mobilization and use of the Nation's telecommunications resources in any emergency, and be prepared to administer such resources in any emergency under the overall policy direction and planning assumptions of the Director of the Office of Emergency Preparedness.

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SEC. 10. *Advisory committees.* As may be permitted by law, the Director shall establish such interagency advisory committees and working groups composed of representatives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue the Interdepartment Radio Advisory Committee, that Committee shall serve in an advisory capacity to the Director. As may be permitted by law, the Director also shall establish one or more telecommunications advisory committees composed of experts in the telecommunications area outside the Government.

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(a) Perform analysis, engineering and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director in the performance of his responsibilities for the management of the radio spectrum.

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(c) Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques affecting the utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

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(b) Except as specifically provided herein, nothing in this order shall be deemed to derogate from any existing assignment of functions to any other department or agency or officer thereof made by statute, Executive order, or other Presidential directives.

Richard Nixon

THE WHITE HOUSE,
September 4, 1970.

[F.R. Doc. 70-12017; Filed, Sept. 4, 1970; 4:58 p.m.]

OEP 710252

OTP
Background

September 19, 1970

To: Jon Rose

From: Tom Whitehead

I have attached two copies of the President's Message to the Congress on Telecommunications Reorganization and a list of four points that the President might wish to discuss at the ceremony -- at least to be aware of. I will leave it to you to describe my glowing past accomplishments since I agree that it would be useful for the President to have some idea of what I have worked on, and I am not sure how much he is actually aware of. Only the first part of the message is really worth the President's while reading, and you may wish to mark the relevant parts or to x-out the last four paragraphs for his reading purposes.

I expect to be home most of the weekend in case you want to talk about it.

Attachments

CTWhitehead:jm

1. The Federal Government spends \$5 - 10 million annually on its own communications activities. Whitehead will be at the top of a very large policy pyramid that will require him to coordinate activities involving many departments and agencies and to make significant decisions affecting the interests of those departments. He will need a strong indication of your support in doing this part of his new job.
2. Establishment of OTP is a case of government looking ahead to avoid future problems and enables us to realize a great potential, rather than responding to crises.
3. Communications is the fastest growing sector of the economy, and the remainder of the President's term will see rapid growth in the amount and kind of services available. The impact of this will reach directly and visibly to all individuals and will be perceived as largely beneficial. This Administration should be identified with the positive aspects of this growth.
4. Communications is necessarily a two-way process requiring cooperation and accommodation. The growth of international communications involves governments, industry, and individual

people in all countries. It puts them working together for common purposes in a largely constructive atmosphere. As such, it offers opportunities for better understanding and more constructive interaction with other countries at many levels.

OTP
Background

September 24, 1970

MEMORANDUM FOR ROBERT ODLE

In connection with the swearing in of Tom Whitehead and other arrangements during early days in our organizational effort at OTP, I have had occasion to call upon you several times for assistance and have, in every respect, been provided with your full support. Tom wanted me to be sure that you understood how much he has appreciated your support in handling the administrative and substantive aspects of this work. As Tom's Special Assistant, I want also to add my personal appreciation.

Thank you very much.

Stephen E. Doyle
Office of the Director

cc: Mr. Doyle

SDOYLE:jm

IDENTICAL MEMOS SENT ALSO TO JON ROSE AND STEVE BULL.

OT?
Background

September 24, 1970

MEMORANDUM FOR MR. ANDREW J. MAY

I burdened you on very short notice with some extraordinary requests for picture services in conjunction with Mr. Whitehead's press conference on September 23rd. Your performance in light of the pressure of time and difficulties of transmission was equal to the difficulty of the task. We received everything we requested in time to be fully useful during the press conference. Mr. Whitehead has asked me to personally thank you for your support, and to that I would like to add my personal appreciation as Special Assistant here.

Thank you very much.

Stephen E. Doyle
Office of the Director

WHITEHEAD, SWORN IN AS DIRECTOR OF TELECOMMUNICATIONS POLICY, HOLDS FIRST BRIEFING FOR PRESS, INTRODUCES KEY AIDES; SEPT. 30 HEARING SET FOR MANSUR

Clay T. Whitehead, who had been sworn in as the first Director of the Office of Telecommunications Policy the preceding day by Supreme Court Justice Potter Stewart, in ceremonies in the "oval room" at the White House in which President Nixon participated, held the first of a projected series of "meet the press" sessions on Wednesday, September 23, to introduce his key back-up men to the Washington communications press corps, and to generally lay out "what we have on our minds", as he put it.

Introducing Dr. George F. Mansur, Jr., who has been nominated by President Nixon to be Deputy Director of OTP (IC, Sept. 11), Mr. Whitehead said Dr. Mansur would work with him as a "two-man team" in carrying out the responsibilities of the Office. The Senate Commerce Committee has scheduled a confirmation hearing on Dr. Mansur's nomination, for Wednesday, Sept. 30, it was pointed out.

Also introduced at the session was Stephen E. Doyle, who will serve as Special Assistant to the OTP Director, Mr. Whitehead said. Mr. Doyle has been serving for the past three years as Foreign Affairs Officer in the Office of Telecommunications, Bureau of Economic Affairs, Department of State. Earlier, he had been a senior staff attorney, Corporate (Comsat) Affairs Branch, International & Satellite Division, of the FCC, and before that, was associated with the Washington communications law firm of Haley, Bader & Potts.

Summarizing the executive order covering OTP, Mr. Whitehead stressed that the new Office has a "considerably broader responsibility" than its predecessor Office of Telecommunications Management, but he emphasized that while OTP will be making policy recommendations to the FCC, establishment of the new Office has "not affected the FCC in any way".

The Office is authorized a total of only 61 positions, about evenly divided between professional and support employees, and 58 of them are currently filled, the OTP Director noted. He said the Office is "just barely beginning to function", and if it is going to be effective, it must be "selective" as to major issues to be tackled, and "focus intensively" on the issues to be selected. The reorganization has included no intent to change the status or operations of the Interdepartment Radio Advisory Committee, he said.

As for OTP's responsibilities in the government area, Mr. Whitehead said he feels that the emergency preparedness role of the Office is a "very, very important responsibility", one that will "take a significant portion of our resources", and one that OTP will be taking "a new, fresh look at".

On the subject of managing the federal government's use of the radio frequency spectrum, the OTP Director said a "very, very large part" of the spectrum is currently allocated to government use, and the Office will be working closely with the FCC in "drawing the line" between government and non-government use. Alluding to the frequently-heard charge that the Department of Defense is "hoarding frequencies", Mr. Whitehead said he has not yet gotten into the question in sufficient depth to express a view one way or the other, but has firm plans to do so. The country as a whole, he said, does not have a "good feel" yet as to the relative merits of using the spectrum in various ways, but the subject is one upon which OTP will be concentrating.

Major issues which could well form the basis for OTP recommendations to the

FCC, or Congress, he mentioned as examples, would center on the "new services" which are having "a large impact on our society", such as those in the data transmission, computer, communications competition, and satellite communications areas. The country has a "very strong, very capable" common carrier communications industry, he observed, and one question which must be given attention is "where do we draw the line on competition?", when considering it against regulation of the industry.

Questioned about the possibility of shifting broadcasting from radio to the wired concept of program distribution, Mr. Whitehead said if this is to come about to any degree, or at all, strong consideration must be given to the question of what should be done to "ease the transition".

The OTP Director made clear that the Office is not going to respond to every FCC rulemaking procedure, but neither does it take the position that OTP will have to "wait for the FCC" to move in a given area before it makes a recommendation. He said he would expect that the contacts between his Office and the FCC would consist of "occasional verbal" exchanges, but by-and-large would be written expressions which will be made public, excepting only classification for security purposes.

Asked whether he expects to be consulted on Presidential nominations for such positions as members of the FCC, Mr. Whitehead said he does expect to be asked for his views "from time to time", indicating that he took part in discussions leading to the President's nomination of Sherman E. Unger to be a member of the Commission, though he said his was not a major role.

In response to an inquiry from Industrial Communications, as to whether OTP has plans to mount a "concerted effort" in the area of helping states to develop their communications facilities, Mr. Whitehead said he knows "very little in this area at the moment". He said he understands that the federal grant-in-aid picture is somewhat of "a jumble" at present, and that he "certainly plans to look into it", but that he cannot say at this point how much of the resources of the Office can be devoted to the problem.

Pressed on the matter of OTP's relationships with the FCC, the OTP Director emphasized that the views of his Office are to be recommendatory and advisory, and will not interfere with the Commission's statutory requirements to make its own decisions. Asked whether he "can see OTP ever appealing an FCC decision to the courts", Mr. Whitehead agreed that such a move is "conceivable".

He said he does not have a feel as yet as to how often his press briefings should be conducted, but he stressed that he wants a "fairly open interchange" with the press, in contrast to his previous role as Special Assistant to the President, in which he remained "relatively invisible" as part of the White House staff.

-End-

OTT
Bart

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF TELECOMMUNICATIONS POLICY
WASHINGTON, D.C. 20504

DIRECTOR

November 23, 1970

Honorable John O. Pastore
United States Senate
Washington, D. C. 20515

Dear Senator Pastore:

On the occasion of Dr. George F. Mansur's confirmation hearing you requested an outline of the manner in which the Office of Telecommunications Policy intends to implement Executive Order No. 11556 and what areas we intend to cover. I am pleased to comply with that request and to tell you something of our progress to date. The Office will be concerned with a wide range of issues reflecting the broad impact of telecommunications in government, the economy, and our society. The growing recognition that telecommunications policy matters facing the government are so broad, as well as being so complex, was one of the major factors behind the wide support for the establishment of this Office. We will, of course, be concerned with the specific major issues of telecommunications facing the country, but we will also be concerned with the broad sweep of telecommunications policy, reflecting your concern about the need for the development of an overall national communications policy.

The responsibilities of this Office fall into two major categories: (1) the Federal Government's own use of telecommunications, and (2) national communications policy. Additionally, reflecting our location in the Executive Office of the President, the Director of the Office is designated as the President's principal advisor on telecommunications.

We will be concerned with all aspects of the Federal Government's own use of communications. Major policy, planning, and operational areas that can be identified immediately are: coordination of telecommunications preparedness activities; techniques and organizational arrangements for management and procurement of federal communications resources; allocation of spectrum resources to federal users;

criteria and standards for interoperability and efficiencies in federal communications systems; identification of specific telecommunications program economies; and interface with civilian communications systems.

Our responsibility in this area of government telecommunications is twofold. We have first of all a responsibility to the public through the President to see that the Federal Government's overall use of telecommunications is both efficient and effective. In addition, we have a responsibility to the federal departments and agencies who are users of telecommunications to see that a policy and management environment exists in which they can obtain and operate the communications they need to perform their missions. It is a considerable management challenge to find ways to further both these goals simultaneously.

In implementing these responsibilities for the Federal Government's use of telecommunications, we will work with and through the user agencies rather than attempting to take over or duplicate their functions. We will address general management issues or will deal with specific program issues as appropriate, putting great stress on a close working relationship with the agencies to identify their needs and problems. The practical authority to implement the kinds of decisions this Office is expected to make will be exercised in three major ways: first, review and make recommendations to the Office of Management and Budget on federal agency plans and budgets for telecommunications; second, assign radio spectrum to federal users, and third, establish telecommunications standards and criteria.

In the area of national telecommunications policy, our scope will be similarly broad, although our role will be different. Here, the executive branch is a partner in the public policy dialogue and decision process with the FCC, the Congress, and the public. This Office will be the principal spokesman for the executive branch on communications policy matters. The areas we will cover under this responsibility will vary as the issues facing the nation vary.

At the present time, there appear to be several major areas where the executive can have an effective role in policy formulation. These include: (1) the provision of specialized bulk communications, particularly data communications, and the role of competition and monopoly in these new services; (2) international communications

including INTELSAT, U. S. industry structure, international negotiations regarding frequency usage, and the mix of cables and satellites in high density overseas routes; (3) mobile communications; (4) the general problem of mass telecommunications media, including industry structure, access to the media, and cable TV and its relation to over-the-air broadcasting; (5) the associated services that widespread, wide band, wired access to the home make possible; (6) financing of public broadcasting; (7) efficient, effective, and flexible use of the spectrum; and (8) a more general awareness of the impact of communications on our society and our economy.

The areas I have discussed illustrate how broad telecommunications policy must be and indicate the importance of a Presidential perspective on telecommunications policy. Because of this breadth and because of the high degree of interrelation among the various issue areas, the President's broader perspective on the economy and the society and his associated responsibilities make it imperative that the executive branch become a more effective and more responsible participant in the discussion of these policy issues. We also feel that this role is connected in many ways to the Federal Government's own use of communications, and that there will be great benefits from looking into both areas simultaneously. In short, OTP will permit the President to fulfill his responsibility in communications policy, just as he does other important areas of public policy.

As you can appreciate, our Office is quite new, and the above description of areas of involvement and expected implementation is still somewhat less specific than we would like in the future. However, I am pleased to report that the Office is, in fact, established and at work. There are, of course, problems of establishing ourselves organizationally, establishing relations with the other departments of government, and dealing with specific policy projects. As you know, we also have some budgeting difficulties which are, in turn, causing delays in staffing and in addressing of specific policy needs. We are attempting to deal simultaneously with all these problems.

We are placing great emphasis on developing work relationships with the appropriate departments and agencies of government, with knowledgeable people in industry, and with concerned members of

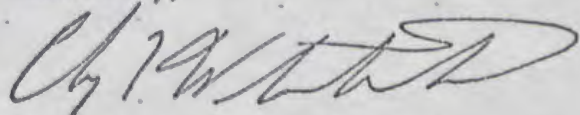
the public. As you know, the role of this Office is one of coordination, not operation. While the Office has considerable decision making authority, all our efforts would be counter-productive if we did not work with and through the federal departments and agencies.

We are putting particular emphasis on a cooperative and complementary relationship with the Federal Communications Commission, and that experience has been most satisfactory to date. We and the FCC will be concerned with many of the same areas, and we expect that the policy and Presidential perspective of OTP will complement rather than duplicate or compete with the regulatory focus of the Commission.

We have put particular emphasis also on developing the role of the Secretary of Commerce in support of this Office as assigned by the Executive Order. We are making quite satisfactory progress in spite of some stringent budgetary constraint. The Department of Commerce has been most cooperative in recognizing their role in support of the Office of Telecommunications Policy, and I am confident that arrangement will work out well. In particular, we have agreed with the Department of Commerce on certain principles regarding their research work program in support of this Office, and I have attached those for your information.

I am pleased to have this opportunity to be somewhat more specific about the Office's plans and to give you a very preliminary progress report after our first two months of operation. I intend to keep the Congress well informed of our progress and plans and look forward to working with you in that regard. I hope that my future reports will be increasingly more specific and will show substantial progress in dealing with the issues before us. In particular, I hope to have within the next six months a statement of what the de facto policies of the government are in the communications area; how they relate to pending and foreseeable issues; and what needs to be done to close the gaps to bring about some cohesion in overall policy. As soon as this review is completed, I would hope to have the opportunity to discuss it with interested members of the Congress. In the meantime, if we can be of any assistance, please let me know.

Sincerely,



Clay T. Whitehead

Enclosure

cc: Mr. Whitehead
Dr. Mansur

Lyons/Whitehead/Doyle/Mansur:jm
Dr. Lyons